

# PENNSYLVANIA BULLETIN

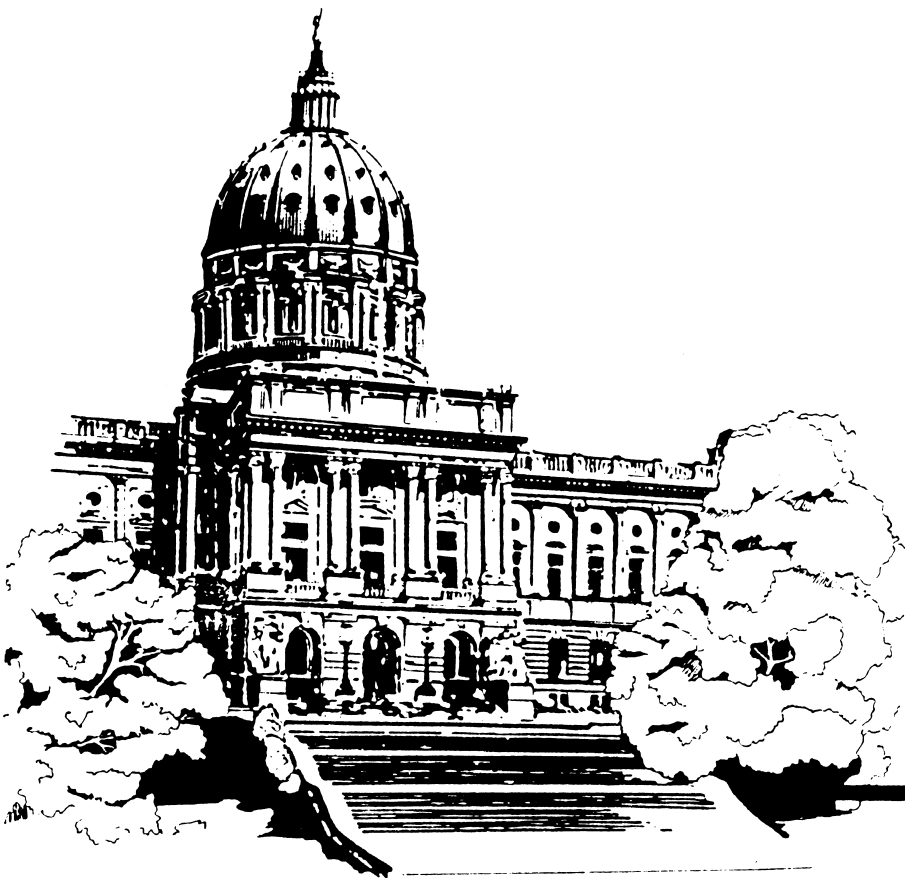
Volume 54

Number 21

Saturday, May 25, 2024 • Harrisburg, PA

## Part II

This part contains  
The Courts, Rules and  
Regulations and Proposed  
Rulemakings





# THE COURTS

## Title 255—LOCAL COURT RULES

### SNYDER COUNTY

#### Adoption of Local Rules; No. UC-45-2024

##### Order

And Now, this 9th day of May 2024, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Snyder County Court of Common Pleas adopts local rule 205.4, effective June 17, 2024, as follows:

#### **Rule 205.4. Electronic Filing and Service of Legal Papers Filed in Civil Dockets.**

(a)(1). The Snyder County Court of Common Pleas does hereby permit electronic filing of all legal papers with the Prothonotary through its electronic filing system, **CountySuite Portal**, as well as the electronic service of such papers, under terms more specially provided in Pennsylvania Rule of Civil Procedure 205.4.

(2). As used in this rule, the following words shall have the following meanings:

i. “electronic filing,” the electronic submission of legal papers by means other than facsimile transmission and the acceptance of the document by the clerk of courts;

ii. “filing party,” an attorney, defendant, plaintiff, or other person who files a legal paper by means of electronic filing;

iii. “legal paper,” shall be a pleading or other paper filed with the Prothonotary in any civil action, including attachments and exhibits, even if the legal papers are not adversarial in nature or do not require a response from the non-filing party or parties.

(b). Legal papers shall be presented for filing in a PDF. As authorized by Pa.R.C.P. 205.4(b)(1), in the event a legal paper is presented for filing in a hard-copy format, the Prothonotary shall convert said legal paper into a PDF and shall maintain it in that format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention of required by Pa.R.C.P. 205.4(b)(4).

(c)(1). The Prothonotary shall provide access to CountySuite Portal (CIVIL electronic filing system) at all times, except during periods of required maintenance.

(2) CIVIL legal papers can be filed electronically through **CountySuite Portal**, located on prothonotary’s county website. To obtain access to the Electronic Filing System, counsel or any unrepresented party must first register with the CountySuite Portal for a User Name and Password.

\*\*Registered Users are obligated to maintain proper delivery information and shall notify the CountySuite Portal and the Prothonotary’s office immediately regarding changes in: name, firm, address, facsimile, or e-mail address.

(3) The time and date of filing a legal paper and any receipt of the legal paper filed electronically shall be that registered by the Electronic Filing System. The Prothonotary shall provide, through the CountySuite Portal, an acknowledgement that the legal papers have been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(d) A filing party shall pay the cost of the electronic filing of a legal paper by approved credit: MasterCard/VISA/Discover. All costs according to the current Prothonotary fee schedule.

(e)(1) A filing party shall be responsible for any delay, disruption or interruption of the electronic signals and legibility of the document electronically filed, except when caused by the failure of the CountySuite Portal.

(2) No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary or the Electronic Filing System based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

(3) If a pleading or other legal paper is not accepted upon presentation for filing the Electronic Filing System will immediately notify the party presenting the legal paper for filing.

(4)(i) The Court upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.

(ii) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the Electronic Filing System, the Court may order that the paper be accepted and file nunc pro tunc upon a showing that reasonable efforts were made to timely present and file the paper.

(f) As authorized by Pa.R.C.P 205.4(f), the following administrative procedures are adopted:

(1) The electronic filing of legal papers using an authorized User Names and Password shall constitute the filing party’s signature on electronic documents as provided by Pa.R.C.P 1023.1. and, if the filing party is an attorney, shall constitute a certification of authorization to file it as provided in Pa.R.C.P. 202.5.1.

(2) Verification of pleadings, as required by Pa.R.C.P. 206, and 1024, as well as any other documents executed by the client or third parties, such as Affidavits or Certifications of Service, shall be scanned and attached to the electronic filing in a PDF at the time the legal paper is submitted for electronic filing.

(3) Personal Identifiers in civil matters, such as Social Security numbers, dates of birth, financial account numbers and names of minor children, must comply with the safeguards of the **Case Records Public Access Policy** of the Unified Judicial System of Pennsylvania. The Confidential Information Form is required.

(4) The Prothonotary is authorized to refuse a filing of a legal paper submitted without the required filing fee; such legal paper shall only be deemed to have been filed on the date that said filing fee payment was received by the Prothonotary.

(5) The Prothonotary shall maintain a hard copy of any legal paper, notice or Order filed or maintained electronically under this Rule for the Court and Court personnel.

(g)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served:

(i) as provided by Rule 440; or

(ii) by electronic transmission, other than facsimile transmission, to all parties who have previously submitted electronic filing in the same case, pursuant to the

17th Judicial District—Civil Rule 205.4 and Pa.R.C.P. 205.4(g). The party upon prior written agreement will be served court orders only via e-mail by the Prothonotary, not by the electronic filing system.

(2) Service by electronic transmission is complete when a legal paper is sent:

(i) to the recipient's electronic mail address, or

(ii) to an electronic filing system website and an e-mail message is sent to the filer by the electronic filing system that the legal paper has been filed and is available for review on the system's website (CountySuite Portal).

*Note:* Once the electronic filing has been accepted or the original process has been filed by the Prothonotary; it shall be the responsibility of the filing party to provide the sheriff with the proper service fee and documents for original service and writs. The electronic system does not include legal service to this department.

An electronic mail address set forth on letterhead is not sufficient basis under this rule to permit electronic service of legal papers.

(3) Copies of all Notices, Orders or Judgments from the Court in any action shall be served according to Rule 440, not through CountySuite electronic filing system.

The District Court Administrator is directed to forward:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Incorporation of the local rule into the 17th Judicial District Local Rules and publish on the Snyder County website at [www.snydercounty.org](http://www.snydercounty.org) within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.

4. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

*By the Court*

LORI R. HACKENBERG,  
*President Judge*

[Pa.B. Doc. No. 24-747. Filed for public inspection May 24, 2024, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated May 13, 2024, Daniel J. McCauley, III, a/k/a Daniel J. McCauley (# 65268), whose registered address is Cave Creek AZ, is suspended from the practice of law in this Commonwealth for a period of 30 days, effective June 12, 2024. In accordance with Rule 217(f), Pa.R.D.E., since

this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 24-748. Filed for public inspection May 24, 2024, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that A.B. Zolfaghari Monfared having been suspended from the practice of law for a period of five years by the Presiding Disciplinary Judge of the Supreme Court of Arizona, the Supreme Court of Pennsylvania issued an Order dated May 7, 2024, suspending A.B. Zolfaghari Monfared (# 67778) from the practice of law in this Commonwealth.

In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,  
*Board Prothonotary*

[Pa.B. Doc. No. 24-749. Filed for public inspection May 24, 2024, 9:00 a.m.]

## SUPREME COURT

**Thirty-Second Judicial District (Delaware County)—  
Petition to Co-locate Magisterial District Court  
32-1-23 with Magisterial District Court 32-2-37  
Pursuant to Rule 101 of the Rules and Standards  
with Respect to Offices of Magisterial  
District Judges; No. 544 Magisterial Rules Dis-  
trict**

### Order

*Per Curiam*

*And Now*, this 13th day of May, 2024, upon consideration of the 32nd Judicial District's Petition to Co-locate Magisterial District Courts 32-1-23 and 32-2-37 pursuant to Rule 101 of the Rules and Standards with Respect to Offices of Magisterial District Judges, it is hereby *Ordered* and *Decreed* that the Petition is granted. Magisterial District Court 32-2-37 shall be located outside its geographical boundaries and consolidated with Magisterial District Court 32-1-23 at 150 S. MacDade Boulevard, Darby, PA. The relocation and consolidation may occur at the discretion of the President Judge to enable appropriate notice to be provided.

[Pa.B. Doc. No. 24-750. Filed for public inspection May 24, 2024, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 617b, 617c, 623b, 623c, 627b, 627c, 629b, 629c, 631b, 631c, 633b, 633c, 635b, 635c, 639b, 639c, 641b, 641c, 643b, 643c, 645b, 645c, 647b, 647c, 649b, 649c, 653b, 653c, 655b, 655c, 657b, 657c, 659b, 659c, 670b, 670c, 685b, 685c, 687b, 687c, 688b, 688c, 689 AND 689a ]

**Roulette Side Wagers and Variations; Craps and Mini-Craps Side Wagers and Variations; Minibaccarat Side Wagers and Variations; Midibaccarat Side Wagers and Variations; Baccarat Side Wagers and Variations; Blackjack Side Wagers and Variations; Spanish 21 Side Wagers and Variations; Caribbean Stud Poker Side Wagers and Variations; Four Card Poker Side Wagers and Variations; Let It Ride Side Wagers and Variations; Pai Gow Poker Side Wagers and Variations; Texas Hold 'Em Bonus Poker Side Wagers and Variations; Three Card Poker Side Wagers and Variations; Ultimate Texas Hold 'Em Poker Side Wagers and Variations; Mississippi Stud Side Wagers and Variations; Crazy 4 Poker Side Wagers and Variations; Fortune Asia Poker Side Wagers and Variations; Six-Card Fortune Pai Gow Poker Side Wagers and Variations; Down Under Blackjack Side Wagers and Variations; DJ Wild Stud Poker Side Wagers and Variations; Face Up Pai Gow Poker Side Wagers and Variations; Dreamcatcher**

The Pennsylvania Gaming Control Board (“board” or “PGCB”), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers), the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority) and section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204), referred to as the Commonwealth Documents Law (CDL), adopts this final-omitted rulemaking to read as set forth in Annex A and Annex B. The board’s regulations in Annex A and Annex B will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

#### *Purpose*

This final-omitted rulemaking adopts and moves existing temporary regulations related to table games rules and procedures into final-form regulations.

#### *Explanation*

The regulations which comprise this final-omitted rulemaking package represent the rules and procedures for table games, variations on table games and side wagers to table games. To date, these games, variations and side wagers have been adopted as temporary regulations under the authority granted to the PGCB. As part of the PGCB review process, which precedes PGCB promulgating temporary table game regulations, the rules and procedures of the games, variations or side wagers, or both, were reviewed, including a mathematical analysis.

In each case it was determined that the game, variation or side wager, or both, met the acceptable parameters to be offered to patrons in this Commonwealth.

Annex A outlines those sections of temporary table games regulations that are being deleted and reserved. Annex B reflects those sections of temporary table games regulations that are being moved into final-form regulation status. The regulations comprising Annex B match the language of the temporary regulations being deleted in Annex A, except for minimal edits relating to cross references or to incorporate consistent language and phrasing.

Section 204 of the CDL establishes three circumstances in which an agency is permitted to promulgate final-omitted regulations: 1. Comments from the public are not appropriate, necessary or beneficial; 2. All persons subject to the regulation are named or given personal notice; and 3. Notice is impracticable, unnecessary or contrary to the public interest.

The regulations of this final-omitted regulation package meet the contemplated criteria for final-omitted regulations under the CDL.

1. Comments from the public are not necessary, appropriate or beneficial.

The regulations in this package represent the rules and procedures of table games, variations or side wagers, or both, which are the intellectual property of PGCB licensees, rendering public comments and edits derived therefrom, unnecessary. The present temporary regulation language adopted by the PGCB, and now being moved into final-form regulation language, represents authorization of games, variations or side wagers, or both, covered by intellectual property rights of PGCB licensees. PGCB licensees are not willing to relinquish their intellectual property protections in these games/wagers as a direct result of public commentary. It is anticipated that alterations in regulatory language which would alter the rules/procedures outside the scope of present intellectual property protections would result in PGCB licensees removing the relevant gaming products from this Commonwealth’s market. As the regulations are specific to a particular licensee’s intellectual property, any edit to the terms of the game amounts to a revocation of an authorized gaming product. A reduction to the number of options available to both the regulated community and gaming patrons will result in a contraction in gaming revenues to operators, and gaming taxes received throughout this Commonwealth.

2. Persons subject to the regulations have received notice.

Except for the present edits relating to cross referencing or incorporation of consistent phrasing, the regulations comprising this final-omitted rulemaking package are presently in force and effect as temporary regulations. To become temporary regulations, the process begins with PGCB licensees making a table games submission, which in part seeks temporary table game regulations be promulgated and in part seeks the PGCB to grant approval for the game/wager to be authorized for play in this Commonwealth. The PGCB’s issuance of authorization for a game or wager provides that the game/wager is subject to the relevant regulatory provisions—be those provisions temporary regulations or final-form regulations. Those entities with the greatest interest in the contents of the

present final-omitted regulations received notice of the relevant regulations as part of the PGCB notification that their requested game/wager has been approved for play in this Commonwealth. Having given notice to the relevant parties, the PGCB has not received comments on the regulatory language, and therefore is moving the temporary regulations forward through the final-omitted rulemaking process.

3. Notice is impracticable, unnecessary or contrary to the public interest.

Specifically, the editing being made represents a corrective measure for which notice and comment is unnecessary, and generally impracticable. Some sections of regulations have been discovered to contain typos. The edits correct these errors and ensure proper cross references.

#### *Fiscal Impact*

*Commonwealth.* The board does not expect that this final-omitted rulemaking will have a fiscal impact on the board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing board staff.

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

*Private sector.* This final-omitted rulemaking codifies temporarily approved table games, variations and side wagers into final-form, and thereby provides certificate holders with additional table game options. If a certificate holder decides to offer, or continue to offer, any of the table games, side wagers and/or variations codified under these final-form regulations, 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-omitted rulemaking will have no fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder seeks to offer any of the table games, side wagers or variations contained in these regulations, the certificate holder will be required to submit a Rules Submission form reflecting the choices in how the game will be offered and with the selected side wagers and variations identified. These forms are available on the board's public web site and submitted to board staff electronically.

#### *Effective Date*

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

#### *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on February 15, 2024, the Board submitted a copy of the final-omitted rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC), to the chairperson of the Community, Economic and Recreational Development Committee of the Senate and the chairperson of the Gaming Oversight Committee of the House of Representatives. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on March 20, 2024, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on March 21, 2024, and approved the final-omitted rulemaking.

#### *Findings*

The board finds that:

(1) Public notice of intention to adopt these amendments and opportunity for public comment may be omitted under section 204 of the CDL and the regulations thereunder, 1 Pa. Code § 7.4 (relating to omission of notice of proposed rulemaking).

(2) The adoption of the regulations prescribed in Annex A and Annex B are 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 617b, 623b, 627b, 629b, 631b, 633b, 635b, 639b, 641b, 643b, 645b, 647b, 649b, 653b, 655b, 657b, 659b, 670b, 685b, 687b, 688b and 689, are amended by deleting §§ 617b.1—617b.3, 623b.1—623b.4, 627b.1—627b.3, 629b.1—629b.4, 631b.1—631b.7, 633b.1—633b.15, 635b.1, 635b.2, 639b.1, 641b.1, 643b.1, 645b.1—645b.3, 647b.1, 649b.1, 653b.1, 655b.1, 657b.1, 659b.1, 670b.1, 685b.1, 687b.1, 688b.1 and 689.1—689.3 to read as set forth in Annex A.

(2) The regulations of the board, 58 Pa. Code Chapters 617c, 623c, 627c, 629c, 631c, 633c, 635c, 639c, 641c, 643c, 645c, 647c, 649c, 653c, 655c, 657c, 659c, 670c, 685c, 687c, 688c and 689a, are amended by adding §§ 617c.1—617c.3, 623c.1—623c.4, 627c.1—627c.3, 629c.1—629c.4, 631c.1—631c.7, 633c.1—633c.15, 635c.1, 635c.2, 639c.1, 641c.1, 643c.1, 645c.1—645c.3, 647c.1, 649c.1, 653c.1, 655c.1, 657c.1, 659c.1, 670c.1, 685c.1, 687c.1, 688c.1 and 689a.1—689a.3 to read as set forth in Annex B.

(3) The chairperson of the board shall certify this order, Annex A and Annex B and submit them to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(4) The chairperson of the board shall certify this order, Annex A and Annex B and submit them to IRRC, the chairperson of the Gaming Oversight Committee of the House of Representatives and the chairperson of the Community, Economic and Recreational Development Committee of the Senate as required by law.

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

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

DENISE J. SMYLER,  
*Chairperson*

**Fiscal Note:** 125-246. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 617b. ROULETTE SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§§ 617b.1—617b.3. [Reserved].

CHAPTER 623b. CRAPS AND MINI-CRAPS SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§§ 623b.1—623b.4. [Reserved].

CHAPTER 627b. MINIBACCARAT SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§§ 627b.1—627b.3. [Reserved].

CHAPTER 629b. MIDIBACCARAT SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§§ 629b.1—629b.4. [Reserved].

CHAPTER 631b. BACCARAT SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§§ 631b.1—631b.7. [Reserved].

CHAPTER 633b. BLACKJACK SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§§ 633b.1—633b.15. [Reserved].

CHAPTER 635b. [Reserved]

§§ 635b.1. and 635b.2. [Reserved].

CHAPTER 639b. [Reserved]

§ 639b.1. [Reserved].

CHAPTER 641b. [Reserved]

§ 641b.1. [Reserved].

CHAPTER 643b. [Reserved]

§ 643b.1. [Reserved].

CHAPTER 645b. [Reserved]

§§ 645b.1—645b.3. [Reserved].

CHAPTER 647b. [Reserved]

§ 647b.1. [Reserved].

CHAPTER 649b. [Reserved]

§ 649b.1. [Reserved].

CHAPTER 653b. ULTIMATE TEXAS HOLD 'EM POKER SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 653b.1. [Reserved].

CHAPTER 655b. [Reserved]

§ 655b.1. [Reserved].

CHAPTER 657b. [Reserved]

§ 657b.1. [Reserved].

CHAPTER 659b. [Reserved]

§ 659b.1. [Reserved].

CHAPTER 670b. [Reserved]

§ 670b.1. [Reserved].

CHAPTER 685b. [Reserved]

§ 685b.1. [Reserved].

CHAPTER 687b. [Reserved]

§ 687b.1. [Reserved].

CHAPTER 688b. [Reserved]

§ 688b.1. [Reserved].

CHAPTER 689. [Reserved]

§§ 689.1—689.3. [Reserved].

Annex B

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 617c. ROULETTE SIDE WAGERS AND VARIATIONS

Sec.

617c.1. B2B Roulette wager.

617c.2. Blazing 7's wager.

617c.3. Lightning Roulette.

§ 617c.1. B2B Roulette wager.

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Roulette wager in accordance with § 617a.3 (relating to placement of wagers) the option of placing a B2B Roulette wager. If the certificate holder is offering the B2B Roulette wager, Roulette may be played on a double zero Roulette wheel or a single zero Roulette wheel as described in § 617a.1(c)—(e) (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel).

(b) The layout for a Roulette table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the B2B Roulette wager, in addition to the requirements in § 617a.1, the layout shall contain a separate area designated for the placement of the B2B Roulette wager. The certificate holder shall also have in place a board-approved Roulette reader board that contains a random number generator to determine the payout of the B2B Roulette wager.

(c) A player may place a B2B Roulette wager before each Roulette spin at any time before the croupier calls, "no more bets." A B2B Roulette wager may be made for any amount within the table limits.

(d) After placing a B2B Roulette wager, if the Roulette ball comes to rest on the same number as the previous spin, the B2B Roulette wager will win. The B2B Roulette wager shall lose in all other scenarios.

(e) If a B2B Roulette wager wins, the payout shall be determined by a random number generator, which shall then be displayed on the Roulette reader board. The possible payouts, all of which shall be included in the certificate holder's Rules Submission filed in accordance with § 601a.2, are as follows:

- (1) 1000 to 1.
- (2) 500 to 1.
- (3) 250 to 1.
- (4) 100 to 1.
- (5) 50 to 1.
- (6) 25 to 1.
- (7) 10 to 1.

§ 617c.2. Blazing 7's wager.

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Roulette

wager in accordance with § 617a.3 (relating to placement of wagers) the option of placing a Blazing 7's wager which shall win and trigger a Blazing 7's bonus round if the Roulette ball comes to rest in the compartment of the number 7, 17 or 27.

(b) The layout for the Roulette table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Blazing 7's wager, in addition to the requirements in § 617a.1 (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as single zero Roulette wheel), the layout shall contain a separate area designated for the placement of the Blazing 7's wager as well as an electromechanical release device approved by the Bureau of Gaming Operations and Office of Gaming Laboratory.

(c) After placing a Roulette wager, as required in § 617a.3, a player may place a Blazing 7's wager before each round of Roulette at any time before the croupier calls, "no more bets."

(d) The croupier shall rotate the Roulette ball and complete the round of play in accordance with § 617a.5(a)—(e) (relating to rotation of wheel and ball), stopping all winning and losing Roulette wagers.

(e) If a player has placed a Blazing 7's wager and the Roulette ball comes to rest in the compartment of the number 7, 17 or 27, the player's Blazing 7's wager shall win and trigger the Blazing 7's bonus round spin to determine the payout of the wager.

(f) The Blazing 7's bonus round shall begin with the croupier loading three Roulette balls into the approved electromechanical release device.

(g) The croupier shall activate the Roulette wheel and press the release button on the electromechanical release device, releasing the three Roulette balls on the Roulette wheel simultaneously. The certificate holder may offer a wireless button to a player who has placed a winning Blazing 7's wager that would release the three Roulette balls onto the activated Roulette wheel.

(h) If two or more Roulette balls come to rest in the same compartment on the Roulette wheel, the croupier shall leave one ball in the compartment, remove the others and relaunch the removed Roulette balls.

(i) If two Roulette balls come to rest in the same compartment on the Roulette wheel, the croupier shall not remove the ball that did not come to rest in the same compartment while the other ball is relaunched.

(j) Based upon the compartments that the three Roulette balls come to rest in during the Blazing 7's bonus round, the certificate holder may use one of the four paytables as follows, which shall be specified in its Rules Submission under § 601a.2:

<i>Outcome</i>	<i>Paytable 1</i>	<i>Paytable 2</i>
7-17-27 (all three)	1,000 to 1	299 to 1
7-17-27 (two of three)	100 to 1	100 to 1
7-17-27 (one of three)	17 to 1	17 to 1
Other	7 to 1	7 to 1

<i>Outcome</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
7-17-27 (all three)	1,000 to 1	299 to 1
7-17-27 (two of three)	100 to 1	100 to 1

<i>Outcome</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
7-17-27 (one of three)	17 to 1	17 to 1
Three balls in one color	11 to 1	11 to 1
Other	6 to 1	6 to 1

**§ 617c.3. Lightning Roulette.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to players a game variation entitled Lightning Roulette, where each player who placed and wins a straight wager in Roulette accordance with § 617a.3 (relating to placement of wagers) has the ability to win an increased payout based upon the results of a random number generator. If the certificate holder is offering Lightning Roulette, it must be played on a single zero Roulette wheel as described in § 617a.1(c) (relating to Roulette ball; Roulette wheel and table; physical characteristics; double zero Roulette wheel used as a single zero Roulette wheel).

(b) The layout for a Lightning Roulette table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment). A Lightning Roulette table shall have in place a board-approved Roulette random number generator that determines the Lucky Numbers and also determines the specific payout that will be paid for a winning straight wager placed on a Lucky Number.

(c) A player may place a straight wager before each Roulette spin at any time before the croupier calls, "no more bets" in accordance with § 617a.5 (relating to rotation of wheel and ball).

(d) After all wagers have been placed, the random number generator shall be initiated and will select between 1 and 5 numbers on the layout that are the Lucky Numbers. The Lucky Numbers will be illuminated and will also indicate what the increased payout will be for a winning straight wager placed on that Lucky Number.

(e) If the Roulette ball comes to rest in one of the Lucky Numbers and a player has placed a straight wager on that number, the player's straight wager shall win and be paid based upon the increased payout displayed on the layout and listed in subsection (g).

(f) Notwithstanding the provisions of § 617a.4 (relating to payout odds), if a player's straight wager wins but the number the player wagered on is not selected as a Lucky Number by the random number generator, the player shall be paid 29 to 1.

(g) The possible payouts, all of which shall be included in the certificate holder's Rules Submission filed in accordance with § 601a.2, that may be selected by the random number generator are as follows:

- (1) 499 to 1.
- (2) 399 to 1.
- (3) 349 to 1.
- (4) 299 to 1.
- (5) 249 to 1.
- (6) 199 to 1.
- (7) 149 to 1.
- (8) 99 to 1.
- (9) 49 to 1.



**CHAPTER 623c. CRAPS AND MINI-CRAPS SIDE WAGERS AND VARIATIONS**

- Sec.
- 623c.1. Hot Roller Craps.
- 623c.2. Lucky Shooter wager.
- 623c.3. Bonus Craps alternate payable option; change in wager verbiage.
- 623c.4. Hot Shooter jackpot wager.

**§ 623c.1. Hot Roller Craps.**

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

(1) Comply with the requirements in § 623a.2 (relating to Craps and Mini-Craps tables; physical characteristics).

(2) If the certificate holder offers Hot Roller Craps:

(i) No more than 16 areas designated for the placement of a Hot Roller wager. The Hot Roller wager areas must be located around the perimeter of the layout, corresponding to player positions at the table, and sequentially numbered in a clockwise direction with the area numbered 1 being located immediately to the left of the boxperson.

(ii) A designated area of the layout for the relocation and identification of all Hot Roller wagers placed by players. The designated area must be located in front of the boxperson and contain numbered areas which correspond to the location of the numbered areas described in subparagraph (i).

(iii) A designated area of the layout for the placement of marker buttons with the following:

(A) A number 4 showing a 1 and 3 dice and a 2 and 2 dice.

(B) A number 5 showing a 1 and 4 dice and a 2 and 3 dice.

(C) A number 6 showing a 1 and 5 dice, a 2 and 4 dice, and a 3 and 3 dice.

(D) A number 8 showing a 2 and 6 dice, a 3 and 5 dice, and a 4 and 4 dice.

(E) A number 9 showing a 3 and 6 dice and a 4 and 5 dice.

(F) A number 10 showing a 4 and 6 dice and a 5 and 5 dice.

(iv) The payout odds for the Hot Roller wager.

(b) A Hot Roller wager may be made only prior to the come out roll and may not be reduced, increased or removed until resolved in accordance with subsection (g). A Hot Roller wager shall be made by placing value chips or plaques on the appropriate area of the layout. A verbal Hot Roller wager may not be accepted. The Hot Roller wager shall have no bearing on any other wagers made by a player.

(c) After placing a Hot Roller wager, the dealer shall place each player's wager in the corresponding designated area in front of the boxperson where the wagers shall remain until they are either collected or paid.

(d) With each throw of the dice, the dealer shall place a marker button in the area of the table layout containing the corresponding depiction of the dice which were just thrown. For example, if a shooter throws a 1 and 3, the dealer shall place the marker button in the box on the table layout that contains a 1 and 3 dice located below the number 4.

(e) Marker buttons shall be maintained by the boxperson or dealers at the Craps table and must be visually distinguishable from and have a diameter different than any authorized value chip utilized in the licensed facility.

(f) Once all dice combinations for a specific number on the layout are thrown, the dealer shall place a marker button on the corresponding number combination. For example, if a shooter throws a 1 and 3 and then throws a 2 and 2, the dealer shall place a marker button on the number 4.

(g) A Hot Roller wager shall be settled when a shooter throws a 7. A Hot Roller wager shall win if at least two different number combinations are thrown by the shooter before a 7 is thrown and shall lose if the shooter throws a 7 on the come out roll or if fewer than two different number combinations are thrown by the shooter before a 7 is thrown. For example, if a shooter throws the two ways to make a 4 (marker buttons have been placed on the 1 and 3 and the 2 and 2), the two ways to make a 5 (marker buttons have been placed on the 2 and 3 and the 4 and 1) and both ways to make a 9 (marker buttons have been placed on the 3 and 6 and the 4 and 5) and then throws a 7, all players who placed a Hot Roller wager shall be paid out for any three number combination.

(h) A winning Hot Roller wager shall be paid at the payout odds contained in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Outcome</i>	<i>Paytable A</i>	<i>Paytable B</i>
All six number combinations	200 to 1	300 to 1
Any five number combinations	50 to 1	50 to 1
Any four number combinations	20 to 1	20 to 1
Any three number combinations	10 to 1	10 to 1
Any two number combinations	5 to 1	5 to 1

**§ 623c.2. Lucky Shooter wager.**

(a) If the certificate holder offers Craps on a fully automated electronic gaming table, the certificate holder may offer players the option to place a Lucky Shooter wager.

(b) The layout for a Craps table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Lucky Shooter wager, in addition to the requirements in § 623a.2 (relating to Craps and Mini-Craps tables; physical characteristics) the electronic layout shall contain a separate area designated for the electronic placement of the Lucky Shooter wager for each player.

(c) A player may place a Lucky Shooter wager by electronically placing a value chip on the designated area of the table layout prior to the shooter throwing the dice on the come out roll to establish a point.

(d) If on the come out roll the shooter throws:

(1) A 2, 3 or 12, the Lucky Shooter wager shall be lost and collected.

(2) A 7 or 11, the Lucky Shooter wager shall be paid out for the 7 or 11 as provided in subsection (e) and remain working for the next come out roll.

(3) A 4, 5, 6, 8, 9 or 10, the point shall be established for purposes of the Lucky Shooter wager. If the player rolls at least two or three of the other 5 numbers, depending on the payout table selected by the certificate holder, in any order during the next 5 rolls, the player's winning Lucky Shooter wager shall be paid in accordance with subsection (e). If any number other than one of the remaining, not already rolled numbers is rolled, the Lucky Shooter wager shall then be settled. For example:

(i) If a 9 is rolled, then a 10, 4, 6 and another 10, the player shall be paid out for 3 of the other 5 points as provided in subsection (e).

(ii) If a 9 is rolled, then a 10, 4, 6, 8, 5, then another 9 on the sixth roll, the player shall be paid out for rolling 5 of the 5 points and the established point as provided in subsection (e).

(iii) If a 6 is rolled, then a 9, then another 6, the losing Lucky Shooter wager shall be collected.

(e) The certificate holder shall pay out a winning Lucky Shooter wager at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
5 of 5 other points and established point	1000 for 1	500 for 1	1000 for 1	500 for 1
5 of 5 other points	150 for 1	100 for 1	150 for 1	100 for 1
4 of 5 other points	15 for 1	10 for 1	20 for 1	10 for 1
3 of 5 other points	5 for 1	4 for 1	5 for 1	5 for 1
2 of 5 other points	N/A	2 for 1	N/A	2 for 1
1st roll of 7 or 11	1 for 1	1 for 1	1 for 1	1 for 1

**§ 623c.3. Bonus Craps alternate payable option; change in wager verbiage.**

(a) If the certificate holder offers Craps as described in Chapter 623a (relating to Craps and Mini-Craps), specifically the Bonus Craps side wager as described in § 623a.3(a)(43) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer players an alternate payable to the payable outlined in § 623a.5(h) (relating to payout odds) and shall change the verbiage of one of the Bonus Craps wagers.

(b) The Bonus Craps wager previously named "All or Nothing at All wager" shall be renamed to "Make 'Em All wager," and the certificate holder shall update its layout and submit it to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), if necessary.

(c) If a Bonus Craps side wager wins, the certificate holder may use one of the two following paytables, which shall be specified in its Rules Submission under § 601a.2:

<i>Wager</i>	<i>Paytable 1</i>	<i>Paytable 2</i>
All Small	34 to 1	30 to 1
All Tall	34 to 1	30 to 1
Make 'Em All	175 to 1	150 to 1

(d) Notwithstanding the provisions in this section, the remaining rules and procedures for Bonus Craps as described in § 623a.12 (relating to additional procedures and rules for Bonus Craps) shall remain in effect.

**§ 623c.4. Hot Shooter jackpot wager.**

(a) If the certificate holder offers Craps on a fully automated electronic gaming table or a hybrid gaming table, the certificate holder may offer players the option to place a Hot Shooter jackpot wager.

(b) The layout for a Craps table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate

holder offers the Hot Shooter jackpot wager, in addition to the requirements in § 623a.2 (relating to Craps and Mini-Craps tables; physical characteristics), the electronic or hybrid layout shall contain a separate area designated for the electronic placement of the Hot Shooter jackpot wager for each player.

(c) A player may place a Hot Shooter jackpot wager by electronically placing a value chip on the designated area of the table layout prior to the shooter throwing the dice on the come out roll to establish a point.

(d) If after the come out roll the shooter:

(1) Throws the dice 7 times or less before the next 7 out, the Hot Shooter jackpot wager shall lose.

(2) Throws the dice 8 times to 15 times before the next 7 out, the Hot Shooter jackpot wager shall push.

(3) Throws the dice 16 times or more before the next 7 out, the Hot Shooter jackpot wager shall win and be paid in accordance with subsection (e).

(e) The certificate holder shall pay out a winning Hot Shooter jackpot wager at the odds in the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Outcome</i>	<i>Paytable</i>
8 to 15 rolls	Push
16 to 23 rolls	2 to 1
24 to 31 rolls	4 to 1
32 to 39 rolls	6 to 1
40 to 44 rolls	11 to 1
45 to 49 rolls	29 to 1
50 or more rolls	99 to 1

**CHAPTER 627c. MINIBACCARAT SIDE WAGERS AND VARIATIONS**

- Sec. 627c.1. Perfect Pairs wager.
- 627c.2. Commission-free Minibaccarat.
- 627c.3. Royal 9 progressive wager.

**§ 627c.1. Perfect Pairs wager.**

(a) The layout for a Minibaccarat 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 if the certificate holder offers the Perfect Pairs wager authorized under subsection (b), the layout shall contain separate areas designated for the placement of the Perfect Pairs wager on the player hand and the banker hand for each player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player the option of placing a Perfect Pairs wager on the player hand or the banker hand, or both. The Perfect Pairs wager shall win if the initial two cards dealt to the player hand or banker hand or both contain a colored pair, mixed pair or perfect pair. For purposes of the Perfect Pairs wager, only cards that are identical in either number or type will be considered of the same rank. For example: two jacks or two 4s.

(c) After the dealer positions the cards in accordance with § 627a.8(c)(1) or (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the player's hand and the banker's hand and shall settle a Perfect Pairs wager by collecting all losing wagers and paying all winning wagers. If a player placed the Perfect Pairs wager on the player's hand or the banker's hand and the initial two cards dealt to the player's hand or banker's hand:

(1) Are a colored pair, mixed pair or perfect pair, the dealer shall pay the winning Perfect Pairs wager in accordance with subsection (d). If a player placed a Perfect Pairs wager on both the player's hand and banker's hand, and both the player's hand and banker's hand contain a colored pair, mixed pair or perfect pair, the player shall receive a payout in accordance with subsection (d) for both winning hands.

(2) Do not contain a colored pair, mixed pair or perfect pair, the dealer shall collect the Perfect Pairs wager.

(d) The certificate holder shall pay out a winning Perfect Pairs wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Perfect pair	25 to 1	30 to 1	25 to 1
Colored pair	12 to 1	10 to 1	15 to 1
Mixed pair	6 to 1	5 to 1	5 to 1

(e) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

*Colored pair*—The initial two cards dealt to the player or banker that are of the same rank and the same color but different suits.

*Mixed pair*—The initial two cards dealt to the player or banker that are of the same rank but different colors.

*Perfect pair*—The initial two cards dealt to the player or banker that are of the same rank, the same color and the same suit.

**§ 627c.2. Commission-free Minibaccarat.**

(a) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer commission-free Minibaccarat in which no commission is collected.

(b) In addition to the requirements in § 627a.2(a) and (b)(1)—(4), (relating to Minibaccarat table physical characteristics), the layout for commission-free Minibaccarat shall contain:

(1) Separate areas designated for the placement of the Player Pair wager authorized under subsection (c)(1).

(2) Separate areas designated for the placement of the Banker Pair wager authorized under subsection (c)(2).

(3) Separate areas designated for the placement of the Lucky Six wager for each player, as authorized under subsection (c)(3).

(c) In addition to the wager on the player hand, banker hand and tie hand, which shall win or lose as provided in § 627a.7(a) (relating to wagers), a player may place the following optional wagers if offered by the certificate holder:

(1) Player Pair wager, which shall win if the initial two cards dealt to the player's hand are a pair such as two 9s or two queens and shall lose if the initial two cards dealt to the player's hand are not a pair.

(2) Banker Pair wager, which shall win if the initial two cards dealt to the banker's hand are a pair and shall lose if the initial two cards dealt to the banker's hand are not a pair.

(3) A Lucky Six wager, which shall win if the point count of the banker's hand is a 6 and is higher than the point count of the player's hand and shall lose if:

(i) The point count of the banker's hand is a 6 but is lower than the point count of the player's hand.

(ii) The point count of the banker's hand is not a 6.

(d) Commission-free Minibaccarat shall be dealt and played in accordance with §§ 627a.3—627a.8. If a player placed a Player Pair wager or Banker Pair wager, the wager shall be settled prior to dealing a third card to the player's hand or banker's hand. A winning pair wager shall be paid out in accordance with subsection (g). After settling a pair wager, the game shall resume by dealing any third cards that are required to be dealt in accordance with §§ 627a.9 and 627a.10 (relating to procedure for dealing a third card; and rules for determining whether a third card shall be dealt).

(e) After each hand has received all the cards to which it is entitled under §§ 627a.9 and 627a.10, the dealer shall announce the final point count of each hand, indicating which hand has won the round. If two hands have equal point counts, the dealer shall announce "tie hand." If the point counts of the banker's hand and player's hand results in a Lucky Six, the dealer shall announce "Lucky Six."

(f) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, starting at the highest numbered player position at which a winning wager is located, the dealer shall pay that player's winning wager. A winning wager on the player's hand shall be paid in accordance with subsection (h). A winning wager on the banker's hand shall be paid in accordance with subsection (i). A winning tie wager shall be paid in accordance with subsection (j). A Lucky Six wager shall be paid in accordance with subsection (k).

(g) A winning pair wager on either the player's hand or banker's hand shall be paid at odds of 11 to 1.

(h) A winning wager made on the player's hand shall be paid at odds of 1 to 1.

(i) A winning wager made on the banker’s hand shall be paid at odds of 1 to 1, except if the banker’s hand wins with a point count of 6, then the winning wager on the banker’s hand shall be paid out at odds of 1 to 2.

(j) A winning tie wager shall be paid at odds of 8 to 1.

(k) When the banker’s hand wins with a total of six points:

(1) With only two cards dealt to the banker’s hand, the winning Lucky Six wager shall be paid at odds of 12 to 1.

(2) With three cards dealt to the banker’s hand, the winning Lucky Six wager shall be paid at odds of 20 to 1.

(l) At the conclusion of a round of play, the dealer shall remove all 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. Irregularities during play shall be handled in accordance with § 627a.13 (relating to irregularities).

**§ 627c.3. Royal 9 progressive wager.**

(a) The layout for a Minibaccarat 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 if the certificate holder offers the Royal 9 progressive wager authorized under subsection (c), the layout shall contain a separate area designated for the placement of the Royal 9 progressive wager for each player. The Minibaccarat table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of a Royal 9 progressive wager. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Royal 9 progressive wager.

(2) A device that controls or monitors the placement of progressive payout wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the placement of a Royal 9 progressive wager that a player attempts to place after the dealer has begun dealing the cards.

(b) 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 Minibaccarat wager in accordance with § 627a.7(b) (relating to wagers), the option of placing a Royal 9 progressive wager which shall win if the first two cards to either the banker hand or player hand consist of a face card (king, queen or jack) and a nine.

(c) After placing a Minibaccarat wager, as required in § 627a.7(b), and any optional wagers, including the Royal 9 progressive wager, the dealer shall deal the cards in accordance with § 627a.8(a)—(c) (relating to hands of player and banker; procedure for dealing initial two cards to each hand).

(d) A winning Royal 9 progressive wager as outlined in subsection (e) will be paid by the dealer in accordance with subsections (f) and (g). The dealer will then complete the dealing procedures in § 627a.9 (relating to procedure for dealing a third card).

(e) Winning Royal 9 progressive wagers are as follows:

(1) *Royal 9*—Either the player hand or banker hand contains a Royal 9.

(2) *Suited Royal 9*—Either the player or banker hand contains a Royal 9 where both cards are of the same suit.

(3) *Royal 9 tie hand*—Both player hand and banker have a Royal 9; not necessarily the same Royal 9 combination.

(4) *Suited Royal 9 tie hand*—Both player and banker have a suited Royal 9; not necessarily the same suited Royal 9.

(5) *Personal progressive combinations*—Each player position has a unique combination consisting of a king and a nine which is printed on the layout in front of the wagering area which can trigger a progressive payout.

(6) *Mega jackpot*—Personal king 9 versus Personal king 9—The player hand and banker hand both contain the same king and nine combination that is a personal progressive combination assigned to a player position.

(7) *Major jackpot*—Personal king 9 on banker hand—The banker hand contains the king 9 combination that is a personal progressive combination assigned to a player position.

(8) *Minor jackpot*—Personal king 9 on player hand—The player hand contains the king 9 combination that is a personal progressive combination assigned to a player position.

(9) *Mega envy*—Any player position’s king 9 versus king 9—The banker hand and player hand contains the same king 9 combination that is assigned to one of the player positions. It does not matter if the player position is occupied or if there is a wager in the player position that contains the winning king 9 combination.

(f) Royal 9 progressive wager payable for \$5 wager.

(1) If a table game certificate holder offers a \$5 denomination Royal 9 progressive wager, the Royal 9 progressive wager pay table is as follows:

<i>Hand</i>	<i>Paytable</i>
Personal king 9 v. personal king 9	100% of mega jackpot
Personal king 9 on banker hand	100% major jackpot
Personal king 9 on player hand	100% minor jackpot
Mega envy—any position’s king 9 v. king 9	\$5,000
Suited Royal 9 tie hand	\$1,500
Royal 9 tie hand	\$250
Suited Royal 9	\$50
Royal 9	\$25

(2) The rate of progression for the meters used for the Royal 9 progressive wager must be specified in the certificate holder’s Rules Submission filed in accordance with § 601a.2. If a table game certificate holder offers a \$5 denomination Royal 9 progressive wager, the initial and reset amounts must also be in the Rules Submission and shall be at least \$50,000 for the mega jackpot, \$450 for the major jackpot, and \$450 for the minor jackpot.

(g) Royal 9 progressive wager payable for \$1 wager.

(1) If a table game certificate holder offers a \$1 denomination Royal 9 progressive wager, the Royal 9 progressive wager pay table is as follows:

<i>Hand</i>	<i>Paytable</i>
Personal king 9 v. personal king 9	100% of mega jackpot
Personal king 9 on banker hand	100% major jackpot
Personal king 9 on player hand	100% minor jackpot
Mega envy—any position's king 9 v. king 9	\$1,000
Suited Royal 9 tie hand	\$300
Royal 9 tie hand	\$50
Suited Royal 9	\$10
Royal 9	\$5

(2) The rate of progression for the meters used for the Royal 9 progressive wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. If a table game certificate holder offers a \$1 denomination Royal 9 progressive, the initial and reset amounts must also be in the Rules Submission and shall be at least \$10,000 for the mega jackpot, \$90 for the major jackpot and \$90 for the minor jackpot.

(h) If the progressive table game system utilized by the certificate holder has the capability to offer a mystery progressive, the seed and reseed amount, random must hit by amount and incrementation rate shall be as follows:

<i>Configuration</i>	<i>Reseed Random</i>	<i>Must-Hit-By</i>	<i>Incrementation Rate</i>
1	\$250	\$1,000	5%
2	\$100	\$500	5%
3	\$100	\$200	2%

**CHAPTER 629c. MIDIBACCARAT SIDE WAGERS AND VARIATIONS**

- Sec. 629c.1. Perfect Pairs wager.
- 629c.2. Commission-free Midibaccarat.
- 629c.3. Royal 9 progressive wager.
- 629c.4. Alternative card reveal procedure.

**§ 629c.1. Perfect Pairs wager.**

(a) The layout for a Midibaccarat 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 if the certificate holder offers the Perfect Pairs wager authorized under subsection (b), the layout shall contain separate areas designated for the placement of the Perfect Pairs wager on the player's hand and the banker's hand for each player.

(b) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player the option of placing a Perfect Pairs wager on the player's hand or the banker's hand, or both. The Perfect Pairs wager shall win if the initial two cards dealt to the player's hand or dealer's hand or both contain a colored pair, mixed pair or perfect pair. For purposes of the Perfect Pairs wager, only cards that are identical in either number or type will be considered of the same rank. For example: two jacks or two 4s.

(c) After the dealer positions the cards in accordance with § 629a.8(c)(1) and (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of

the player's hand and the banker's hand and shall settle a Perfect Pairs wager by collecting all losing wagers and paying all winning wagers. If a player placed the Perfect Pairs wager on the player's hand or the banker's hand and the initial two cards dealt to the player's hand or the banker's hand:

(1) Are a colored pair, mixed pair or perfect pair, the dealer shall pay the winning Perfect Pairs wager in accordance with subsection (d). If a player placed a Perfect Pairs wager on both the player's hand and banker's hand, and both the player's hand and banker's hand contain a colored pair, mixed pair or perfect pair, the player shall receive a payout in accordance with subsection (d) for both winning hands.

(2) Do not contain a colored pair, mixed pair or perfect pair, the dealer shall collect the Perfect Pairs wager.

(d) The certificate holder shall pay out a winning Perfect Pairs wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Perfect pair	25 to 1	30 to 1	25 to 1
Colored pair	12 to 1	10 to 1	15 to 1
Mixed pair	6 to 1	5 to 1	5 to 1

(e) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

*Colored pair*—The initial two cards dealt to the player or banker that are of the same rank and the same color but different suits.

*Mixed pair*—The initial two cards dealt to the player or banker that are of the same rank but different colors.

*Perfect pair*—The initial two cards dealt to the player or banker that are of the same rank, the same color and the same suit.

**§ 629c.2 Commission-free Midibaccarat.**

(a) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer commission-free Midibaccarat in which no commission is collected.

(b) In addition to the requirements in § 629a.2(a) and (b)(1)–(4), (relating to Midibaccarat table physical characteristics), the layout for commission-free Midibaccarat shall contain:

(1) Separate areas designated for the placement of the Player Pair wager authorized under subsection (c)(1).

(2) Separate areas designated for the placement of the Banker Pair wager authorized under subsection (c)(2).

(3) Separate areas designated for the placement of the Lucky Six wager for each player, as authorized under subsection (c)(3).

(c) In addition to the wager on the player's hand, banker's hand and tie hand, which shall win or lose as provided in § 629a.7(a)(1)–(3) (relating to wagers), a player may place the following optional wagers if offered by the certificate holder:

(1) Player Pair wager, which shall win if the initial two cards dealt to the player's hand are a pair such as two 9s or two queens and shall lose if the initial two cards dealt to the player's hand are not a pair.

(2) Banker Pair wager, which shall win if the initial two cards dealt to the banker's hand are a pair and shall lose if the initial two cards dealt to the banker's hand are not a pair.

(3) A Lucky Six wager, which shall win if the point count of the banker's hand is a 6 and is higher than the point count of the player's hand and shall lose if:

(i) The point count of the banker's hand is a 6 but is lower than the point count of the player's hand.

(ii) The point count of the banker's hand is not a 6.

(d) Commission-free Midibaccarat shall be dealt and played in accordance with §§ 629a.3—629a.8. If any player placed a Player Pair wager or Banker Pair wager, the wager shall be settled prior to dealing a third card to the player's hand or banker's hand. A winning pair wager shall be paid out in accordance with subsection (g). After settling any Pair wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with §§ 629a.9 and 629a.10 (relating to procedure for dealing a third card; and rules for determining whether a third card shall be dealt).

(e) After each hand has received all the cards to which it is entitled under §§ 629a.9 and 629a.10, the dealer shall announce the final point count of each hand indicating which hand has won the round. If two hands have equal point counts, the dealer shall announce "tie hand." If the point counts of the banker's hand and player's hand result in a Lucky Six, the dealer shall announce Lucky Six.

(f) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, starting at the highest numbered player position at which a winning wager is located, the dealer shall pay that player's winning wager. Winning wagers on the player's hand shall be paid in accordance with subsection (h). Winning wagers on the banker's hand shall be paid in accordance with subsection (i). A winning tie wager shall be paid in accordance with subsection (j). A Lucky Six wager shall be paid in accordance with subsection (k).

(g) A winning pair wager on either the player's hand or banker's hand shall be paid at odds of 11 to 1.

(h) A winning wager made on the player's hand shall be paid at odds of 1 to 1.

(i) A winning wager made on the banker's hand shall be paid at odds of 1 to 1, except if the banker's hand wins with a point count of 6, then the winning wager on the banker's hand shall be paid out at odds of 1 to 2.

(j) A winning tie wager shall be paid at odds of 8 to 1.

(k) When the banker's hand wins with a total of six points:

(1) With only two cards dealt to the banker's hand, the winning Lucky Six wager shall be paid at odds of 12 to 1.

(2) With three cards dealt to the banker's hand, the winning Lucky Six wager shall be paid at odds of 20 to 1.

(l) At the conclusion of a round of play, the dealer shall remove all 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. Irregularities during play shall be handled in accordance with § 629a.13 (relating to irregularities).

### § 629c.3. Royal 9 progressive wager.

(a) The layout for a Midibaccarat 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 if the certificate holder offers the Royal 9 progressive wager authorized under subsection (c), the layout shall contain a separate area designated for the placement of the Royal 9 progressive wager for each player. The Midibaccarat table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Royal 9 progressive wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Royal 9 progressive wager.

(2) A device that controls or monitors the placement of progressive payout wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Royal 9 progressive wagers that a player attempts to place after the dealer has begun dealing the cards.

(b) 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 Midibaccarat wager in accordance with § 629a.7(b) (relating to wagers) the option of placing a Royal 9 progressive wager which shall win if the first two cards to either the banker hand or player hand consist of a face card (king, queen or jack) and a nine.

(c) After placing a Midibaccarat wager, as required in § 629a.7(b), and any optional wagers, including the Royal 9 progressive wager, the dealer shall deal the cards in accordance with § 629a.8(a)—(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand).

(d) A winning Royal 9 progressive wager as outlined in subsection (e) will be paid by the dealer in accordance with subsections (f) and (g). The dealer will then complete the dealing procedures in § 629a.8(c)(4)—(6).

(e) Winning Royal 9 progressive wagers are as follows:

(1) *Royal 9*—Either the player hand or banker hand contains a Royal 9.

(2) *Suited Royal 9*—Either the player or banker hand contains a Royal 9 where both cards are of the same suit.

(3) *Royal 9 tie hand*—Both player and banker have a Royal 9; not necessarily the same Royal 9 combination.

(4) *Suited Royal 9 tie hand*—Both player and banker have a suited Royal 9; not necessarily the same suited Royal 9.

(5) *Personal progressive combinations*—Each player position has a unique combination consisting of a king and a 9 which is printed on the layout in front of the wagering area which can trigger a progressive payout.

(6) *Mega jackpot*—Personal king 9 versus personal king 9—The player hand and banker hand both contain the same king and 9 combination that is a personal progressive combination assigned to a player position.

(7) *Major jackpot*—Personal king 9 on banker hand—The banker hand contains the king 9 combination that is a personal progressive combination assigned to a player position.

(8) *Minor jackpot*—Personal king 9 on player hand—The player hand contains the king 9 combination that is a personal progressive combination assigned to a player position.

(9) *Mega envy*—Any player position’s king 9 versus king 9—The banker and player hand contains the same king 9 combination that is assigned to one of the player positions. It does not matter if the player position is occupied or if there is a wager in the player position that contains the winning king 9 combination.

(f) Royal 9 progressive wager payable for \$5 wager.

(1) If a table game certificate holder offers a \$5 denomination Royal 9 progressive wager, the Royal 9 progressive wager pay table is as follows:

<i>Hand</i>	<i>Paytable</i>
Personal king 9 v. personal king 9	100% of mega jackpot
Personal king 9 on banker hand	100% major jackpot
Personal king 9 on player hand	100% minor jackpot
Mega envy—any position’s king 9 v. king 9	\$5,000
Suited Royal 9 tie hand	\$1,500
Royal 9 tie hand	\$250
Suited Royal 9	\$50
Royal 9	\$25

(2) The rate of progression for the meters used for the Royal 9 progressive wager must be specified in the certificate holder’s Rules Submission filed in accordance with § 601a.2. If a table game certificate holder offers a \$5 denomination Royal 9 progressive wager, the initial and reset amounts must also be in the Rules Submission and shall be at least \$50,000 for the mega jackpot, \$450 for the major jackpot and \$450 for the minor jackpot.

(g) Royal 9 progressive wager payable for \$1 wager.

(1) If a table game certificate holder offers a \$1 denomination Royal 9 progressive wager, the Royal 9 progressive wager pay table is as follows:

<i>Hand</i>	<i>Paytable</i>
Personal king 9 v. personal king 9	100% of mega jackpot
Personal king 9 on banker hand	100% major jackpot
Personal king 9 on player hand	100% minor jackpot
Mega envy—any position’s king 9 v. king 9	\$1,000
Suited Royal 9 tie hand	\$300
Royal 9 tie hand	\$50
Suited Royal 9	\$10
Royal 9	\$5

(2) The rate of progression for the meters used for the Royal 9 progressive wager must be specified in the certificate holder’s Rules Submission filed in accordance with § 601a.2. If a table game certificate holder offers a \$1 denomination Royal 9 progressive wager, the initial and reset amounts must also be in the Rules Submission and shall be at least \$10,000 for the mega jackpot, \$90 for the major jackpot and \$90 for the minor jackpot.

(h) If the progressive table game system utilized by the certificate holder has the capability to offer a mystery progressive, the seed and reseed amount, random must hit by amount and incrementation rate shall be as follows:

<i>Configuration</i>	<i>Reseed Random</i>	<i>Must-Hit-By</i>	<i>Incrementation Rate</i>
1	\$250	\$1,000	5%
2	\$100	\$500	5%
3	\$100	\$200	2%

**§ 629c.4. Alternative card reveal procedure.**

(a) If the certificate holder offers Midibaccarat as described in Chapter 629a (relating to Midibaccarat), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer players an alternative procedure for the reveal of the dealer’s hand and player’s hand.

(b) Notwithstanding the procedures for revealing the hands described in § 629a.8(c)(1) and (2) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), if all players have wagered on the player’s hand, upon request of the player with the highest wager on the player’s hand, the dealer shall place the two cards of the banker’s hand face up on the area designated for the banker’s hand and announce the point count of the banker’s hand. The dealer shall then hand the two cards of the player’s hand, face down, to the player with the highest wager on the player’s hand. After viewing the player’s hand, the player shall return the two cards face up, to the dealer, who shall place the cards face up on the area designated for the player’s hand and announce the point count of the player’s hand.

(c) The round of play shall then continue as set forth in § 629a.8(c)(3)—(6).

**CHAPTER 631c. BACCARAT SIDE WAGERS AND VARIATIONS**

Sec.	
631c.1.	Perfect Pairs wager.
631c.2.	Heavenly 9 progressive Baccarat wager.
631c.3.	5 Treasures Baccarat wagers.
631c.4.	Lucky Nines.
631c.5.	Commission-free Baccarat.
631c.6.	Must-Hit-By Mystery bonus.
631c.7.	Majestic Match wager.

**§ 631c.1. Perfect Pairs wager.**

(a) The layout for a Baccarat 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 if the certificate holder offers the Perfect Pairs wager authorized under subsection (b), the layout shall contain separate areas designated for the placement of the Perfect Pairs wager on the player’s hand and the banker’s hand for each player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player the option of placing a Perfect Pairs wager on the player’s hand or the banker’s hand, or both. The Perfect Pairs wager shall win if the initial two cards dealt to the player’s hand or dealer’s hand or both contain a colored pair, mixed pair or perfect pair. For purposes of the Perfect Pairs wager, only cards that are identical in either number or type will be considered of the same rank. For example: two jacks, or two 4s.

(c) After the cards are positioned in accordance with § 631a.9(c) or (d)(1)—(3) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the player’s hand and the banker’s hand and shall settle a

Perfect Pairs wager by collecting all losing wagers and paying all winning wagers. If a player placed the Perfect Pairs wager on the player's hand or the banker's hand and the initial two cards dealt to the player's hand or banker's hand:

(1) Are a colored pair, mixed pair or perfect pair, the dealer shall pay the winning Perfect Pairs wager in accordance with subsection (d). If a player placed a Perfect Pairs wager on both the player's hand and banker's hand, and both the player's hand and banker's hand contain a colored pair, mixed pair or perfect pair, the player shall receive a payout in accordance with subsection (d) for both winning hands.

(2) Do not contain a colored pair, mixed pair or perfect pair, the dealer shall collect the Perfect Pairs wager.

(d) The certificate holder shall pay out a winning Perfect Pairs wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Perfect pair	25 to 1	30 to 1	25 to 1
Colored pair	12 to 1	10 to 1	15 to 1
Mixed pair	6 to 1	5 to 1	5 to 1

(e) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

*Colored pair*—The initial two cards dealt to the player or banker that are of the same rank and the same color but different suits.

*Mixed pair*—The initial two cards dealt to the player or banker that are of the same rank but different colors.

*Perfect pair*—The initial two cards dealt to the player or banker that are of the same rank, the same color and the same suit.

**§ 631c.2. Heavenly 9 progressive Baccarat wager.**

(a) If the certificate holder offers Baccarat as described in Chapter 631a (relating to Baccarat), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Baccarat wager in accordance with § 631a.8(a) (relating to wagers) the option of placing a Heavenly 9 progressive wager, a wager based on the hand total of the player, banker or both being a 3-card hand total of 9.

(b) The layout for the Baccarat table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Heavenly 9 progressive Baccarat wager, in addition to the requirements in § 631a.2 (relating to Baccarat table physical characteristics), the layout shall contain a separate area designated for the placement of the Heavenly 9 progressive Baccarat wager for each player.

(c) After placing a Baccarat wager, as required in § 631a.8(a), and any other available optional wagers, a player may place a Heavenly 9 progressive Baccarat wager of no less than \$5 at any time before the dealer calls, "no more bets."

(d) If the certificate holder is offering the Heavenly 9 progressive Baccarat wager, the Baccarat table must have a progressive table game system, in accordance with

§ 605a.7 (relating to progressive table games), for the placement of the Heavenly 9 progressive Baccarat wager. 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 the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced "no more bets."

(e) The dealer shall then deal the cards in accordance with § 631a.9(b)—(f) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), and the round of play shall be played and completed in accordance to the house rules and provisions of §§ 631a.10—631a.12 (relating to procedure for dealing a third card; rules for determining whether a third card shall be dealt; and announcement of result of round; payment and collection of wagers).

(f) After the round of play is completed and the announcement of the result is made, the dealer shall settle the players' Heavenly 9 progressive Baccarat wagers while settling the Baccarat wagers and other optional wagers placed by each player.

(g) A Heavenly 9 progressive Baccarat wager placed shall win, and be paid out in accordance with the payable in subsection (i) if the following outcomes occur:

- (1) The banker and the player tie with a 3-card hand total of 9 and all cards are the same suit.
- (2) The banker and the player tie with a 3-card hand total of 9 and all cards are the same color.
- (3) The banker and the player tie with a 3-card hand total of 9.
- (4) The banker has a 3-card hand total of 9.
- (5) The player has a 3-card hand total of 9.

(h) Each Heavenly 9 progressive Baccarat wager placed shall lose and be collected by the dealer if one of the outcomes specified in subsection (g) does not occur.

(i) If a Heavenly 9 progressive Baccarat wager wins, it shall be paid out based upon the following payable:

Hand	Paytable
Player and banker 3-card tie— all cards same suit	100% progressive
Player and banker 3-card tie— all cards same color	299 for 1
Player and banker 3-card tie	60 for 1
Banker 3-card 9	9 for 1
Player 3-card 9	8 for 1
Meter seed/reseed	\$10,000
Increment rate	10%

**§ 631c.3. 5 Treasures Baccarat wagers.**

(a) If the certificate holder offers Baccarat as described in Chapter 631a (relating to Baccarat), the certificate



holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Baccarat wager in accordance with § 631a.8(a) (relating to wagers) the option of placing one or more 5 Treasures Baccarat wagers, which are five wagers that win if a specific outcome occurs in the game.

(b) The layout for the Baccarat table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the 5 Treasures Baccarat wagers, in addition to the requirements in § 631a.2 (relating to Baccarat table physical characteristics), the layout shall contain a separate area designated for the placement of each of the following 5 Treasures Baccarat wagers:

- (1) Fortune 7 bonus wager.
- (2) Golden 8 bonus wager.
- (3) Heavenly 9 bonus wager.
- (4) Blazing 7s bonus wager.
- (5) Cover All bonus wager.

(c) After placing a Baccarat wager, as required in § 631a.8(a), and any other available optional wagers, a player may place one or more of the 5 Treasures Baccarat wagers at any time before the dealer calls, “no more bets.”

(d) The dealer shall then deal the cards in accordance with § 631a.9(b)—(f) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), and the round of play shall be played and completed in accordance to the house rules and provisions of §§ 631a.10—631a.12 (relating to procedure for dealing a third card; rules for determining whether a third card shall be dealt; and announcement of result of round; payment and collection of wagers).

(e) After the round of play is completed and the announcement of the result is made, the dealer shall settle the player’s 5 Treasures Baccarat wagers while settling the Baccarat wagers and other optional wagers placed by each player.

(f) Each 5 Treasures Baccarat wager placed shall win, and be paid out in accordance with one of the paytables in subsection (h), if the following outcomes occur:

- (1) The Fortune 7 bonus wager shall win if the banker’s hand wins with a 3-card total of 7.
- (2) The Golden 8 bonus wager shall win if the player’s hand wins with a 3-card total of 8.
- (3) The Heavenly 9 bonus wager shall win if the banker’s or player’s hand has a 3-card total of 9, and a higher payout shall occur if both hands have a 3-card total of 9.
- (4) The Blazing 7s bonus wager shall win if the banker’s and player’s hands are either a 2-card total of 7 or 3-card total of 7.
- (5) The Cover All bonus wager shall win if any of the other four 5 Treasures Baccarat wagers wins. The player

need not place one of the four other 5 Treasures Baccarat wagers to place a Cover All bonus wager.

(g) Each 5 Treasures Baccarat wager placed shall lose and be collected by the dealer if the outcomes specified in subsection (f) do not occur.

(h) If one of the 5 Treasures Baccarat wagers wins, it shall be paid out based upon one of the following paytables, which shall be specified in the certificate holder’s Rules Submission, required under § 601a.2:

<i>Wager</i>	<i>Paytable A</i>	<i>Paytable B</i>
Fortune 7	40 to 1	40 to 1
Golden 8	25 to 1	25 to 1
Heavenly 9, player and banker	75 to 1	75 to 1
Heavenly 9, player or banker	10 to 1	10 to 1
3-card Blazing 7s	400 to 1	200 to 1
2-card Blazing 7s	N/A	50 to 1
Cover All	6 to 1	6 to 1

**§ 631c.4. Lucky Nines.**

(a) If the certificate holder offers Baccarat on a fully automated electronic gaming table, the certificate holder may offer players the option to place a Lucky Nines wager which shall win if any of the player’s two cards or the banker’s two cards contain at least one nine.

(b) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Lucky Nines wager, in addition to the requirements in § 631a.2 (relating to Baccarat table physical characteristics) the layout shall contain a separate area designated for the electronic placement of the Lucky Nines wager for each player.

(c) After placing an initial wager, as required under § 631a.8(a) (relating to wagers), a player may place a Lucky Nines wager by electronically placing a value chip on the designated area of the table layout.

(d) The dealer shall then deal the cards in accordance with § 631a.9(a)—(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand). After the initial two cards of the player’s hand and banker’s hand have been turned face up on the layout but prior to dealing a third card, the dealer shall settle all players’ Lucky Nines wagers. If any of the player’s two cards or the banker’s two cards:

- (1) Do not contain a nine, the losing Lucky Nines wagers shall be collected.
- (2) Contain a nine, the winning Lucky Nines wagers shall be paid in accordance with subsection (e) based on the number of nines in the player and banker hands.

(e) The certificate holder shall pay out winning Lucky Nines wagers at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
four nines	500 to 1	500 to 1	1000 to 1	2000 to 1
three nines same suit	250 to 1	250 to 1	500 to 1	500 to 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
three nines	20 to 1	30 to 1	35 to 1	15 to 1
two nines same suit	8 to 1	12 to 1	16 to 1	10 to 1
two nines	5 to 1	5 to 1	5 to 1	4 to 1
one nine diamonds	2 to 1	2 to 1	2 to 1	2 to 1
one nine	1 to 1	1 to 1	1 to 1	1 to 1

(f) After settling the player's Lucky Nines wager, the dealer shall complete the dealing procedures in § 631a.9(e) and (f).

**§ 631c.5. Commission-free Baccarat.**

(a) If specified in its Rules Submission, a certificate holder may offer commission-free Baccarat in which no commission is collected.

(b) In addition to the requirements in § 631a.2(a) and (b)(1)—(4) (relating to Baccarat table physical characteristics), the layout for commission-free Baccarat shall contain:

(1) Separate areas designated for the placement of the Player Pair wager authorized under subsection (c)(1).

(2) Separate areas designated for the placement of the Banker Pair wager authorized under subsection (c)(2).

(3) Separate areas designated for the placement of the Lucky Six wager for each player, as authorized under subsection (c)(3).

(c) In addition to the wager on the player's hand, banker's hand and tie hand, which shall win or lose as provided in § 631a.8(a)(1)—(3) (relating to wagers), a player may place the following optional wagers if offered by the certificate holder:

(1) Player Pair wager, which shall win if the initial two cards dealt to the player's hand are a pair such as two nines or two queens and shall lose if the initial two cards dealt to the player's hand are not a pair.

(2) Banker Pair wager, which shall win if the initial two cards dealt to the banker's hand are a pair and shall lose if the initial two cards dealt to the banker's hand are not a pair.

(3) A Lucky Six wager, which shall win if the point count of the banker's hand is a six and is higher than the point count of the player's hand and shall lose if:

(i) The point count of the banker's hand is a six but is lower than the point count of the player's hand.

(ii) The point count of the banker's hand is not a six.

(d) Commission-free Baccarat shall be dealt and played in accordance with §§ 631a.3—631a.9. If any player placed a Player or Banker Pair wager, the wager shall be settled prior to dealing a third card to the player's hand or banker's hand. A winning pair wager shall be paid out in accordance with subsection (g). After settling any pair wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with §§ 631a.10 and 631a.11 (relating to procedure for dealing a third card; and rules for determining whether a third card shall be dealt).

(e) After each hand has received all the cards to which it is entitled under §§ 631a.10 and 631a.11, the dealer shall announce the final point count of each hand indicating which hand has won the round. If two hands have equal point counts, the dealer shall announce "tie hand."

If the point counts of the banker's hand and player's hand results in a Lucky Six, the dealer shall announce "Lucky Six."

(f) After the result of the round is announced, the dealer shall first collect each losing wager. After the losing wagers are collected, starting at the highest numbered player position at which a winning wager is located, the dealer shall pay that player's winning wager. A winning wager on the player's hand shall be paid in accordance with subsection (h). A winning wager on the banker's hand shall be paid in accordance with subsection (i). A winning tie wager shall be paid in accordance with subsection (j). A Lucky Six wager shall be paid in accordance with subsection (k).

(g) A winning pair wager on either the player's hand or banker's hand shall be paid at odds of 11 to 1.

(h) A winning wager made on the player's hand shall be paid at odds of 1 to 1.

(i) A winning wager made on the banker's hand shall be paid at odds of 1 to 1, except if the banker's hand wins with a point count of 6, then the winning wager on the banker's hand shall be paid out at odds of 1 to 2.

(j) A winning tie wager shall be paid at odds of 8 to 1.

(k) When the banker's hand wins with a total of six points:

(1) With only two cards dealt to the banker's hand, the winning Lucky Six wager shall be paid at odds of 12 to 1.

(2) With three cards dealt to the banker's hand, the winning Lucky Six wager shall be paid at odds of 20 to 1.

(l) At the conclusion of a round of play, the dealer shall remove all 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. Irregularities during play shall be handled in accordance with § 631a.15 (relating to irregularities).

**§ 631c.6. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Baccarat as described in Chapter 631a (relating to Baccarat) and the optional Heavenly 9 progressive Baccarat wager under § 631c.2 (relating to Heavenly 9 progressive Baccarat wager), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Baccarat wager in accordance with § 631a.8(a) (relating to wagers) and an optional Heavenly 9 progressive Baccarat wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Baccarat table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Baccarat wager and a Heavenly 9 progressive Baccarat wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying Heavenly 9 progressive Baccarat wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying Heavenly 9 progressive Baccarat wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**§ 631c.7. Majestic Match wager.**

(a) The layout for a Baccarat 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 if the

certificate holder offers the Majestic Match wager authorized under subsection (b), the layout shall contain separate areas designated for the placement of the Majestic Match wager on the player's hand and the banker's hand for each player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player the option of placing a Majestic Match wager on the player's hand or the banker's hand, or both, without the necessity of placing a Baccarat wager. The Majestic Match wager shall win if the initial two cards dealt to the player's hand or banker's hand, or both, contain a Royal Match or Suited Match.

(c) After the cards are positioned in accordance with § 631a.9(c) or (d)(1)—(3) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the dealer shall announce the point count of the player's hand and the banker's hand and shall settle a Majestic Match wager by collecting all losing wagers and paying all winning wagers. If a player placed the Majestic Match wager on the player's hand or the banker's hand and the initial two cards dealt to the player's hand or banker's hand:

(1) Are a Royal Match or Suited Match, the dealer shall pay the winning Majestic Match wager in accordance with subsection (d). If a player placed a Majestic Match wager on both the player's hand and banker's hand, and both the player's hand and banker's hand contain a Royal Match or Suited Match, the player shall receive a payout in accordance with subsection (d) for both winning hands.

(2) Do not contain a Royal Match or Suited Match, the dealer shall collect the Majestic Match wager.

(d) The certificate holder shall pay out a winning Majestic Match wager at the odds in the following payable specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Majestic Match</i>	
<i>Outcome</i>	<i>Payback</i>
Royal Match (suited king and queen)	25 to 1
Suited Match (any other suited)	2.5 to 1

(e) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

*Royal Match*—The initial two cards dealt to the player or banker that are a king and queen of the same suit.

*Suited Match*—The initial two cards dealt to the player or banker that are of the same suit but are not a king and queen.

**CHAPTER 633c. BLACKJACK SIDE WAGERS AND VARIATIONS**

- Sec. 633c.1. Perfect Pairs wager.
- 633c.2. Jackpot Party progressive wager.
- 633c.3. Match the Dealer progressive wager.
- 633c.4. Switch Hands and Blackjack Premium.
- 633c.5. Blackjack played on a hybrid gaming table.
- 633c.6. Super 4 progressive Blackjack wager.
- 633c.7. Top 3 wager.
- 633c.8. Lucky Aces wager.
- 633c.9. Blazing 7's progressive wager.
- 633c.10. Blackjack Match progressive.
- 633c.11. TriLuxe Deluxe wager.
- 633c.12. AxMan wager.
- 633c.13. Buster Blackjack wager.

- 633c.14. Must-Hit-By Mystery bonus.
- 633c.15. Upcard Luck wager.

**§ 633c.1. Perfect Pairs wager.**

(a) The layout for a Blackjack 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 if the certificate holder offers the Perfect Pairs wager authorized under subsection (b), the layout shall contain a separate area designated for the placement of the Perfect Pairs wager for each player.

(b) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers), the option of placing a Perfect Pairs wager which shall win if the player's initial two cards are a colored pair, mixed pair or perfect pair.

(c) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers including the Perfect Pairs wager, the dealer shall deal the cards in accordance with § 633a.7(a)—(f) (relating to procedure for dealing the cards; completion of each round of play).

(d) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the player's optional wagers in accordance with § 633a.7(g) by collecting all losing wagers and paying all winning wagers. If a player placed the Perfect Pairs wager and the player's initial two cards:

(1) Are a colored pair, mixed pair or perfect pair, the dealer shall pay the winning Perfect Pairs wager in accordance with subsection (e).

(2) Are not a colored pair, mixed pair or perfect pair, the dealer shall collect the Perfect Pairs wager.

(e) The certificate holder shall pay out a winning Perfect Pairs wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Perfect pair	25 to 1	30 to 1
Colored pair	12 to 1	10 to 1
Mixed pair	6 to 1	5 to 1

(f) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

*Colored pair*—The player's initial two cards that are of the same rank and the same color but different suits.

*Mixed pair*—The player's initial two cards that are of the same rank but different colors.

*Perfect pair*—The player's initial two cards that are of the same rank, the same color and the same suit.

**§ 633c.2. Jackpot Party progressive wager.**

(a) A certificate holder may offer players the option to place a Jackpot Party progressive wager that the dealer's two cards and the player's two cards will form any of the following winning Jackpot Party progressive combinations:

(1) *Royal flush* (diamonds)—Dealer Blackjack and the player’s two cards and the dealer’s two cards contain an ace, king, queen and jack of diamonds, with the dealer’s hand containing the ace of diamonds.

(2) *Royal flush* (other suit)—Dealer Blackjack and the player’s two cards and the dealer’s two cards contain an ace, king, queen and jack of one the other remaining three suits, with the dealer’s hand containing the ace of the same suit.

(3) *Three-of-a-kind*—Dealer Blackjack and the player’s two cards and the dealer’s two cards contain three cards of the same rank.

(4) *Straight*—Dealer Blackjack and the player’s two cards and the dealer’s two cards contain four cards of more than one suit in consecutive rank.

(5) *Flush*—Dealer Blackjack and the player’s two cards and the dealer’s two cards are all the same suit.

(6) *Two pair*—Dealer Blackjack and player Blackjack with the dealer’s two cards identical in rank with the player’s two cards.

(7) *All cards same color*—Dealer Blackjack and the player’s two cards and the dealer’s two cards are all of the same color.

(8) *Pair*—Dealer Blackjack and the player’s two cards and the dealer’s two cards contain two cards of the same rank.

(9) A hand with dealer Blackjack.

(10) *Dealer ace up*—Dealer’s upcard is an ace but the dealer does not have a Blackjack.

(b) The Jackpot Party progressive wager may be played on a Blackjack table that utilizes 1, 2, 4, 6 or 8 decks of cards.

(c) The layout for a Blackjack 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 if the certificate holder offers the Jackpot Party progressive wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the layout shall contain a separate area designated for the placement of the Jackpot Party progressive wager for each player.

(d) If the certificate holder is offering the Jackpot Party progressive wager, the Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Jackpot Party progressive wager. 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 the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a

mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing a Jackpot Party progressive wager of \$1 or \$5.

(f) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers including the Jackpot Party progressive wager, the dealer shall announce “no more bets” and, if the Jackpot Party progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 633a.7(a)—(f) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall determine if he has a Blackjack as provided in § 633a.7(h). If the dealer:

(1) Does not have an ace showing or have a Blackjack, all Jackpot Party progressive wagers shall lose and the dealer shall continue the hand in accordance with § 633a.7(i)—(t).

(2) Has an ace showing or a Blackjack, the dealer shall settle each player’s winning Jackpot Party progressive wager as provided in subsection (h).

(h) If a player has won a Jackpot Party progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Jackpot Party progressive wager in accordance with the payout odds in subsection (i). 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.

(i) The certificate holder shall pay out a winning Jackpot Party progressive wager, for the highest ranking four-card hand formed, at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

RULES AND REGULATIONS

<i>Outcome</i>	<i>Six Decks—P1</i>	<i>Six Decks—P2</i>	<i>Six Decks—P3</i>
Royal flush—diamonds	100% of progressive	100% of progressive	100% of progressive
Royal flush—other	10% of progressive	10% of progressive	10% of progressive
Three-of-a-kind	150 to 1	150 to 1	100 to 1
Straight	80 to 1	70 to 1	75 to 1
Flush	60 to 1	50 to 1	50 to 1
Two pair	40 to 1	30 to 1	25 to 1
All same color	20 to 1	15 to 1	15 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	4 to 1
Dealer ace up (no Blackjack)	2 to 1	3 to 1	2 to 1
Wager	\$5	\$5	\$1
Meter seed	\$50,000	\$50,000	\$10,000
Primary increment rate	16%	15%	19%
Secondary increment rate	3.75%	3.50%	4.25%

<i>Outcome</i>	<i>Eight Decks—P4</i>	<i>Eight Decks—P5</i>	<i>Eight Decks—P6</i>
Royal flush—diamonds	100% of progressive	100% of progressive	100% of progressive
Royal flush—other	10% of progressive	10% of progressive	10% of progressive
Three-of-a-kind	150 to 1	150 to 1	100 to 1
Straight	80 to 1	70 to 1	75 to 1
Flush	60 to 1	50 to 1	50 to 1
Two pair	40 to 1	30 to 1	25 to 1
All same color	20 to 1	15 to 1	15 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	4 to 1
Dealer ace up (no Blackjack)	2 to 1	3 to 1	2 to 1
Wager	\$5	\$5	\$1
Meter seed	\$50,000	\$50,000	\$10,000
Primary increment rate	16%	15%	19%
Secondary increment rate	3.75%	3.50%	4.25%

<i>Outcome</i>	<i>Single Deck—P7</i>	
	<i>Pays</i>	<i>w / Envy</i>
Royal flush (ace—jack)—diamonds	100% progressive	\$3,000
Royal flush (ace—jack)—other	10% progressive	\$1,000
Three-of-a-kind	150 to 1	
Straight	70 to 1	
Flush	50 to 1	
Two pair	30 to 1	
All same color	15 to 1	
Pair	10 to 1	
Dealer Blackjack	5 to 1	
Dealer ace up (no Blackjack)	3 to 1	
Wager	\$5	
Meter seed	\$50,000	
Total increment rate	18.50%	

RULES AND REGULATIONS

<i>Outcome</i>	<i>Two Decks—P8</i>		<i>Four Decks—P9</i>	
	<i>Pays</i>	<i>w /Max Envy</i>	<i>Pays</i>	<i>w /Max Envy</i>
Royal flush (ace—jack)—diamonds	100% progressive	\$3,000	100% progressive	\$3,000
Royal flush (ace—jack)—other	10% progressive	\$1,000	10% progressive	\$1,000
Three-of-a-kind	150 to 1		150 to 1	
Straight	70 to 1		70 to 1	
Flush	50 to 1		50 to 1	
Two pair	30 to 1		30 to 1	
All same color	15 to 1		15 to 1	
Pair	10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1	
Dealer ace up (no Blackjack)	3 to 1		3 to 1	
Wager	\$5		\$5	
Meter seed/reseed	\$50,000		\$50,000	
Total increment rate	18.50%		18.50%	

<i>Outcome</i>	<i>Six Decks—P10</i>		<i>Eight Decks—P11</i>	
	<i>Pays</i>	<i>w /Max Envy</i>	<i>Pays</i>	<i>w /Max Envy</i>
Royal flush (ace—jack)—diamonds	100% progressive	\$3,000	100% progressive	\$3,000
Royal flush (ace—jack)—other	10% progressive	\$1,000	10% progressive	\$1,000
Three-of-a-kind	150 to 1		150 to 1	
Straight	70 to 1		70 to 1	
Flush	50 to 1		50 to 1	
Two pair	30 to 1		30 to 1	
All same color	15 to 1		15 to 1	
Pair	10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1	
Dealer ace up (no Blackjack)	3 to 1		3 to 1	
Meter seed/reseed	\$50,000		\$50,000	
Total increment rate	18.50%		18.50%	

<i>Outcome</i>	<i>Single Deck—P12</i>	
	<i>Pays</i>	<i>w /Envy</i>
Royal flush (ace—jack)—diamonds	100% progressive	\$3,000
Royal flush (ace—jack)—other	10% progressive	\$1,000
Three-of-a-kind	100 to 1	
Straight	75 to 1	
Flush	50 to 1	
Two pair	25 to 1	
All same color	15 to 1	
Pair	10 to 1	
Dealer Blackjack	4 to 1	
Dealer ace up (no Blackjack)	2 to 1	
Wager	\$5	
Meter seed	\$50,000	
Total increment rate	23.25%	

RULES AND REGULATIONS

<i>Outcome</i>	<i>Two Decks—P13</i>		<i>Four Decks—P14</i>	
	<i>Pays</i>	<i>w /Max Envy</i>	<i>Pays</i>	<i>w /Max Envy</i>
Royal flush (ace—jack)—diamonds	100% progressive	\$3,000	100% progressive	\$3,000
Royal flush (ace—jack)—other	10% progressive	\$1,000	10% progressive	\$1,000
Three-of-a-kind	100 to 1		100 to 1	
Straight	75 to 1		75 to 1	
Flush	50 to 1		50 to 1	
Two pair	25 to 1		25 to 1	
All same color	15 to 1		15 to 1	
Pair	10 to 1		10 to 1	
Dealer Blackjack	4 to 1		4 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1	
Wager	\$5		\$5	
Meter seed/reseed	\$50,000		\$50,000	
Total increment rate	23.25%		23.25%	

<i>Outcome</i>	<i>Six Decks—P15</i>		<i>Eight Decks—P16</i>	
	<i>Pays</i>	<i>w /Max Envy</i>	<i>Pays</i>	<i>w /Max Envy</i>
Royal flush (ace—jack)—diamonds	100% progressive	\$3,000	100% progressive	\$3,000
Royal flush (ace—jack)—other	10% progressive	\$1,000	10% progressive	\$1,000
Three-of-a-kind	100 to 1		100 to 1	
Straight	75 to 1		75 to 1	
Flush	50 to 1		50 to 1	
Two pair	25 to 1		25 to 1	
All same color	15 to 1		15 to 1	
Pair	10 to 1		10 to 1	
Dealer Blackjack	4 to 1		4 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1	
Wager	\$5		\$5	
Meter seed/reseed	\$50,000		\$50,000	
Total increment rate	23.25%		23.25%	

<i>One Deck—P17</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w /Max Envy</i>	<i>Pays</i>	<i>w /Max Envy</i>	<i>Pays</i>	<i>w /Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% Minor		100% minor		100% minor	
Straight	150 to 1		150 to 1		150 to 1	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	



RULES AND REGULATIONS

<i>One Deck—P17</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Major increment rate	7%		7%		7%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	7%		7%		7%	

<i>Two Decks—P18</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	150 to 1		150 to 1		150 to 1	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	7%		7%		7%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	7%		7%		7%	

<i>Four Decks—P19</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	150 to 1		150 to 1		150 to 1	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	7%		7%		7%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	7%		7%		7%	

<i>Six Decks—P20</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000

RULES AND REGULATIONS

<i>Six Decks—P20</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	150 to 1		150 to 1		150 to 1	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	7%		7%		7%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	7%		7%		7%	

<i>Eight Decks—P21</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	150 to 1		150 to 1		150 to 1	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	7%		7%		7%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	7%		7%		7%	

<i>One Deck—P22</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	

RULES AND REGULATIONS

<i>One Deck—P22</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	

<i>Two Decks—P23</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	

<i>Four Decks—P24</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	

## RULES AND REGULATIONS

<i>Four Decks—P24</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	

<i>Six Decks—P25</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	

<i>Eight Decks—P26</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	50 to 1		50 to 1		50 to 1	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	

<i>Eight Decks—P26</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	

<i>Single Deck—P27</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
<i>Outcome</i>	<i>Pays</i>	<i>Pays</i>	<i>Pays</i>
Royal flush (ace—jack)—diamonds	100% mega	100% mega	100% mega
Royal flush (ace—jack)—other	100% major	100% major	100% major
Three-of-a-kind	100% minor	100% minor	100% minor
Straight	100% mini	100% mini	100% mini
Flush	60 to 1	60 to 1	60 to 1
Two pair	40 to 1	40 to 1	40 to 1
All same color	20 to 1	20 to 1	20 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	5 to 1
Dealer ace up (no Blackjack)	2 to 1	2 to 1	2 to 1
Mega meter seed/reseed	\$50,000	\$25,000	\$10,000
Mega increment rate	6%	7%	7.5%
Major meter seed/reseed	\$5,000	\$5,000	\$5,000
Major increment rate	5%	5%	5%
Minor meter seed/reseed	\$500	\$500	\$500
Minor increment rate	3%	3%	3%
Mini meter seed/reseed	\$300	\$300	\$300
Mini increment rate	3%	3%	3%

<i>Two Decks—P28</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
<i>Outcome</i>	<i>Pays</i>	<i>Pays</i>	<i>Pays</i>
Royal flush (ace—jack)—diamonds	100% mega	100% mega	100% mega
Royal flush (ace—jack)—other	100% major	100% major	100% major
Three-of-a-kind	100% minor	100% minor	100% minor
Straight	100% mini	100% mini	100% mini
Flush	60 to 1	60 to 1	60 to 1
Two pair	40 to 1	40 to 1	40 to 1
All same color	20 to 1	20 to 1	20 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	5 to 1
Dealer ace up (no Blackjack)	2 to 1	2 to 1	2 to 1
Mega meter seed/reseed	\$50,000	\$25,000	\$10,000
Mega increment rate	6%	7%	7.5%
Major meter seed/reseed	\$5,000	\$5,000	\$5,000
Major increment rate	5%	5%	5%
Minor meter seed/reseed	\$500	\$500	\$500
Minor increment rate	3%	3%	3%
Mini meter seed/reseed	\$300	\$300	\$300
Mini increment rate	3%	3%	3%

## RULES AND REGULATIONS

<i>Four Decks—P29</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
<i>Outcome</i>	<i>Pays</i>	<i>Pays</i>	<i>Pays</i>
Royal flush (ace—jack)—diamonds	100% mega	100% mega	100% mega
Royal flush (ace—jack)—other	100% major	100% major	100% major
Three-of-a-kind	100% minor	100% minor	100% minor
Straight	100% mini	100% mini	100% mini
Flush	60 to 1	60 to 1	60 to 1
Two pair	40 to 1	40 to 1	40 to 1
All same color	20 to 1	20 to 1	20 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	5 to 1
Dealer ace up (no Blackjack)	2 to 1	2 to 1	2 to 1
Mega meter seed/reseed	\$50,000	\$25,000	\$10,000
Mega increment rate	6%	7%	7.5%
Major meter seed/reseed	\$5,000	\$5,000	\$5,000
Major increment rate	5%	5%	5%
Minor meter seed/reseed	\$500	\$500	\$500
Minor increment rate	3%	3%	3%
Mini meter seed/reseed	\$300	\$300	\$300
Mini increment rate	3%	3%	3%

<i>Six Decks—P30</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
<i>Outcome</i>	<i>Pays</i>	<i>Pays</i>	<i>Pays</i>
Royal flush (ace—jack)—diamonds	100% mega	100% mega	100% mega
Royal flush (ace—jack)—other	100% major	100% major	100% major
Three-of-a-kind	100% minor	100% minor	100% minor
Straight	100% mini	100% mini	100% mini
Flush	60 to 1	60 to 1	60 to 1
Two pair	40 to 1	40 to 1	40 to 1
All same color	20 to 1	20 to 1	20 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	5 to 1
Dealer ace up (no Blackjack)	2 to 1	2 to 1	2 to 1
Mega meter seed/reseed	\$50,000	\$25,000	\$10,000
Mega increment rate	6%	7%	7.5%
Major meter seed/reseed	\$5,000	\$5,000	\$5,000
Major increment rate	5%	5%	5%
Minor meter seed/reseed	\$500	\$500	\$500
Minor increment rate	3%	3%	3%
Mini meter seed/reseed	\$300	\$300	\$300
Mini increment rate	3%	3%	3%

<i>Eight Decks—P31</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
<i>Outcome</i>	<i>Pays</i>	<i>Pays</i>	<i>Pays</i>
Royal flush (ace—jack)—diamonds	100% mega	100% mega	100% mega
Royal flush (ace—jack)—other	100% major	100% major	100% major
Three-of-a-kind	100% minor	100% minor	100% minor
Straight	100% mini	100% mini	100% mini
Flush	60 to 1	60 to 1	60 to 1

<i>Eight Decks—P31</i>	<i>Option A</i>	<i>Option B</i>	<i>Option C</i>
<i>Outcome</i>	<i>Pays</i>	<i>Pays</i>	<i>Pays</i>
Two pair	40 to 1	40 to 1	40 to 1
All same color	20 to 1	20 to 1	20 to 1
Pair	10 to 1	10 to 1	10 to 1
Dealer Blackjack	5 to 1	5 to 1	5 to 1
Dealer ace up (no Blackjack)	2 to 1	2 to 1	2 to 1
Mega meter seed/reseed	\$50,000	\$25,000	\$10,000
Mega increment rate	6%	7%	7.5%
Major meter seed/reseed	\$5,000	\$5,000	\$5,000
Major increment rate	5%	5%	5%
Minor meter seed/reseed	\$500	\$500	\$500
Minor increment rate	3%	3%	3%
Mini meter seed/reseed	\$300	\$300	\$300
Mini increment rate	3%	3%	3%

<i>Single Deck—P32</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	100% micro		100% micro		100% micro	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	
Micro meter seed/reseed	\$250		\$250		\$250	
Micro increment rate	3%		3%		3%	

<i>Two Decks—P33</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	100% micro		100% micro		100% micro	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	

RULES AND REGULATIONS

<i>Two Decks—P33</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	
Micro meter seed/reseed	\$250		\$250		\$250	
Micro increment rate	3%		3%		3%	

<i>Four Decks—P34</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	100% micro		100% micro		100% micro	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	5%		5%		5%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	
Micro meter seed/reseed	\$250		\$250		\$250	
Micro increment rate	3%		3%		3%	

<i>Six Decks—P35</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	100% micro		100% micro		100% micro	



<i>Six Decks—P35</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	2%		2%		2%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	
Micro meter seed/reseed	\$250		\$250		\$250	
Micro increment rate	3%		3%		3%	

<i>Eight Decks—P36</i>	<i>Option A</i>		<i>Option B</i>		<i>Option C</i>	
<i>Outcome</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>	<i>Pays</i>	<i>w / Max Envy</i>
Royal flush (ace—jack)—diamonds	100% mega	\$3,000	100% mega	\$3,000	100% mega	\$3,000
Royal flush (ace—jack)—other	100% major	\$1,000	100% major	\$1,000	100% major	\$1,000
Three-of-a-kind	100% minor		100% minor		100% minor	
Straight	100% mini		100% mini		100% mini	
Flush	100% micro		100% micro		100% micro	
Two pair	40 to 1		40 to 1		40 to 1	
All same color	20 to 1		20 to 1		20 to 1	
Pair	10 to 1		10 to 1		10 to 1	
Dealer Blackjack	5 to 1		5 to 1		5 to 1	
Dealer ace up (no Blackjack)	2 to 1		2 to 1		2 to 1	
Mega meter seed/reseed	\$50,000		\$25,000		\$10,000	
Mega increment rate	6%		7%		7.5%	
Major meter seed/reseed	\$5,000		\$5,000		\$5,000	
Major increment rate	2%		2%		2%	
Minor meter seed/reseed	\$500		\$500		\$500	
Minor increment rate	3%		3%		3%	
Mini meter seed/reseed	\$300		\$300		\$300	
Mini increment rate	3%		3%		3%	
Micro meter seed/reseed	\$250		\$250		\$250	
Micro increment rate	3%		3%		3%	

§ 633c.3. Match the Dealer progressive wager.

(a) A certificate holder may offer players the option to place a Match the Dealer progressive wager that one or both of the player’s cards will match the dealer’s upcard in one of the following combinations:

(1) *Two suited match, aces of spades*—Both of the player’s cards and the dealer’s upcard are matching aces of spades.

(2) *Two suited match, all others*—Both of the player’s cards and the dealer’s upcard are matching in suit and rank.

(3) *One non-suited match and one suited match*—One of the player’s cards matches the suit and rank of the dealer’s upcard and the player’s other card matches the rank of the dealer’s upcard.

(4) *One suited match*—One of the player’s cards matches the suit and rank of the dealer’s upcard.

(5) *Two non-suited matches*—Both of the player’s cards match the rank of the dealer’s upcard.

(6) *One non-suited match*—One of the player’s cards matches the rank of the dealer’s upcard.

(b) The Match the Dealer progressive wager may be played on a Blackjack table that utilizes 6 decks or 8 decks of cards.

(c) The layout for a Blackjack 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 if the certificate holder offers the Match the Dealer progressive wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area designated for the placement of the Match the Dealer progressive wager for each player.

(d) If the certificate holder is offering the Match the Dealer progressive wager, the Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Match the Dealer progressive wager. 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 the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers), the option of placing a Match the Dealer progressive wager of \$1 or \$5.

(f) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers including the Match the Dealer progressive wager, the dealer shall announce “no more bets” and, if the Match the Dealer progressive

wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 633a.7(a)—(g) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle the Match the Dealer progressive wager as follows:

(1) If the player does not have a card that matches the dealer’s upcard, the Match the Dealer progressive wager shall lose and the dealer shall continue the hand in accordance with § 633a.7(i)—(t).

(2) If the player has one of the winning combinations provided in subsection (a), the dealer shall settle the Match the Dealer progressive wager as provided in subsection (h).

(h) If a player has won a Match the Dealer progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Match the Dealer progressive wager in accordance with the payout odds in subsection (i). 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.

(i) The certificate holder shall pay out a winning Match the Dealer wager, for the winning combination formed, at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	12 to 1	10 to 1	8 to 1	75 to 1
One suited match	10 to 1	7 to 1	4 to 1	4 to 1
Two non-suited matches	4 to 1	6 to 1	8 to 1	15 to 1
One non-suited match	2 to 1	3 to 1	4 to 1	3 to 1

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	12 to 1	13 to 1	11 to 1	100 to 1
One suited match	9 to 1	10 to 1	7 to 1	5 to 1
Two non-suited matches	6 to 1	6 to 1	8 to 1	20 to 1
One non-suited match	3 to 1	3 to 1	4 to 1	3 to 1

<i>Six Decks</i>		
<i>Result</i>	<i>Paytable 9</i>	<i>Paytable 10</i>
Two suited match—aces of spades	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive
One non-suited and one suited match	15 to 1	13 to 1
One suited match	12 to 1	9 to 1
Two non-suited matches	6 to 1	8 to 1
One non-suited match	3 to 1	4 to 1

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	9 to 1	12 to 1	8 to 1	75 to 1
One suited match	6 to 1	10 to 1	4 to 1	4 to 1
Two non-suited matches	6 to 1	4 to 1	8 to 1	15 to 1
One non-suited match	3 to 1	2 to 1	4 to 1	3 to 1

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited Match	12 to 1	10 to 1	13 to 1	14 to 1
One suited match	9 to 1	6 to 1	10 to 1	11 to 1
Two non-suited matches	6 to 1	8 to 1	6 to 1	6 to 1
One non-suited match	3 to 1	4 to 1	3 to 1	3 to 1

<i>Eight Decks</i>		
<i>Result</i>	<i>Paytable 9</i>	<i>Paytable 10</i>
Two suited match—aces of spades	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive
One non-suited and one suited match	100 to 1	15 to 1
One suited match	5 to 1	12 to 1
Two non-suited matches	20 to 1	6 to 1
One non-suited match	3 to 1	3 to 1

(j) The initial seed amount of the progressive wager shall be 1,000× the wager amount offered by the certificate holder, and the primary incrementation rate and secondary incrementation rate shall be 15% and 6%.

**§ 633c.4. Switch hands and Blackjack premium.**

(a) If the certificate holder offers switch hands, the table layout 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 in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) shall contain:

(1) A separate area for each player designated for the placement of the switch hands ante which contains the inscription “ante \$1 for every \$5 bet.”

(2) A separate area for each player designed for the placement of the switch hand cards.

(3) An inscription advising that “switch hands colored or suited Blackjacks pay 2 to 1.”

(b) A Blackjack wager placed in accordance with § 633a.6(d) (relating to wagers) shall be placed in \$5 increments.

(c) In addition to the Blackjack wager required under § 633a.6(d), a player shall place a switch hands ante equal to \$1 for every \$5 Blackjack wager placed.

(d) After placing a Blackjack wager, the switch hands ante and any optional wagers offered by the certificate holder, the dealer shall deal, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner:

(1) One switch hands card, face down, on the designated area of the table layout.

(2) A second switch hands card, face down on the designated area of the table layout.

(e) After dealing the player’s switch hands cards, the dealer shall deal the player’s Blackjack hand in accordance with § 633a.7(a)—(f) (relating to procedure for dealing the cards; completion of each round of play).

(f) Prior to any other cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, ask if the player would like to discard the player’s two upcards and play the two face-down cards or discard the two face-down switch hand cards. For each player who chooses to play:

(1) The two face-up cards, the dealer shall collect the two face-down cards and place them, unexposed, in the discard rack.

(2) The two face-down cards, the dealer shall collect the two face-up cards and place them in the discard rack. The dealer shall then turn over the two face-down cards and place them face up on the table.

(g) After the procedures in subsection (f) have been completed, the dealer shall complete the dealing procedures in § 633a.7(g)—(t) provided that a winning Blackjack wager shall be paid in accordance with the payout odds in subsection (i).

(h) A player may surrender on the initial two cards dealt or a switch hand, may double down or split pairs in accordance with §§ 633a.9—633a.11 (relating to surrender; Double Down wager; and splitting pairs).

(i) For players who:

(1) Did not switch hands, the certificate holder shall pay each winning Blackjack wager at odds of 1 to 1 with the exception of player Blackjack which shall be paid at odds of 3 to 2.

(2) Did switch hands, the certificate holder shall pay each winning Blackjack wager in accordance with paragraph (1) provided that:

(i) If the player has a winning hand containing a same suit or same color Blackjack, the winning Blackjack wager shall be paid out at odds of 2 to 1.

(ii) If specified in its Rules Submission required under § 601a.10(a), if both the player and dealer have Blackjack, instead of returning the player’s Blackjack wager, the certificate holder may pay a tie Blackjack at odds of 1 to 2.

(j) Notwithstanding the requirements in subsections (d) and (e), a certificate holder may deal the two switch hands cards as provided in subsection (d) after dealing the Blackjack hands in accordance with subsection (e).

(k) If specified in its Rules Submission under § 601a.10(a), the certificate holder may offer Blackjack premium in which a player may play, on the same gaming table, either switch hand in accordance with previous subsections (a)—(j) or elect to not place a switch hand ante and play only Blackjack in accordance with Chapter 633a (relating to Blackjack). A player who elects to play only Blackjack may not elect to switch hands after the dealer has started dealing the cards.

(l) If offering Blackjack premium, the switch hand ante is optional and shall remain on the layout until the dealer has dealt the cards in accordance with subsections (d) and (e). If a player elects to switch hands, the dealer shall collect the player’s two face-up cards, placing them in the discard rack.

(m) After the procedures in subsection (l) have been completed, the dealer shall complete the dealing procedures in § 633a.7(h)—(t) provided that a winning Blackjack wager shall be paid in accordance with the payout odds in subsection (o).

(n) A player may surrender on the initial two cards dealt or a switch hand, may double down or, split pairs in accordance with §§ 633a.9—633a.11.

(o) The certificate holder shall pay out a winning Blackjack wager at odds of 1 to 1 and player Blackjack at odds of 3 to 2 unless both the dealer and player have Blackjack which shall pay out at odds of 1 to 2 provided that if the player placed a switch hands ante, the certificate holder shall pay a same suit or same color Blackjack at odds of 2 to 1.

#### § 633c.5. Blackjack played on a hybrid gaming table.

(a) Hybrid gaming tables and electronic wagering terminals used to play Blackjack shall comply with the requirements in Chapter 605a (relating to electronic gaming tables).

(b) The layout for Blackjack played on a hybrid gaming table shall be submitted to the Bureau of Gaming Operations for approval 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) Three designated boxes for the placement of player’s cards.

(3) A designated box for the placement of the dealer’s cards.

(4) A community box for the placement of additional cards drawn by the dealer.

(c) Each electronic wagering terminal connected to a hybrid gaming table shall contain, at a minimum:

(1) An electronic layout submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a).

(2) A game rules icon explaining the rules of Blackjack play, including that Blackjack pays 3 to 2, dealer stands on all soft 17s and insurance pays 2 to 1, and any rules selected by the certificate holder regarding the action that may automatically be taken at the conclusion of the countdown clock when a player does not elect to hit or stand.

(3) If the certificate holder is offering the Buzzer Beater wager, a game rules icon explaining the optional wager and the payout odds.

(d) Each hybrid gaming table offering Blackjack must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the hybrid gaming table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Unless a continuous shuffler is used, each hybrid gaming table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

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

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

(f) Blackjack played on a hybrid gaming table shall be played with six decks or eight decks of cards that are identical in appearance and a card shuffling device.

(g) The decks of cards opened for use at a hybrid gaming table offering Blackjack shall be changed at least once every 24 hours.

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

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

(2) A 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.

(i) After receiving six decks or eight decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(j) Unless the decks of cards received at the table were pre-inspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards, stacked and shuffled using an automated card shuffling device so that the cards are randomly intermixed. Upon completion of the shuffle, the cards shall be placed in the dealing shoe. Cards shall be dealt from a dealing shoe that reads the value of the cards which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

(k) A Blackjack wager played on hybrid gaming tables shall be placed using each player's electronic wagering terminal. Wagers, except an Insurance wager under § 633a.8 (relating to Insurance wager), a Double Down wager under § 633a.10 (relating to Double Down wager) or a wager on split pairs under § 633a.11 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play.

(l) To participate in a round of play, each player shall select a player position between one and three. To compete against the dealer's hand, each player shall electronically place a Blackjack wager.

(m) If specified in its Rules Submission required under § 601a.10(a), a certificate holder may offer to each player who placed a Blackjack wager, the option of placing a Buzzer Beater wager that the player's hand will have a point count of 19 or greater and will lose against the dealer's hand.

(n) At the commencement of each round of play, the dealer shall, starting with the player position farthest to the dealer's left that was selected by any player for that round of play and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face up to each player position on the hybrid gaming table layout that was selected by any player.

(2) One card face up to the dealer.

(3) A second card face up to each player position on the hybrid gaming table layout.

(4) A second card face down to the dealer.

(o) If the dealer's first card is an ace, the dealer shall offer the Insurance wager or even money in accordance with § 633a.8. If the dealer's first card is an ace, king, queen, jack or 10, the dealer shall then determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Blackjack wager and the Buzzer Beater wager, if applicable, shall be settled.

(p) After the procedures in subsection (o) have been completed, if necessary, and if the player position:

(1) Has Blackjack and the dealer's upcard is a 2, 3, 4, 5, 6, 7, 8 or 9, the Blackjack shall be electronically paid in accordance with subsection (v)(1). If any Buzzer Beater wagers were placed on that player position, the losing Buzzer Beater wagers shall be cleared.

(2) Does not have Blackjack, each player shall electronically indicate whether he wishes to double down as permitted under § 633a.10, split pairs as permitted under § 633a.11, stand or draw additional cards. A player who takes no action by the conclusion of the countdown clock will be deemed to stand on his hand.

(q) If any player elects to double down, split or draw additional cards, the dealer shall draw additional cards face up. The drawn cards shall be used as community cards for all player positions.

(r) A player may elect to electronically hit to draw additional cards whenever the point count for his chosen player position is less than 21, except that:

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

(2) A player electing to make a Double Down wager will utilize only the first community card.

(s) After the decisions of each player position have been implemented and all additional community cards have been dealt, the dealer shall turn the hole card face up. A additional cards required to be dealt to the hand of the dealer shall be dealt face up. The dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(t) A player's Blackjack wager shall:

(1) Win and be electronically paid in accordance with the payout odds in subsection (v)(1) if:

(i) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(ii) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(iii) The player has a Blackjack and the dealer's hand has a total point count of 21 in more than two cards.

(2) Push if the total point count of the player's hand is the same as the dealer's.

(3) Be lost if:

(i) The total point count of the player's hand is in excess of 21 and the total point count of the dealer's hand is 21 or less.

(ii) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(iii) The dealer has a Blackjack and the player's hand has a total point count of 21 in more than two cards.

(u) If any player placed a Buzzer Beater wager, the player's Buzzer Beater wager shall:

(1) Win and be electronically paid in accordance with subsection (v)(3) if the player's hand was a 19, 20, 21 or a Blackjack and the dealer's hand was equal to or greater than the player's hand without exceeding 21.

(2) Lose and be electronically collected if:

(i) The player's hand beat the dealer's hand.

(ii) The dealer's hand beat the player's hand and the player did not have a 19, 20, 21 or Blackjack.

(v) Payout odds:

(1) Each winning Blackjack wager shall be paid electronically at odds of 1 to 1 with the exception of player Blackjack which shall be paid at odds of 3 to 2.

(2) A winning Insurance wager shall be paid electronically at odds of 2 to 1.

(3) A winning Buzzer Beater wager shall be paid electronically at the following odds:

<i>Player Hand</i>	<i>Dealer Hand</i>	<i>Payout Odds</i>
Blackjack	Blackjack	5 to 1
20	20	5 to 1
20	21 or Blackjack	30 to 1
19	19	5 to 1
19	20	10 to 1
19	21 or Blackjack	10 to 1

(w) A certificate holder may offer a version of Blackjack on a hybrid gaming table whereby the dealer does not receive a hole card. If offering this version of Blackjack, subsections (a), (c)(1) and (2) and (d)—(k) apply in addition to the following provisions.

(x) To participate in a round of play, the player shall electronically place a Blackjack wager. If specified in its Rules Submission required under § 601a.10(a), the certificate holder may offer to each player who placed a Blackjack wager the option of placing electronically a Royal Match 21 wager, a Bet the Set wager or a Kings Bounty wager as provided in § 633a.6(e)(4)—(6) (relating to wagers).

(y) At the commencement of each round of play, the dealer shall deal the cards as follows:

(1) One card face up, which shall be used as all players' first card.

(2) A second card face up, which shall be used as the dealer's first card.

(3) A third card face up, which shall be used as all players' second card.

(4) Cards dealt after the first three shall be community cards and may be designated to a player or to the dealer depending on the choices each player makes with respect to his hand.

(z) If the dealer's first card is an ace, the electronic wagering terminal shall offer the Insurance wager in accordance with § 633a.8. Each player shall electronically indicate whether he wishes to place an Insurance wager, if applicable, or to surrender as permitted under § 633a.9 (relating to surrender), double down as permitted under § 633a.10, split pairs for a total of two hands as permitted under § 633a.11, stand or draw additional cards. A player may elect to electronically draw additional cards whenever the point count for his chosen player position is less than 21, except that a player having Blackjack or a hard or soft total of 21 may not draw additional cards. A player who takes no action by the conclusion of the countdown clock will be deemed to stand on his hand provided that if the certificate holder selects different options, such as a player's hand of an 11 will automatically hit if the player takes no action at the conclusion of the countdown clock, those options shall be explained to the player in the game rules icon as provided in subsection (c)(2).

(aa) After the decisions of each player position have been implemented, the dealer shall deal a community card face up which shall be used as follows:

(1) If the player's two cards gave the player Blackjack, the community card dealt shall be used as the dealer's hole card. If the hole card:

(i) Also gave the dealer a Blackjack, the player's Blackjack wager shall push and be electronically returned to the player and, if applicable, the winning Insurance wager shall be electronically paid in accordance with subsection (ee)(1).

(ii) Did not give the dealer Blackjack, the player's winning Blackjack wager shall be paid in accordance with subsection (ee)(2) and the losing Insurance wager, if applicable, shall be electronically collected.

(2) If the player's two cards did not give the player Blackjack but the player elected to stand and not receive additional cards, the first community card dealt shall be used as the dealer's hole card. If the hole card:

(i) Gives the dealer a Blackjack, no additional community cards shall be designated to the player or dealer's hand and the player's losing Blackjack wager shall be electronically collected. If applicable, the winning Insurance wager shall be electronically paid in accordance with subsection (ee)(1).

(ii) Did not give the dealer Blackjack, the losing Insurance wager, if applicable, shall be electronically collected. The community cards revealed thereafter shall be added to the dealer's hand in accordance with subsection (bb).

(3) If the player's two cards did not give the player Blackjack and the player elected to hit, split pairs or double down, the first community card shall be added to the player's hand. If a player:

(i) Split aces or doubled down in accordance with §§ 633a.10 and 633a.11, the player's hand shall be complete after the first community card is dealt and the player may not hit to receive additional community cards. After the first community card is designated to the player's hand, if the player's hand is over 21 before any additional cards are revealed, the player's losing Blackjack wager shall be electronically collected. The community cards revealed thereafter shall be added to the dealer's hand in accordance with subsection (bb).

(ii) Elected to hit or split pairs, other than aces, the player may then stand or may elect to continue to hit and receive additional community cards added to the player's hand until the point count of each of the player's hands is a hard or soft 21 or less. If the player's hand is over 21 before the dealer's second/hole card is revealed, the player's losing Blackjack wager shall be electronically collected. Once a player stands, the community cards revealed thereafter shall be added to the dealer's hand in accordance with subsection (bb).

(bb) Once the player has made all decisions with respect to his hand or hands, the next card dealt shall be designated to the dealer's hand. If the dealer's two cards:

(1) Gives the dealer a Blackjack, no additional community cards shall be designated to the dealer's hand and the player's losing Blackjack wager shall be electronically collected. If applicable, the winning Insurance wager shall be electronically paid in accordance with subsection (ee)(1). If a player split pairs and the dealer's second card gave the dealer Blackjack, the amount of the original wager of the player shall be electronically collected and if the player's split hand did not exceed 21, the additional amount wagered in splitting pairs shall be electronically returned to the player.

(2) Does not give the dealer a Blackjack, the losing Insurance wager, if applicable, shall be electronically collected. The additional community cards dealt thereafter shall be designated to the dealer's hand until the point count of the dealer's hand is a hard or soft total of 17, 18, 19, 20 or 21.

(cc) A player's Blackjack wager shall win, lose or push as provided in subsection (t).

(dd) If any player placed a Royal Match wager, a Bet the Set wager or a King's Bounty wager, those wagers shall be electronically settled in accordance with § 633a.7(g)(4)—(6) (relating to procedure for dealing the cards; completion of each round of play).

(ee) Payout odds:

(1) A winning Insurance wager shall be paid electronically at odds of 2 to 1.

(2) Each winning Blackjack wager shall be paid electronically at odds of 1 to 1 with the exception of player Blackjack which shall be paid at odds of 3 to 2.

(3) The certificate holder shall pay out winning Royal Match and the Crown Treasure bonus as provided in § 633a.13(f) (relating to payout odds; payout limitation).

(4) The certificate holder shall pay out a winning Bet the Set wager as provided in § 633a.13(g).

(5) The certificate holder shall pay out a winning King's Bounty wager as provided in § 633a.13(h).

**§ 633c.6. Super 4 progressive Blackjack wager.**

(a) A certificate holder may offer players the option to place a Super 4 progressive Blackjack wager that the

dealer's two cards and the player's two cards will form any of the following winning Super 4 progressive combinations:

(1) *Royal flush* (chosen suit)—The player's two cards and the dealer's two cards containing an ace, king, queen and jack of the certificate holder's chosen suit with the dealer's hand containing the ace of the same suit.

(2) *Royal flush* (other suit)—The player's two cards and the dealer's two cards containing an ace, king, queen and jack of one the other remaining three suits, with the dealer's hand containing the ace of the same suit.

(3) *Three-of-a-kind*—Dealer Blackjack and the player's two cards and the dealer's two cards contain three cards of the same rank.

(4) *Straight*—Four cards of more than one suit in consecutive rank with the dealer's hand containing the ace and a ten-value card.

(5) *Flush*—Dealer Blackjack and the player's two cards and the dealer's two cards are all the same suit.

(6) *Two pair*—Dealer Blackjack and player Blackjack with the dealer's two cards identical in suit and rank with the player's two cards.

(7) *All cards same color*—Dealer Blackjack and the player's two cards and the dealer's two cards are all of the same color.

(8) *Pair*—Dealer Blackjack with the four cards dealt to the player and the dealer containing two cards of the same suit and rank.

(9) A hand with dealer Blackjack.

(10) *Dealer ace up*—Dealer's upcard is an ace but the dealer does not have a Blackjack.

(b) The Super 4 progressive wager may be played on a Blackjack table that utilizes 1, 2, 4, 6 or 8 decks of cards.

(c) The layout for a Blackjack 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 if the certificate holder offers the Super 4 progressive wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area for the placement of the Super 4 progressive wager for each player.

(d) If the certificate holder is offering the Super 4 progressive wager, the Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Super 4 progressive wager. 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 the requirements in § 605a.7 and § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced "no more bets."

(e) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers), the option of placing a Super 4 progressive wager of \$5.

(f) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers, including the Super 4 progressive wager, the dealer shall announce “no more bets” and, if the Super 4 progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 633a.7(a)—(g) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall determine if he has a Blackjack as provided in § 633a.7(h). If the dealer:

(1) Does not have an ace showing or have a Blackjack, all Super 4 progressive wagers shall lose and the dealer

shall continue the hand in accordance with § 633a.7(i)—(t).

(2) Has an ace showing or a Blackjack, the dealer shall settle each player’s winning Super 4 progressive wager as provided in subsection (h).

(h) If a player has won a Super 4 progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Super 4 progressive wager in accordance with the payout odds in subsection (i). 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.

(i) The certificate holder shall pay out winning Super 4 progressive wagers, for the highest ranking four-card hand formed, at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable 1—Option 1</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$50,000	6%
Royal flush (other suit)	Heart progressive	\$5,000	7%
Three-of-a-kind	Spade progressive	\$500	7%
Straight	\$750		
Flush	\$250		
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		

<i>Paytable 1—Option 2</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$25,000	7%
Royal flush (other suit)	Heart progressive	\$5,000	7%
Three-of-a-kind	Spade progressive	\$500	7%
Straight	\$750		
Flush	\$250		
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		



<i>Paytable 1—Option 3</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$10,000	7.5%
Royal flush (other suit)	Heart progressive	\$5,000	7%
Three-of-a-kind	Spade progressive	\$500	7%
Straight	\$750		
Flush	\$250		
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		

<i>Paytable 2—Option 1</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$50,000	6%
Royal flush (other suit)	Heart progressive	\$5,000	5%
Three-of-a-kind	Spade progressive	\$500	3%
Straight	Diamond progressive	\$300	3%
Flush	\$250		
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		

<i>Paytable 2—Option 2</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$25,000	6%
Royal flush (other suit)	Heart progressive	\$5,000	5%
Three-of-a-kind	Spade progressive	\$500	3%
Straight	Diamond progressive	\$300	3%
Flush	\$250		
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		

<i>Paytable 3—Option 1</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$50,000	6%
Royal flush (other suit)	Heart progressive	\$5,000	2%
Three-of-a-kind	Spade progressive	\$500	3%
Straight	Diamond progressive	\$300	3%
Flush	Club progressive	\$250	3%
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		

<i>Paytable 3—Option 1</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		
No dealer face up ace	Loss		

<i>Paytable 3—Option 2</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$25,000	6%
Royal flush (other suit)	Heart progressive	\$5,000	2%
Three-of-a-kind	Spade progressive	\$500	3%
Straight	Diamond progressive	\$300	3%
Flush	Club progressive	\$250	3%
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		

<i>Paytable 3—Option 3</i>			
<i>Outcome</i>	<i>Award</i>	<i>Seed and Reseed</i>	<i>Increment Rate</i>
Royal flush in chosen suit	Star progressive	\$10,000	6%
Royal flush (other suit)	Heart progressive	\$5,000	2%
Three-of-a-kind	Spade progressive	\$500	3%
Straight	Diamond progressive	\$300	3%
Flush	Club progressive	\$250	3%
Two pair	\$200		
All cards same color	\$100		
Pair	\$50		
Any hand w/dealer Blackjack	\$25		
Dealer ace up	\$10		

(j) If the progressive table game system utilized by the certificate holder has the capability to offer a mystery progressive, the seed and reseed amount, random must hit by amount, and incrementation rate shall be as follows:

<i>Configuration</i>	<i>Reseed</i>	<i>Random must hit by</i>	<i>Increment rate</i>
1	\$250	\$1,000	5%
2	\$100	\$500	5%
3	\$100	\$200	2%

**§ 633c.7. Top 3 wager.**

(a) If the certificate holder offers the Three Card Poker wager authorized under § 633a.6(e)(9) (relating to wagers), the certificate holder may also offer the Top 3 wager which shall win if the player’s two cards and the dealer’s upcard form a three-of-a-kind or a straight flush.

(b) The layout for a Blackjack table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Three Card Poker wager and

the Top 3 wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area designated for the placement of the Top 3 wager for each player.

(c) After placing a Blackjack wager, as required under § 633a.6(d), and a Three Card Poker wager, a player may place a Top 3 wager by placing a value chip on the designated area of the table layout.

(d) The dealer shall then deal the cards in accordance with § 633a.7(a)—(f) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle a Three Card Poker wager in accordance with § 633a.7(g)(8) and a Top 3 wager. If the player’s two cards and the dealer’s upcard:

(1) Do not contain a three-of-a-kind or a straight flush of three cards in sequence and of the same suit, the dealer shall collect the player’s losing Top 3 wager.

(2) Contain a three-of-a-kind or a straight flush of three cards in sequence and of the same suit, the dealer

shall pay the winning Top 3 wager in accordance with subsection (e).

(e) The certificate holder shall pay out a winning Top 3 wager for the highest ranking three-card hand formed, at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Three-of-a-kind suited	270 to 1	1000 to 1
Straight flush	180 to 1	100 to 1
Three-of-a-kind	90 to 1	70 to 1

(f) After settling the player's Three Card Poker wager and Top 3 wager, the dealer shall complete the dealing procedures in § 633a.7(h)—(t).

**§ 633c.8. Lucky Aces wager.**

(a) If the certificate holder offers Blackjack on a fully automated electronic gaming table, the certificate holder may offer players the option to place a Lucky Aces wager which shall win if the player's two cards and the dealer's two cards contain at least one ace.

(b) The layout for a Blackjack table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of

table game layouts, signage and equipment) and if the certificate holder offers the Lucky Aces wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area designated for the electronic placement of the Lucky Aces wager for each player.

(c) After placing a Blackjack wager, as required under § 633a.6(d) (relating to wagers), a player may place a Lucky Aces wager by electronically placing a value chip on the designated area of the table layout.

(d) The dealer shall then deal the cards in accordance with § 633a.7(a)—(l) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the dealer's hole card is turned face up on the layout, the dealer shall settle a Lucky Aces wager. If any of the player's two cards or the dealer's two cards:

(1) Do not contain an ace, the losing Lucky Aces wagers shall be collected.

(2) Contain an ace, the winning Lucky Aces wagers shall be paid in accordance with subsection (e) based on the number of aces in the player hands and dealer hands.

(e) The certificate holder shall pay out a winning Lucky Aces wager at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
four aces	500 to 1	500 to 1	1000 to 1	2000 to 1
three aces same suit	250 to 1	250 to 1	500 to 1	500 to 1
three aces	20 to 1	30 to 1	35 to 1	15 to 1
two aces same suit	8 to 1	12 to 1	16 to 1	10 to 1
two aces	5 to 1	5 to 1	5 to 1	4 to 1
one ace of diamonds	2 to 1	2 to 1	2 to 1	2 to 1
one ace	1 to 1	1 to 1	1 to 1	1 to 1

(f) After settling the player's Lucky Aces wager, the dealer shall complete the dealing procedures in § 633a.7(m)—(t).

**§ 633c.9. Blazing 7's progressive wager.**

(a) The layout for a Blackjack 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 if the certificate holder offers the Blazing 7's progressive wager authorized under subsection (b), the layout shall contain a separate area designated for the placement of the Blazing 7's progressive wager for each player. The Blackjack table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of a Blazing 7's progressive wager. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Blazing 7's progressive wager.

(2) A device that controls or monitors the placement of progressive payout wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the

placement of a Blazing 7's progressive wager that a player attempts to place after the dealer has begun dealing the cards.

(b) 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 Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing a Blazing 7's progressive wager which shall win if either of the player's initial two cards is a seven.

(c) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers, including the Blazing 7's progressive wager, the dealer shall deal the cards in accordance with § 633a.7(a)—(f) (relating to procedure for dealing the cards; completion of each round of play).

(d) The dealer shall settle any optional wagers in accordance with § 633a.7(g) and complete the dealing procedures in § 633a.7(h)—(o). After settling all other optional wagers, if a player placed a Blazing 7's progressive wager:

(1) And the player chose to split, the Blazing 7's progressive wager shall be based on the two sevens and the third card dealt to the player.

(2) And the player busts, the bust card shall not count toward the player's Blazing 7's progressive wager.

(3) The player's hand shall win if either of the player's first two cards is a seven. If a player has only one seven in the first two cards, hits and receives another seven, the player shall be paid out in accordance with subsections (e) and (f) for only the seven contained in the initial two cards dealt to the player.

(4) And if the first two cards of the player are sevens and the player hits and receives another seven, the player shall be paid out for three sevens in accordance with subsections (e) and (f). If a dealer has Blackjack and the first two cards of the player are sevens, the player shall be dealt an additional card to determine if the player receives an additional seven.

(e) If a player has won the Blazing 7's progressive wager, the dealer shall:

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

(2) Have a floorperson or above verify any Blazing 7's progressive payout with odds greater than 200 for 1 in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(3) Pay the player the winning Blazing 7's progressive wager in accordance with subsection (f). If a player has won a progressive payout that is 10% or more 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 the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

(f) The certificate holder shall pay out a winning Blazing 7's progressive wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B
Three 7s same suit	100% of meter	N/A
Three 7s diamonds	N/A	100% of meter
Three 7s—clubs, spades, hearts	N/A	10% of meter
Three 7s same color	10% of meter	500 to 1
Three 7s	200 to 1	200 to 1
First two cards (two 7s)	25 to 1	25 to 1
Either of first two cards (one 7)	2 to 1	2 to 1

(g) The rate of progression for the meter used for the Blazing 7's progressive wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and shall be at least \$2,000 if the required Blazing 7's progressive wager is \$1 and \$10,000 if the required Blazing 7's progressive wager is \$5.

(h) Notwithstanding the requirements in subsection (d)(4), if the first two cards of the player are sevens, the certificate holder may utilize a dealing procedure wherein

the dealer's upcard rather than a player's drawn card shall be used to determine whether the player receives a payout for three sevens in accordance with subsections (e) and (f). The certificate holder shall specify in its Rules Submission required under § 601a.2 if this dealing procedure is being utilized.

**§ 633c.10. Blackjack Match progressive.**

(a) A certificate holder may offer players the option to place a Blackjack Match progressive wager that the dealer's two cards and the player's two cards will form any of the following winning Blackjack Match progressive combinations:

(1) *Ace-king matching suited Blackjacks*—Both dealer and player have Blackjack consisting of an ace-king with the dealer's two cards identical in suit with the player's two cards.

(2) *Matching suited Blackjacks*—Both dealer and player have Blackjack with the dealer's two cards identical in suit and rank with the player's two cards, other than an ace-king. For example a player's ace-ten of spades and the dealer's ace-ten of spades.

(3) *Player and dealer suited Blackjacks*—Both dealer and player have Blackjack with the dealer's two cards identical in suit, but not rank, with the player's two cards. For example a player's ace-ten of spades and the dealer's ace-queen of spades.

(4) *Player and dealer Blackjacks*—Both dealer and player have Blackjack but the player's hand and the dealer's hand do not match in suit or rank.

(5) *Player suited Blackjack*—Player has Blackjack of the same suit and the dealer's two cards are not a Blackjack.

(6) *Player Blackjack*—Player's two cards are a Blackjack but are not the same suit and the dealer's two cards are not a Blackjack.

(7) *Player any ace*—Player's two cards are not a Blackjack but contain at least one ace.

(b) The Blackjack Match progressive wager shall be played on a Blackjack table that utilizes 6 decks or 8 decks of cards.

(c) The layout for a Blackjack 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 if the certificate holder offers the Blackjack Match progressive wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area for each player designated for the placement of the Blackjack Match progressive wager.

(d) If the certificate holder is offering the Blackjack Match progressive wager, the Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Blackjack Match progressive wager. 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 the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing either a \$1 or \$5 Blackjack Match progressive wager as selected by the certificate holder in its Rules Submission.

(f) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers, including the Blackjack Match progressive wager, the dealer shall announce “no more bets” and, if the Blackjack Match progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 633a.7(a)—(g) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, the dealer shall determine if he has a Blackjack as provided in § 633a.7(h), if applicable. After determining whether the dealer has Blackjack, if applicable, but prior to any additional cards being dealt, the dealer shall settle all Blackjack Match progressive wagers. If any player placed a Blackjack Match progressive wager, and the first two cards dealt to the player:

(1) Do not contain an ace or Blackjack, the Blackjack Match progressive wager shall be lost.

(2) Contain an ace or Blackjack, the dealer shall settle each player’s winning Blackjack Match progressive wager as provided in subsection (h).

(h) If a player has won a Blackjack Match progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Blackjack Match progressive wager in accordance with the payout odds in subsection (i). 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.

(5) Pay any envy bonus, if selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2. A player making a Blackjack Match progressive wager shall receive an envy bonus when another player at the same Blackjack table and the dealer are holders of Matching Suited Blackjacks, as defined in subsection (a). Players are entitled to multiple envy bonuses if more than one other player and the dealer have Matching Suited Blackjacks. A player is not entitled to an envy bonus for his own hand. Blackjack Match envy bonus payouts shall be made in accordance with the payouts in subsection (k).

(i) The certificate holder shall pay out a winning Blackjack Match progressive wager at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Ace-king matching suited Blackjack	100% of meter	100% of meter
Matching suited Blackjack	10% of meter	10% of meter
Player and dealer suited Blackjacks	200 to 1	200 to 1
Player and dealer Blackjacks	30 to 1	30 to 1
Player suited Blackjacks	10 to 1	10 to 1
Player Blackjack	5 to 1	5 to 1
Player any ace	3 to 1	3 to 1
Seed amount	\$10,000	\$5,000
Increment rate	13%	13%
Secondary seed	2.5%	3.25%

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Ace-king matching suited Blackjack	100% of meter	100% of meter
Matching suited Blackjack	10% of meter	10% of meter
Player and dealer suited Blackjacks	300 to 1	300 to 1
Player and dealer Blackjacks	50 to 1	50 to 1
Player suited Blackjacks	10 to 1	10 to 1
Player Blackjack	5 to 1	5 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Player any ace	2 to 1	2 to 1
Seed amount	\$10,000	\$5,000
Increment rate	13%	13%
Secondary seed	2.5%	3.25%

(j) If in the same round of play two or more players have won the same progressive jackpot amount on the progressive meter, the jackpot amount shall be split equally between the winning players. For example, if two players have ace-king matching suited Blackjacks in the same round of play, both players shall split 100% of the progressive jackpot amount equally.

(k) If selected by a certificate holder, a player shall be paid an envy bonus in accordance with the payout tables as follows depending on the value of the Blackjack Match progressive wager selected by the certificate holder in its Rules Submission:

<i>Hand</i>	<i>\$1 Blackjack Match Wager offered</i>	<i>\$5 Blackjack Match Wager offered</i>
Ace-king matching suited Blackjack	\$600	\$3,000
Matching suited Blackjack	\$200	\$1,000

(l) After settling the Blackjack Match progressive wagers, the dealer shall continue the hand in accordance with § 633a.7(i)—(t).

**§ 633c.11. TriLux Deluxe wager.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing a TriLux Deluxe wager which shall win if the player’s initial two cards and the dealer’s upcard form a flush, straight, three-of-a-kind or straight flush.

(b) The layout for the Blackjack table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the TriLux Deluxe wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the layout shall contain a separate area designated for the placement of the TriLux Deluxe wager and TriLux Deluxe Press.

(c) After placing a Blackjack wager, as required in § 633a.6(d), a player may place a TriLux Deluxe wager before each round of Blackjack at any time before the

dealer calls, “no more bets.” A TriLux Deluxe wager may not exceed 2x the Blackjack wager.

(d) The dealer shall deal the cards in accordance with § 633a.7(a)—(f) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, settle the player’s optional wagers in accordance with § 633a.7(g) by collecting all losing wagers and paying all winning wagers. If a player placed a TriLux Deluxe wager and the player’s initial two cards and the dealer’s upcard:

(1) Are a flush, straight, three-of-a-kind or straight flush, the dealer shall pay the TriLux Deluxe wager in accordance with subsection (h).

(2) Are not a flush, straight, three-of-a-kind or straight flush, the dealer shall collect the TriLux Deluxe wager.

(e) If a player’s TriLux Deluxe wager wins, the dealer shall give the player the option to collect his winnings, or cap his initial Blackjack wager with all or a portion of the player’s initial TriLux Deluxe wager winnings. If the player chooses to cap his initial Blackjack wager with all or a portion of the TriLux Deluxe wager winnings, the dealer shall move the winnings to the TriLux Deluxe Press area on the layout.

(f) If, after capping the initial Blackjack wager, the player wins his Blackjack hand, the TriLux Deluxe wager winnings will be paid even money, including instances where the player has Blackjack. The player may not cap TriLux Deluxe wager winnings to the initial Blackjack wager if the dealer has Blackjack.

(g) If, after capping the initial Blackjack wager, the player chooses to split a pair in accordance with § 633a.11 (relating to splitting pairs), the player must match the initial Blackjack wager and the portion of winnings in the TriLux Deluxe Press area added to the initial wager. A player may place a Double Down wager in accordance with § 633a.10 (relating to Double Down wager), and all standard and house rules shall apply.

(h) If a TriLux Deluxe wager wins, the payout shall be as follows:

<i>Hand</i>	<i>Paytable TLX-1</i>	<i>Paytable TLX-2</i>	<i>Paytable TLX-3</i>
Straight flush	20 to 1	20 to 1	25 to 1
Three-of-a-kind	15 to 1	15 to 1	15 to 1
Straight	9 to 1	9 to 1	8 to 1
Flush	6 to 1	5 to 1	5 to 1

(i) The payable used for the TriLux Deluxe wager shall be determined by the number of decks used at the Blackjack table as follows:

- (1) *One-deck*—Paytable TLX-1.
- (2) *Two decks*—Paytable TLX-2.
- (3) *Four decks*—Paytable TLX-3.
- (4) *Six decks*—Paytable TLX-3.
- (5) *Eight decks*—Paytable TLX-3.

(j) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

- (1) *Flush*—The player’s initial two cards and the dealer’s upcard are of the same suit.
- (2) *Straight*—The player’s initial two cards and the dealer’s upcard are sequential in rank.
- (3) *Straight flush*—The player’s initial two cards and the dealer’s upcard are sequential in rank and of the same suit.
- (4) *Three-of-a-kind*—The player’s initial two cards and the dealer’s upcard are the same rank.

**§ 633c.12. AxMan wager.**

(a) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing an AxMan wager which shall win if the cards in the dealer’s hand make up a poker hand of jacks or better pair, two pair, three-of-a-kind, full house, four-of-a-kind, straight, flush, five-of-a-kind or straight flush. The AxMan wager may only be offered at Blackjack tables using a six-deck or eight-deck batch or batches of cards.

(b) The layout for the Blackjack table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the AxMan wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the layout shall contain a separate area designated for the placement of the AxMan wager.

(c) After placing a Blackjack wager, as required in § 633a.6(d), a player may place an AxMan wager before each round of Blackjack at any time before the dealer calls, “no more bets.” An AxMan wager may be made for any amount within the table limits.

(d) The dealer shall then deal the cards in accordance with § 633a.7 (relating to procedure for dealing the cards; completion of each round of play), and the round of play shall be played and completed according to house rules and the provisions of § 633a.7, including the settling of the Blackjack wagers placed by each player.

(e) Immediately after the completion of the round of play in accordance with § 633a.7, the dealer’s hand, including the bust card if there is one, will be interpreted as a poker hand. The dealer shall then, starting with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, settle the player’s AxMan wagers by collecting all losing wagers and paying all winning wagers.

(f) If the dealer’s hand has five cards or less, including a bust card if there is one, the poker hand will consist of all cards in the dealer’s hand. If the dealer’s hand has six

or more cards, including a bust card if there is one, the poker hand will consist of the five highest cards in the dealer’s hand.

(g) If the dealer’s hand has less than five cards, the poker hands that can be created are jacks or better pair, two pair, three-of-a-kind or four-of-a-kind. If one of these hands is created, the AxMan wager is a winner and shall be settled in accordance with the payable in subsection (k).

(h) If the dealer’s hand has five cards or more, the poker hands that can be created are those listed in subsection (g) and full house, straight, flush, five-of-a-kind and straight flush. If one of these hands is created, the AxMan wager is a winner and shall be settled in accordance with the payable in subsection (k).

(i) If the dealer’s hand does not create a poker hand of jacks or better pair or greater, the AxMan wager shall lose.

(j) If the dealer has a king of diamonds card in his hand, this card shall be treated as a wild card, meaning it can be assigned any rank. If the player has one king of diamonds card in the initial two cards of his Blackjack hand, it shall act as a 2× multiplier for the player’s winning AxMan wager based upon the payable in subsection (k). If the player has two king of diamonds cards in the initial two cards of his Blackjack hand, it shall act as a 5× multiplier for the player’s winning AxMan wager based upon the payable in subsection (k).

(k) If an AxMan wager wins, the payout shall be as follows:

<i>Hand</i>	<i>Paytable</i>
Straight flush (five cards)	1000 to 1
Five-of-a-kind (five cards)	500 to 1
Flush (five cards)	200 to 1
Straight (five cards)	100 to 1
Four-of-a-kind	50 to 1
Full house (five cards)	30 to 1
Three-of-a-kind	20 to 1
Two pair	12 to 1
Jacks or better pair	5 to 1

(l) As used in this section, the following words and terms shall have the meanings given to them in this subsection:

- (1) *Five-of-a-kind*—Five of the dealer’s cards are the same rank.
- (2) *Flush*—Five of the dealer’s cards are of the same suit.
- (3) *Four-of-a-kind*—Four of the dealer’s cards are the same rank.
- (4) *Full house*—Five of the dealer’s cards are made up of a three-of-a-kind and a pair.
- (5) *Jacks or better pair*—Two of the dealer’s cards are of the same rank and are a jack, queen, king or ace.
- (6) *Straight*—Five of the dealer’s cards are sequential in rank.
- (7) *Straight flush*—Five of the dealer’s cards are sequential in rank and of the same suit.
- (8) *Three-of-a-kind*—Three of the dealer’s cards are the same rank.

(9) *Two-pair*—Four of the dealer’s cards are two separate pairs.

**§ 633c.13. Buster Blackjack wager.**

(a) If a certificate holder offers Blackjack, the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing a Buster Blackjack wager where a player places a wager as to whether the dealer’s hand will result in a total point count in excess of 21 (a “bust”).

(b) The layout for the Blackjack table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Buster Blackjack wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections), the layout shall contain a separate area designated for the placement of the Buster Blackjack wager.

(c) The Buster Blackjack wager may be offered on tables where Blackjack is played with one-deck, four-deck, six-deck or eight-deck shoes.

(d) After placing a Blackjack wager, as required in § 633a.6(d), and any other available optional wagers, a player may place a Buster Blackjack wager before each round of Blackjack at any time before the dealer calls, “no more bets.” A Buster Blackjack wager may be made for any amount within the table limits.

(e) The dealer shall then deal the cards in accordance with § 633a.7 (relating to procedure for dealing the cards; completion of each round of play), and the round of play shall be played and completed according to house rules and the provisions of § 633a.7.

(f) After all action on the players’ hands has been completed, the dealer shall draw cards to his hand until he reaches a point total of at least 17 or busts.

(g) If the dealer’s hand does not result in a bust, the Buster Blackjack wager loses and shall be collected by the dealer.

(h) If the dealer’s hand results in a bust, the Buster Blackjack wager wins and shall be paid out based upon one of the following paytables which shall be specified in the Rules Submission under § 601a.2, with the payout determined by the number of cards in the dealer’s hand when the bust occurs:

<i>Single Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Eight or more cards	250 to 1	200 to 1	250 to 1
Seven cards	50 to 1	50 to 1	50 to 1
Six cards	15 to 1	15 to 1	12 to 1
Five cards	4 to 1	4 to 1	4 to 1
Four cards	2 to 1	2 to 1	2 to 1
Three cards	2 to 1	2 to 1	2 to 1

<i>Single Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Eight or more cards	200 to 1	250 to 1	250 to 1
Seven cards	50 to 1	50 to 1	50 to 1

<i>Single Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Six cards	12 to 1	12 to 1	20 to 1
Five cards	4 to 1	3 to 1	8 to 1
Four cards	2 to 1	2 to 1	2 to 1
Three cards	2 to 1	2 to 1	1 to 1

<i>Four-Deck Shoe</i>	
<i>Dealer busts with</i>	<i>Paytable</i>
Eight or more cards	250 to 1
Seven cards	50 to 1
Six cards	15 to 1
Five cards	4 to 1
Four cards	2 to 1
Three cards	2 to 1

<i>Six-Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Eight or more cards	250 to 1	200 to 1	250 to 1
Seven cards	50 to 1	50 to 1	50 to 1
Six cards	15 to 1	15 to 1	12 to 1
Five cards	4 to 1	4 to 1	4 to 1
Four cards	2 to 1	2 to 1	2 to 1
Three cards	2 to 1	2 to 1	2 to 1

<i>Six-Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Eight or more cards	200 to 1	250 to 1	250 to 1
Seven cards	50 to 1	50 to 1	50 to 1
Six cards	12 to 1	12 to 1	20 to 1
Five cards	4 to 1	3 to 1	8 to 1
Four cards	2 to 1	2 to 1	2 to 1
Three cards	2 to 1	2 to 1	1 to 1

<i>Eight-Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Eight or more cards	250 to 1	200 to 1	250 to 1
Seven cards	50 to 1	50 to 1	50 to 1
Six cards	15 to 1	15 to 1	12 to 1
Five cards	4 to 1	4 to 1	4 to 1
Four cards	2 to 1	2 to 1	2 to 1
Three cards	2 to 1	2 to 1	2 to 1

<i>Eight-Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Eight or more cards	200 to 1	250 to 1	250 to 1
Seven cards	50 to 1	50 to 1	50 to 1



<i>Eight-Deck Shoe</i>			
<i>Dealer busts with</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Six cards	12 to 1	12 to 1	20 to 1
Five cards	4 to 1	3 to 1	8 to 1
Four cards	2 to 1	2 to 1	2 to 1
Three cards	2 to 1	2 to 1	1 to 1

(i) The certificate holder may also offer a cash bonus award to any player whose hand results in a Blackjack and who also wins a Buster Blackjack wager of at least \$5 with the dealer's hand busting with seven cards or eight or more cards, with one of the following payouts specified in the Rules Submission under § 601a.2(a):

<i>Dealer busts with</i>	<i>Bonus Pay B1</i>	<i>Bonus Pay B2</i>
Eight or more cards	\$8,000	\$5,000
Seven cards	\$1,000	\$1,000

**§ 633c.14. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Blackjack as described in Chapter 633a (relating to Blackjack) and either the optional Jackpot Party progressive wager under § 633c.2 (relating to Jackpot Party progressive wager), the optional Blazing 7's progressive wager under § 633c.9 (relating to Blazing 7's progressive wager), the optional Hit and Run progressive wager under § 633a.6(e)(10) (relating to wagers) or the optional Straight Jack progressive wager under § 633a.6(e)(11), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Blackjack wager in accordance with § 633a.6(d) and an optional Jackpot Party progressive wager, Blazing 7's progressive wager, Hit and Run progressive wager or Straight Jack progressive wager, the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Blackjack table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Blackjack wager and a Jackpot Party progressive wager, a Blazing 7's progressive wager, a Hit and Run progressive wager or a Straight Jack progressive wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying Jackpot Party progressive wager, Blazing 7's progressive wager, Hit and Run progressive wager or Straight Jack progressive wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying Jackpot Party progressive wager, Blazing 7's progressive wager, Hit and Run progressive wager, or Straight Jack progressive wager and the minimum and maximum dollar values for the Must-Hit-By Mystery

bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder’s approved internal controls:

- (i) Verify that the appropriate light on the progressive table game system has been illuminated.
- (ii) Have a floorperson or above validate the progressive payout.
- (iii) Pay the Must-Hit-By Mystery bonus.
- (iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder’s Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**§ 633c.15. Upcard Luck wager.**

(a) A certificate holder may offer players the option to place an Upcard Luck wager that the dealer’s upcard will be a 2 through 7 and that the player’s two cards will total either 9 through 11, hard and soft 18 through 20 or will be a Blackjack.

(b) The Upcard Luck wager may be played on a Blackjack table that utilizes four decks, six decks or eight decks of cards.

(c) The layout for a Blackjack 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 if the certificate holder offers the Upcard Luck Blackjack wager, in addition to the requirements in § 633a.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) the layout shall contain a separate area designated for the placement of the Upcard Luck Blackjack wager for each player.

(d) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers) the option of placing an Upcard Blackjack wager in any amount that does not exceed the player’s Blackjack wager.

(e) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers, including the Upcard Luck Blackjack wager, the dealer shall announce “no more bets.”

(f) The dealer shall then deal the cards in accordance with § 633a.7(a)—(g) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle a Upcard Blackjack wager as follows:

(1) If the dealer’s upcard is not a two through seven, the dealer shall collect the player’s losing Upcard Luck wager.

(2) If the dealer’s upcard is a 2 through 7 but the total of the player’s two cards is 2 through 8 or 12 through 17, the dealer shall collect the player’s losing Upcard Luck wager.

(3) If the dealer’s upcard is 2 through 7 and the total of the player’s two cards is 9 through 11 or 18 through 20, or if the player has Blackjack, the dealer shall pay the player’s winning Upcard Luck wager in accordance with subsection (g).

(g) The certificate holder shall pay out a winning Upcard Luck wager at the odds in the following payout tables specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Outcome (with Dealer Upcard 2—7)</i>	<i>Payback</i>
Ace spades and jack spades	80 to 1
Blackjack	8 to 1
9, 10 or 11	4 to 1
18, 19 or 20 (including soft totals)	3 to 1

**CHAPTER 635c. SPANISH 21 SIDE WAGERS AND VARIATIONS**

- Sec. 635c.1. Match the Dealer progressive Spanish 21 wager.
- 635c.2. Player’s Edge 21.

**§ 635c.1. Match the Dealer progressive Spanish 21 wager.**

(a) A certificate holder may offer players the option to place a Match the Dealer progressive Spanish 21 wager that one or both of the player’s cards will match the dealer’s upcard in one of the following combinations:

(1) *Two suited match, aces of spades*—Both of the player’s cards and the dealer’s upcard are matching aces of spades.

(2) *Two suited match, all others*—Both of the player’s cards and the dealer’s upcard are matching in suit and rank.

(3) *One non-suited match and one suited match*—One of the player’s cards matches the suit and rank of the dealer’s upcard and the player’s other card matches the rank of the dealer’s upcard.

(4) *One suited match*—One of the player’s cards matches the suit and rank of the dealer’s upcard.

(5) *Two non-suited matches*—Both of the player’s cards match the rank of the dealer’s upcard.

(6) *One non-suited match*—One of the player’s cards matches the rank of the dealer’s upcard.

(b) The Match the Dealer progressive wager may be played on a Spanish 21 table that utilizes six decks or eight decks of cards.

(c) The layout for a Spanish 21 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 if the certificate holder offers the Match the Dealer progressive wager, in addition to the requirements in § 635a.2 (relating to Spanish 21 table; card reader device; physical characteristics; inspections) the layout shall contain a separate area for the placement of the Match the Dealer progressive wager for each player.

(d) If the certificate holder is offering the Match the Dealer progressive wager, the Spanish 21 table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Match the Dealer progressive wager. 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 the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Spanish 21 wager in accordance with § 635a.6(d) (relating to wagers) the option of placing a Match the Dealer progressive wager of \$1 or \$5.

(f) After placing a Spanish 21 wager, as required in § 635a.6(d), and any optional wagers including the Match the Dealer progressive wager, the dealer shall announce “no more bets” and, if the Match the Dealer progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the

layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 635a.7(a)—(e) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle the Match the Dealer progressive wager as follows:

(1) If the player does not have a card that matches the dealer’s upcard, the Match the Dealer progressive wager shall lose.

(2) If the player has one of the winning combinations provided in subsection (a), the dealer shall settle the Match the Dealer progressive wager as provided in subsection (h).

(h) If a player has won a Match the Dealer progressive payout, the dealer shall:

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

(2) Verify that the appropriate light on the progressive table game system has been illuminated.

(3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder’s approved internal control procedures.

(4) Pay the winning Match the Dealer progressive wager in accordance with the payout odds in subsection (i). 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.

(i) The certificate holder shall pay out a winning Match the Dealer wager, for the winning combination formed, at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	8 to 1	11 to 1	75 to 1	50 to 1
One suited match	5 to 1	9 to 1	4 to 1	4 to 1
Two non-suited matches	6 to 1	4 to 1	25 to 1	15 to 1
One non-suited match	3 to 1	2 to 1	2 to 1	3 to 1

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	11 to 1	12 to 1	10 to 1	13 to 1
One suited match	8 to 1	9 to 1	6 to 1	10 to 1

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two non-suited matches	6 to 1	6 to 1	8 to 1	6 to 1
One non-suited match	3 to 1	3 to 1	4 to 1	3 to 1

<i>Six Decks</i>		
<i>Result</i>	<i>Paytable 9</i>	<i>Paytable 10</i>
Two suited match—aces of spades	100% progressive	100% progressive
Two other suited match—all others	10% progressive	10% progressive
One non-suited and one suited match	75 to 1	11 to 1
One suited match	5 to 1	7 to 1
Two non-suited matches	15 to 1	8 to 1
One non-suited match	3 to 1	4 to 1

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	8 to 1	11 to 1	12 to 1	10 to 1
One suited match	5 to 1	9 to 1	10 to 1	7 to 1
Two non-suited matches	6 to 1	4 to 1	4 to 1	6 to 1
One non-suited match	3 to 1	2 to 1	2 to 1	3 to 1

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	50 to 1	100 to 1	9 to 1	12 to 1
One suited match	4 to 1	4 to 1	5 to 1	9 to 1
Two non-suited matches	15 to 1	20 to 1	8 to 1	6 to 1
One non-suited match	3 to 1	2 to 1	4 to 1	3 to 1

<i>Eight Decks</i>		
<i>Result</i>	<i>Paytable 9</i>	<i>Paytable 10</i>
Two suited match—aces of spades	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive
One non-suited and one suited match	10 to 1	13 to 1
One suited match	6 to 1	10 to 1
Two non-suited matches	8 to 1	6 to 1
One non-suited match	4 to 1	3 to 1

(j) The initial seed amount of the progressive wager shall be 1,000× the wager amount offered by the certificate holder, and the primary incrementation rate and secondary incrementation rate shall be 15% and 6%.

#### § 635c.2 Player's Edge 21.

(a) A certificate holder may offer to players a game variation entitled Player's Edge 21. Player's Edge 21 shall be played consistent with Chapter 635a (relating to Spanish 21), unless otherwise provided in this section.

(b) In addition to the layout requirements of § 635a.2(b)(3) (relating to Spanish 21 table; card reader

device; physical characteristics; inspections), the layout must include the following:

(1) Insurance pays 2 to 1 with non-suited dealer Blackjack and 5 to 1 with suited dealer Blackjack.

(2) Dealer shall draw to 16 and hit on a soft 17, or similar language approved by the Executive Director in accordance with § 601a.10(a) (relating to approval of table game layouts; signage and equipment).

(c) Player's Edge 21 shall be played with five decks, six decks 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).

(d) A Player's Edge 21 wager shall be handled as follows:

(1) A Player's Edge 21 wager shall be made in accordance with § 635a.6 (relating to wagers).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed a Player's Edge 21 wager in accordance with paragraph (1) the option of placing:

(i) A Match-Up wager that shall win if either of the player's initial two cards match the rank of the dealer's face upcard.

(ii) A Match-Down wager that shall win if either of the player's initial two cards match the rank of the dealer's face down card.

(iii) A Monster Match wager.

(A) The Monster Match wager shall be offered as a progressive wager consistent with § 605a.7 (relating to progressive table games).

(B) A Monster Match wager shall win if the player's first two cards combine with the dealer's first two cards to create any of the following:

(I) A suited pair.

(II) Three-of-a-kind.

(III) Three-of-a-kind in which all three cards are of the same color.

(IV) Four-of-a-kind.

(V) Four-of-a-kind in which all four cards are of the same color.

(VI) Four-of-a-kind in which all four cards are of the same suit.

(C) The Monster Match progressive pool's incrementation shall adhere to one of the following tables, approved as part of the table games Rules Submission under § 601a.2:

	A	B	C	D	E
Initial seed	\$5,000	\$5,000	\$1,500	\$1,500	\$1,500
Reseed	Reserve	Reserve	\$1,500	\$1,500	\$1,500
Primary increment	22%	22%	17%	17%	17%
Reserve increment	1%	1%	N/A	N/A	N/A

(e) The procedure for dealing the cards; completion of each round of play shall be as follows:

(1) Player's Edge 21 shall follow the procedures prescribed in § 635a.7 (relating to procedure for dealing the cards; completion of each round of play) except:

(i) The process described in § 635a.7(f) shall be used for settling a Match-Up wager made under subsection (d)(2)(i). A winning Match-Up wager shall be paid under subsection (g)(4).

(ii) No player's cards shall be removed under § 635a.7(h)(1)(i) if the player has an outstanding Match-Down wager or Monster Match wager.

(iii) Upon revealing the dealer's hold card under the process described in § 635a.7(k), the Dealer shall proceed in the following order:

(A) Settle a Match-Down wager consistent with the process described in § 635a.7(f). A winning Match-Down wager shall be paid under subsection (g)(4).

(B) Settle a Monster Match wager consistent with subsection (d)(2)(iii). A winning Monster Match wager shall be paid under subsection (h).

(C) Deal any additionally required cards to the dealer's hand.

(iv) Dealer shall draw an additional card on a soft 17.

(f) Double Down wager and Rescue procedures shall be as follows:

(1) Except when a player has Blackjack, a player may elect to make a Double Down wager, which may not exceed the amount of their original Player's Edge 21 wager. A player may double down on two or more cards dealt to them or two or more cards of any split pair. One additional card shall be dealt to the hand for which the player has elected to double down. The additional card shall be dealt face up and placed sideways on the layout.

(2) Immediately after a Double Down wager, a player may redouble their existing Player's Edge 21 wager and receive an additional card (a Double-Double Down wager). The additional card shall be dealt face up and placed sideways on the layout.

(3) Immediately after a Double-Double Down wager, a player may again redouble their existing Player's Edge 21 wager with another Double-Double Down wager and receive an additional card. The additional card shall be dealt face up and placed sideways on the layout. The player may only double 3x on each hand, for up to 8x the original Player's Edge 21 wager.

(4) If a dealer obtains Blackjack after a player makes a Double Down wager or one or more subsequent Double-Double Down wagers, the dealer shall collect only the amount of the original Player's Edge 21 wager and may not collect the additional Double Down wager or the Double-Double Down wager.

(5) A winning Double Down wager and a Double-Double Down wager shall be paid in accordance with § 635a.12(a) (relating to payout odds). The additional payouts in § 635a.12(b) and (c) are not applicable to a winning Double Down wager.

(6) After the additional card required under paragraph (1) or paragraph (2) has been dealt to the hand, a player may "rescue" (take back) half of the hand's total wager and forfeit half of the hand's total wager as long as the additional card does not result in the hand having a total point count in excess of 21.

(g) Winning hands shall be determined as follows:

(1) A player shall win the Player's Edge 21 wager if:

(i) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(ii) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(iii) The player has Blackjack, or the point count of the player's hand equals 21, regardless of the dealer's hand.

(2) A winning Player's Edge 21 wager shall be paid according to § 635a.12(a), (b) and (d) except:

(i) A winning hand with the six, seven and eight of diamonds, not spades, shall be paid at odds of 3 to 1 under § 635a.12(b)(2).

(ii) A winning hand with the three cards consisting of three 7s of diamonds, not spades, shall be paid at odds of 3 to 1 under § 635a.12(b)(4).

(3) A 7-7-7-7 Super bonus shall be awarded under § 635a.12(c)(1), (2) and (4).

(i) All other players at the table who placed a wager during that round of play when a 7-7-7-7 Super bonus is awarded to another player shall also be paid either:

(A) An additional fixed payout of \$50.

(B) An additional fixed payout of \$100 if the player has a seven in their first two cards.

(4) A winning Match-Up wager and Match-Down wager shall be paid under one of the following paytables, which the certificate holder has identified and had approved as part of its Rules Submission:

(i) A certificate holder may select one of the following paytables if five decks or six decks of cards are being used:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Two suited matches	18 to 1	24 to 1	26 to 1
One suited match and one unsuited match	13 to 1	15 to 1	16 to 1
One suited match	9 to 1	12 to 1	13 to 1
Two unsuited matches	8 to 1	6 to 1	6 to 1
One unsuited match	4 to 1	3 to 1	3 to 1

(ii) A certificate holder may select one of the following paytables if eight decks of cards are being used:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Two suited matches	18 to 1	24 to 1
One suited match and one unsuited match	13 to 1	15 to 1
One suited match	9 to 1	12 to 1
Two unsuited matches	8 to 1	6 to 1
One unsuited match	4 to 1	3 to 1

(h) A winning Monster Match wager shall be paid under one of the following paytables, which the certificate holder has identified and had approved as part of the Rules Submission:

<i>Triggering Event</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four-of-a-kind (suited)	100% of progressive	100% of progressive	100% of progressive
Four-of-a-kind (same color)	10% of progressive	10% of progressive	100% of progressive
Four-of-a-kind	200 for 1	200 for 1	200 for 1
Three-of-a-kind (same color)	20 for 1	25 for 1	20 for 1
Three-of-a-kind	12 for 1	10 for 1	12 for 1
Suited pair	3 for 1	2 for 1	3 for 1

<i>Triggering Event</i>	<i>Paytable D</i>	<i>Paytable E</i>
Four-of-a-kind (suited)	100% of progressive	100% of progressive
Four-of-a-kind (same color)	100% of progressive	100% of progressive
Four-of-a-kind	200 for 1	200 for 1
Three-of-a-kind (same color)	20 for 1	25 for 1
Three-of-a-kind	10 for 1	10 for 1
Suited pair	2 for 1	2 for 1

### CHAPTER 639c. CARIBBEAN STUD POKER SIDE WAGERS AND VARIATIONS

Sec. 639c.1. Must-Hit-By Mystery bonus.

#### § 639c.1. Must-Hit-By Mystery bonus.

(a) If the certificate holder offers Caribbean Stud Poker as described in Chapter 639a (relating to Caribbean Stud Poker) and the optional progressive payout wager under 639a.7(d)(2) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2

(relating to table games Rules Submissions), offer to each player who has placed a Caribbean Stud wager in accordance with § 639a.7(d)(1) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Caribbean Stud Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system dis-

play shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Caribbean Stud Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 641c. FOUR CARD POKER SIDE  
WAGERS AND VARIATIONS**

Sec.

641c.1. Must-Hit-By Mystery bonus.

**§ 641c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Four Card Poker as described in Chapter 641a (relating to Four Card Poker) and the optional Four-Card progressive payout wager under § 641a.7(d)(4) (relating to wagers) or Five-Card progressive payout wager under § 641a.7(d)(5), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Four Card Poker wager in accordance with § 641a.7(a) and an optional Four-Card progressive payout wager or Five-Card progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Four Card Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Four Card Poker wager and a Four-Card progressive payout wager or a Five-Card progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying Four-Card progressive payout wager or Five-Card progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying Four-Card progressive payout wager or Five-Card progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$250  
Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 3%



*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 643c. LET IT RIDE POKER SIDE WAGERS AND VARIATIONS**

Sec.

643c.1. Must-Hit-By Mystery bonus.

**§ 643c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Let It Ride Poker as described in Chapter 643a (relating to Let It Ride Poker) and the optional Three-Card progressive payout wager under § 643a.7(g) (relating to wagers) or Five-Card progressive payout wager under § 643a.7(h), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Let It Ride Poker wager in accordance with § 643a.7(a) and an optional Three-Card progressive payout wager or Five-Card progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Let It Ride Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Let It Ride Poker wager and a Three-Card progressive payout wager or Five-Card progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying Three-Card progressive payout wager or Five-Card progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution

increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying Three-Card progressive payout wager or Five-Card progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration**Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration**Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration**Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration**Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

#### **CHAPTER 645c. PAI GOW POKER SIDE WAGERS AND VARIATIONS**

Sec.

- |         |  |
|---------|--|
| 645c.1. | Commission-free Pai Gow Poker.                                       |
| 645c.2. | Player-activated Pai Gow Poker; wagers based on outcome of the dice. |
| 645c.3. | Must-Hit-By Mystery bonus.   |

##### **§ 645c.1. Commission-free Pai Gow Poker.**

(a) In addition to the provisions in Chapter 645a (relating to Pai Gow Poker), an operator may offer a variation of Pai Gow Poker in which no vigorish is collected as provided in this section.

(b) In addition to the requirements in § 645a.2(b) (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics), if a certificate holder offers commission-free Pai Gow Poker, the layout shall contain:

(1) Separate areas designated for the Tiger 9 wager, if offered by the certificate holder.

(2) Inscriptions that advise patrons that if the dealer's hand contains a Tiger 9, all Pai Gow Poker wagers shall push and be returned to the player.

(c) If commission-free Pai Gow Poker is being played, the certificate holder may offer the following additional wagers:

(1) The Fortune bonus wager as provided in § 645a.7(e)(1) (relating to wagers) and the progressive payout wager as provided in § 645a.7(e)(4).

(2) The Tiger 9 wager which shall win if the dealer's low hand is a 9-high.

(d) The dealer shall deal the cards in accordance with § 645a.8—645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). After the dealing procedures have been completed, each player shall examine and set his hand in accordance with § 645a.11(a) and (b) (relating to procedures for completion of each round of play). The cards of the dealer shall then be revealed and set in accordance with § 645a.11(c).

(e) The dealer shall then reveal the player's cards and complete the dealing procedures in § 645a.11(e) and (f) provided that if commission-free Pai Gow is being offered and the dealer:

(1) Has a Tiger 9, the player's Pai Gow Poker wager shall push and be returned to the player. If the player placed a Tiger 9 wager, the dealer shall pay the winning wager in accordance with subsection (g).

(2) Does not have a Tiger 9, the player Pai Gow Poker wager shall be settled in accordance with § 645a.11(f). If the player placed a Tiger 9 wager, the dealer shall collect the player's losing Tiger 9 wager.

(f) If a player placed a Fortune bonus or progressive payout wager, after settling the player's Tiger 9 wager and Pai Gow Poker wager, the dealer shall complete the procedures in § 645a.11(h).

(g) The certificate holder shall pay out winning Tiger 9 wagers at odds of 30 to 1.

(h) As used in this chapter, the following words and terms shall have the meanings given to them in this subsection, unless the context clearly indicates otherwise:

*Commission-free Pai Gow Poker*—A variation of Pai Gow Poker in which vigorish is not collected.

*Tiger 9*—The dealer's two-card low hand which contains a 9-high.

##### **§ 645c.2. Player-activated Pai Gow Poker; wagers based on the outcome of the dice.**

(a) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may use a player-activated shaker to determine the starting position for the dealing of the cards in Pai Gow Poker.

(b) The player-activated shaker shall be submitted to the Bureau of Gaming Laboratory Operations for approval in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use and must:

(1) Have the capability of being sealed or locked to ensure the integrity of the three dice contained inside the shaker.

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

(c) If the certificate holder is offering the Beat It wager in accordance with subsection (e)(3)(i), the one red and two blue dice shall be used in the shaker. Dice used in the shaker shall comply with the requirements in:

(1) Section 603a.12(a) and (c) (relating to dice; physical characteristics) if the certificate holder is utilizing an electronic shaker.

(2) Section 603a.12(b) if a manual shaker is being utilized and the certificate holder shall comply with the requirements in § 621a.2(d) (relating to Pai Gow table; Pai Gow shaker; physical characteristics).

(d) If the certificate holder offers optional wagers based on the outcome of the dice in the manual or player-activated automated shaker, the layout shall comply with the requirements in § 645a.2(b) (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics) and shall contain:

(1) A separate betting area for each player designated for the placement of the Sum wager if offered by the certificate holder.

(2) Six separate betting areas for each player inscribed with a one through six designated for the placement of the Match wager if offered by the certificate holder.

(3) A separate betting area for each player designated for the placement of the Beat It wager if offered by the certificate holder.

(e) The certificate holder may offer the following optional wagers based on the outcome of the dice contained in the shaker:

(1) A Sum wager, which shall win, depending on the payout table selected by the certificate holder in its Rules Submission under § 601a.2, if:

- (i) The total of the three dice 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.

(2) A Match wager which shall win if at least two of the dice match the value selected by the player. For example, a player's Match wager on the one shall win if two or three of the dice rolled is a 1.

(3) A Beat It wager which shall win, depending on the payout table selected by the certificate holder in its Rules Submission, if:

(i) The red dice 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 dice is a 6 and the two blue dice are a 2 and a 1 for a total of 3.

(ii) A single dice beats the sum of the two other dice by one to four points. For example, a player's Beat It wager shall win if the dice rolled are a five, a one and a one ( $5 - (1+1) = 3$ ).

(f) A wager must be placed before the electronic shaker is activated or the manual shaker is utilized. After all wagers have been placed, the dealer shall announce "no more bets" and:

(1) If a player-activated electronic shaker is utilized, a selected player shall then activate the electronic shaker by pressing an activation button at the player's wagering position.

(2) If a manual shaker is utilized, the dealer shall 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.

(g) After the dice come to rest, the dealer shall announce the numeric value of each die and settle the player's Sum wager, Match wager and Beat It wager by collecting losing wagers and paying out winning wagers as follows:

(1) A winning Sum wager shall be paid out in accordance with one of the following payout tables selected by the certificate holder:

<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>
A three match	3 to 1	A series of three	15 to 2
A two match	1 to 1		

(2) A winning Match wager shall be paid out at following odds:

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

(3) A winning Beat It wager shall be paid out in accordance with one of the following payout tables selected by the certificate holder:

<i>Red Die Beats Sum of Blue Dice by:</i>	<i>Paytable A</i>	<i>Paytable B</i>
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>
A die beats sum of other two by one or more points	5 to 2

(e) After settling the Sum wager, Match wager and Beat It wager, the dealer shall deal the cards in accordance with §§ 645a.8—645a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) and complete the round of play in accordance with §§ 645a.11 and 645a.13 (relating to procedures for completion of each round of play; and payout odds; envy bonus; rate of progression; payout limitation).

**§ 645c.3. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Pai Gow Poker as described in Chapter 645a (relating to Pai Gow Poker) and the optional progressive payout wager under § 645a.7(e)(4) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Pai Gow Poker wager in

accordance with § 645a.7(d) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Pai Gow Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Pai Gow Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$250  
Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 647c. TEXAS HOLD 'EM BONUS POKER SIDE WAGERS AND VARIATIONS**

Sec.

647c.1. Must-Hit-By Mystery bonus.

**§ 647c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Texas Hold 'Em Bonus Poker as described in Chapter 647a (relating to Texas Hold 'Em Bonus Poker) and the optional progressive payout wager under § 647a.7(d)(3) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Texas Hold 'Em Bonus wager in accordance with § 647a.7(d)(1) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Texas Hold 'Em Bonus Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Texas Hold 'Em Bonus Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration**Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration**Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 649c. THREE CARD POKER SIDE WAGERS AND VARIATIONS**

Sec.

649c.1. Must-Hit-By Mystery bonus.

**§ 649c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Three Card Poker as described in Chapter 649a (relating to Three Card Poker) and the optional Three-Card progressive payout wager under § 649a.7(d)(4) (relating to wagers) or Five-Card progressive payout wager under § 649a.7(d)(6), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Three Card Poker wager in accordance with § 649a.7(d)(1) and an optional Three-Card progressive payout wager or Five-Card progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Three Card Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Three Card Poker wager and a Three-Card progressive payout or Five-Card progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying Three-Card progressive payout wager or Five-Card progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying Three-Card progressive payout wager or Five-Card progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration**Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration**Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration**Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration**Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration**Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration**Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration**Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 653c. ULTIMATE TEXAS HOLD 'EM POKER SIDE WAGERS AND VARIATIONS**

Sec.  
 653c.1. Must-Hit-By Mystery bonus.

**§ 653c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Ultimate Texas Hold 'Em Poker as described in Chapter 653a (relating to Ultimate Texas Hold 'Em Poker) and the optional progressive payout wager under § 653a.7(d)(3) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed an

Ultimate Texas Hold 'Em wager in accordance with § 653a.7(d)(1) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Ultimate Texas Hold 'Em Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing an Ultimate Texas Hold 'Em Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration**Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration**Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration**Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration**Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration**Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration**Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration**Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration**Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

- (i) Verify that the appropriate light on the progressive table game system has been illuminated.
- (ii) Have a floorperson or above validate the progressive payout.
- (iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

### CHAPTER 655c. MISSISSIPPI STUD SIDE WAGERS AND VARIATIONS

Sec.

655c.1. Must-Hit-By Mystery bonus.

#### § 655c.1. Must-Hit-By Mystery bonus.

(a) If the certificate holder offers Mississippi Stud as described in Chapter 655a (relating to Mississippi Stud) and the optional progressive payout wager under § 655a.7(d)(3) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Mississippi Stud wager in accordance with § 655a.7(d)(1) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Mississippi Stud table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Mississippi Stud wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration**Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%



*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 657c. CRAZY 4 POKER SIDE WAGERS AND VARIATIONS**

Sec.

657c.1. Must-Hit-By Mystery bonus.

**§ 657c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Crazy 4 Poker as described in Chapter 657a (relating to Crazy 4 Poker) and the optional Four-Card progressive payout wager under § 657a.7(d)(3) (relating to wagers) or Five-Card progressive payout wager under § 657a.7(d)(4), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Crazy 4 Poker wager in accordance with § 657a.7(d)(1) and an optional Four-Card progressive payout wager or Five-Card progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Crazy 4 Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Crazy 4 Poker wager and a Four-Card progressive payout or Five-Card progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying Four-Card progressive payout wager or Five-Card progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying Four-Card progressive payout wager or Five-Card progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$250  
Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 659c. FORTUNE ASIA POKER SIDE WAGERS AND VARIATIONS**

Sec.

659c.1. Must-Hit-By Mystery bonus.

**§ 659c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers Fortune Asia Poker as described in Chapter 659a (relating to Fortune Asia Poker) and the optional progressive payout wager under § 659a.7(e)(3) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Fortune Asia Poker wager in

accordance with § 659a.7(d) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Fortune Asia Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Fortune Asia Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

#### CHAPTER 670c. SIX-CARD FORTUNE PAI-GOW POKER SIDE WAGERS AND VARIATIONS

Sec.

670c.1. Must-Hit-By Mystery bonus.

##### § 670c.1. Must-Hit-By Mystery bonus.

(a) If the certificate holder offers Six-Card Fortune Pai Gow Poker as described in Chapter 670a (relating to Six-Card Fortune Pai Gow Poker) and the optional progressive payout wager under § 670a.7(e)(4) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Six-Card Fortune Pai Gow Poker wager in accordance with § 670a.7(d) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Six-Card Fortune Pai Gow Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Six-Card Fortune Pai Gow Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$200  
Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$250  
Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
Minimum dollar value \$100  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
Minimum dollar value \$250  
Maximum dollar value \$500  
Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
Minimum dollar value \$250  
Maximum dollar value \$1,000  
Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder’s approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder’s Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 685c. DOWN UNDER BLACKJACK SIDE WAGERS AND VARIATIONS**

Sec.

685c.1. Match the Dealer progressive Down Under Blackjack wager.

**§ 685c.1. Match the Dealer progressive Down Under Blackjack wager.**

(a) A certificate holder may offer players the option to place a Match the Dealer Down Under Blackjack wager that one or both of the player’s cards will match the dealer’s upcard in one of the following combinations:

(1) *Two suited match, aces of spades*—Both of the player’s cards and the dealer’s upcard are matching aces of spades.

(2) *Two suited match, all others*—Both of the player’s cards and the dealer’s upcard are matching in suit and rank.

(3) *One non-suited match and one suited match*—One of the player’s cards matches the suit and rank of the dealer’s upcard and the player’s other card matches the rank of the dealer’s upcard.

(4) *One suited match*—One of the player’s cards matches the suit and rank of the dealer’s upcard.

(5) *Two non-suited matches*—Both of the player’s cards match the rank of the dealer’s upcard.

(6) *One non-suited match*—One of the player’s cards matches the rank of the dealer’s upcard.

(b) The Dealer Match progressive wager may be played on a Down Under Blackjack table that utilizes 6 decks or 8 decks of cards.

(c) The layout for a Down Under Blackjack 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 if the certificate holder offers the Match the Dealer progressive wager, in addition to the requirements in § 685a.2 (relating to Down Under Blackjack table; Masque Card Reader device; physical characteristics; inspections) the layout shall contain a separate area for the placement of the Match the Dealer progressive wager for each player.

(d) If the certificate holder is offering the Match the Dealer progressive wager, the Down Under Blackjack table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Match the Dealer progressive wager. 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 the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the progressive wager.

(2) A device that controls or monitors the placement of progressive wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any progressive wager that a player attempts to place after the dealer has announced “no more bets.”

(e) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Down Under Blackjack wager in accordance with § 685a.6(d) (relating to wagers), the option of placing a Match the Dealer progressive wager of \$1 or \$5.

(f) After placing a Down Under Blackjack wager, as required in § 685a.6(d), and any optional wagers, including the Match the Dealer progressive wager, the dealer shall announce “no more bets” and, if the Match the Dealer progressive wager is being offered, use the progressive table game system to prevent the placement of any additional progressive wagers. If any progressive wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of progressive wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(g) The dealer shall then deal the cards in accordance with § 685a.7(a)—(e) (relating to procedure for dealing the cards; completion of each round of play). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle the Match the Dealer progressive wager as follows:

(1) If the player does not have a card that matches the dealer’s upcard, the Match the Dealer progressive wager shall lose.

(2) If the player has one of the winning combinations provided in subsection (a), the dealer shall settle the Match the Dealer progressive wager as provided in subsection (h).

(h) If a player has won a Match the Dealer progressive payout, the dealer shall:

- (1) Verify that the hand is a winning hand.
- (2) Verify that the appropriate light on the progressive table game system has been illuminated.
- (3) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (4) Pay the winning Match the Dealer progressive wager in accordance with the payout odds in subsection (i). 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.

(i) The certificate holder shall pay out a winning Match the Dealer wager, for the winning combination formed, at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	12 to 1	10 to 1	8 to 1	75 to 1
One suited match	10 to 1	7 to 1	4 to 1	4 to 1
Two non-suited matches	4 to 1	6 to 1	8 to 1	15 to 1
One non-suited match	2 to 1	3 to 1	4 to 1	3 to 1

<i>Six Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	12 to 1	13 to 1	11 to 1	100 to 1
One suited match	9 to 1	10 to 1	7 to 1	5 to 1
Two non-suited matches	6 to 1	6 to 1	8 to 1	20 to 1
One non-suited match	3 to 1	3 to 1	4 to 1	3 to 1

<i>Six Decks</i>			
<i>Result</i>	<i>Paytable 9</i>		<i>Paytable 10</i>
Two suited match—aces of spades	100% progressive		100% progressive
Two suited match—all others	10% progressive		10% progressive
One non-suited and one suited match	15 to 1		13 to 1
One suited match	12 to 1		9 to 1
Two non-suited matches	6 to 1		8 to 1
One non-suited match	3 to 1		4 to 1

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 1</i>	<i>Paytable 2</i>	<i>Paytable 3</i>	<i>Paytable 4</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive
One non-suited and one suited match	9 to 1	12 to 1	8 to 1	75 to 1
One suited match	6 to 1	10 to 1	4 to 1	4 to 1
Two non-suited matches	6 to 1	4 to 1	8 to 1	15 to 1
One non-suited match	3 to 1	2 to 1	4 to 1	3 to 1

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
Two suited match—aces of spades	100% progressive	100% progressive	100% progressive	100% progressive
Two suited match—all others	10% progressive	10% progressive	10% progressive	10% progressive

<i>Eight Decks</i>				
<i>Result</i>	<i>Paytable 5</i>	<i>Paytable 6</i>	<i>Paytable 7</i>	<i>Paytable 8</i>
One non-suited and one suited match	12 to 1	10 to 1	13 to 1	14 to 1
One suited match	9 to 1	6 to 1	10 to 1	11 to 1
Two non-suited matches	6 to 1	8 to 1	6 to 1	6 to 1
One non-suited match	3 to 1	4 to 1	3 to 1	3 to 1

<i>Eight Decks</i>			
<i>Result</i>	<i>Paytable 9</i>		<i>Paytable 10</i>
Two suited match—aces of spades	100% progressive		100% progressive
Two suited match—all others	10% progressive		10% progressive
One non-suited and one suited match	100 to 1		15 to 1
One suited match	5 to 1		12 to 1
Two non-suited matches	20 to 1		6 to 1
One non-suited match	3 to 1		3 to 1

(j) The initial seed amount of the progressive wager shall be 1,000× the wager amount offered by the certificate holder, and the primary incrementation rate and secondary incrementation rate shall be 15% and 6%.

**CHAPTER 687c. DJ WILD STUD POKER SIDE WAGERS AND VARIATIONS**

Sec.

687c.1. Must-Hit-By Mystery bonus.

**§ 687c.1. Must-Hit-By Mystery bonus.**

(a) If the certificate holder offers DJ Wild Stud Poker as described in Chapter 687a (relating to DJ Wild Stud Poker) and the optional progressive bonus wager under § 687a.7(d)(2) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a DJ Wild Stud Poker wager in accordance with § 687a.7(d)(1) and an optional progressive bonus wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the DJ Wild Stud Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a DJ Wild Stud Poker wager and a progressive bonus wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player’s qualifying progressive bonus wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player’s contribution increases the Must-Hit-By Mystery bonus progressive meter’s jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player’s qualifying progressive bonus wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration*

*Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration*

*Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%

*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration**Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration**Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration**Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration**Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration**Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration**Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration**Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

### CHAPTER 688c. FACE UP PAI GOW POKER SIDE WAGERS AND VARIATIONS

Sec.

688c.1. Must-Hit-By Mystery bonus.

#### § 688c.1. Must-Hit-By Mystery bonus.

(a) If the certificate holder offers Face Up Pai Gow Poker as described in Chapter 688a (relating to Face Up Pai Gow Poker) and the optional progressive payout wager under § 688a.7(e)(3) (relating to wagers), the certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who has placed a Face Up Pai Gow Poker wager in accordance with § 688a.7(d) and an optional progressive payout wager the opportunity to win the Must-Hit-By Mystery bonus.

(b) The layout and signage for the Face Up Pai Gow Poker table shall be submitted to the Bureau of Gaming Operations for approval in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), and the progressive table game system display shall indicate that the certificate holder offers the Must-Hit-By Mystery bonus.

(c) If the certificate holder offers the Must-Hit-By Mystery bonus:

(1) A player shall qualify for the Must-Hit-By Mystery bonus by placing a Face Up Pai Gow Poker wager and a progressive payout wager, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(2) A percentage of a player's qualifying progressive payout wager shall be allocated as an incremental contribution to the Must-Hit-By Mystery bonus progressive meter.

(3) The certificate holder shall pay out the Must-Hit-By Mystery bonus when a qualifying player's contribution increases the Must-Hit-By Mystery bonus progressive meter's jackpot amount in excess of a random dollar value preselected by an electronic random number generator, between a set minimum and maximum dollar value.

(4) The incremental contribution of each player's qualifying progressive payout wager and the minimum and maximum dollar values for the Must-Hit-By Mystery bonus meter shall be set in one of the following configurations, as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

*Paytable A—\$1 Configuration**Configuration A*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 2%

*Paytable A—\$2 Configuration**Configuration A*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$200  
 Incremental contribution rate 1.5%



*Paytable A—\$5 Configuration*

*Configuration A*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$250  
 Incremental contribution rate 1%

*Paytable B—\$1 Configuration*

*Configuration B*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 5%

*Paytable B—\$2 Configuration*

*Configuration B*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 3.5%

*Paytable B—\$5 Configuration*

*Configuration B*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$100  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$1 Configuration*

*Configuration C*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 2%

*Paytable C—\$2 Configuration*

*Configuration C*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 1.5%

*Paytable C—\$5 Configuration*

*Configuration C*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$500  
 Incremental contribution rate 0.5%

*Paytable D—\$1 Configuration*

*Configuration D*

Minimum progressive wager amount—\$1  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 5%

*Paytable D—\$2 Configuration*

*Configuration D*

Minimum progressive wager amount—\$2  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 3%

*Paytable D—\$5 Configuration*

*Configuration D*

Minimum progressive wager amount—\$5  
 Minimum dollar value \$250  
 Maximum dollar value \$1,000  
 Incremental contribution rate 2%

(5) If a player has won the Must-Hit-By Mystery bonus, the dealer shall, in accordance with the certificate holder's approved internal controls:

(i) Verify that the appropriate light on the progressive table game system has been illuminated.

(ii) Have a floorperson or above validate the progressive payout.

(iii) Pay the Must-Hit-By Mystery bonus.

(iv) Reset the progressive meter to the minimum dollar value specified in the certificate holder's Rules Submission filed in accordance with § 601a.2.

(6) A Must-Hit-By Mystery bonus payout may be paid from the table inventory or through a progressive jackpot slip as indicated by the certificate holder in its Rules Submission filed in accordance with § 601a.2.

(7) A player who wins the Must-Hit-By Mystery bonus shall be paid 100% of the bonus jackpot amount on the progressive meter.

**CHAPTER 689a. DREAMCATCHER**

Sec.	
689a.1.	Dreamcatcher layout; physical characteristics.
689a.2.	Wagers and rotation of the wheel.
689a.3.	Payout odds.

**§ 689a.1. Dreamcatcher layout; physical characteristics.**

(a) Dreamcatcher shall be conducted at a circular wheel at least 5 feet in diameter. The rim of the wheel must be divided into 54 equally spaced sections with 23 sections containing the number 1, 15 sections containing the number 2, 7 sections containing the number 5, 4 sections containing the number 10, 2 sections containing the number 20, 1 section containing the number 40, 1 section containing a 2× symbol and 1 section containing a 7× symbol.

(b) The sections required under subsection (a) must be arranged clockwise around the rim of the wheel in the following order: 7×, 2, 1, 5, 1, 2, 5, 1, 2, 10, 1, 2, 1, 20, 1, 2, 1, 2, 1, 5, 1, 2, 10, 1, 5, 1, 2, 2×, 1, 5, 1, 40, 2, 1, 2, 1, 10, 2, 1, 5, 1, 2, 1, 5, 2, 1, 20, 1, 2, 1, 10, 1, 2, 1.

(c) Each section of the wheel displays the payout odds in § 689a.3 (relating to payout odds) for the wager placed. For example, the payout odds for sections with the number 2 are 2 to 1.

(d) The sections containing the 2× symbol and 7× symbol act as multipliers and trigger a subsequent bonus spin.

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

(f) Each Dreamcatcher table must have a drop box and 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) (relating to approval of table game layouts, signage and equipment).

(g) The layout for a Dreamcatcher table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Specific betting areas for the placement of wagers including spaces for 1, 2, 5, 10, 20 and 40.
- (3) The payout odds for each of the permissible wagers.
- (4) The minimum wager or maximum wager, or both, that may be placed and the maximum payout limit per round, if applicable.

**§ 689a.2. Wagers and rotation of the wheel.**

(a) Prior to the spin of the wheel, the dealer shall announce “no more bets.”

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

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

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

(e) Upon completion of the spin, if the wheel comes to rest on a section of the wheel with 1, 2, 5, 10, 20 or 40, the dealer shall first collect all losing wagers and then pay off all winning wagers in accordance with § 689a.3 (relating to payout odds).

(f) If upon completion of the spin the wheel comes to rest on the 2× or 7× section of the wheel, a bonus spin round is triggered the dealer shall spin the wheel again and pay winning wagers in accordance with § 689a.3(b) and (c).

**§ 689a.3. Payout odds.**

(a) A certificate holder shall pay out winning Dreamcatcher wagers at no less than the odds in the following payable:

<i>Result</i>	<i>Payout Odds</i>
1	1 to 1
2	2 to 1
5	5 to 1
10	10 to 1
20	20 to 1
40	40 to 1

(b) If upon completion of the bonus spin the wheel comes to rest on a section of the wheel with 1, 2, 5, 10, 20 or 40, the multiplier shall be applied to the result of the bonus spin, and the original wagers shall be settled accordingly. For example, a 2× bonus spin results in the wheel coming to rest in a section of the wheel with a 10 (10 to 1 odds). The original wager shall be paid at 20 to 1 odds.

(c) If upon completion of the bonus spin the wheel comes to rest on the 2× or 7× section of the wheel, the bonus spin round continues and the multipliers shall stack until the spin occurs with the wheel coming to rest in a section of the wheel with 1, 2, 5, 10, 20 or 40. For example, a 2× bonus spin results in the wheel coming to rest in the 7× section. The subsequent bonus spin results in the wheel coming to rest in a section of the wheel with a 10 (10 to 1 odds). The original wager shall be paid at 140 to 1 odds.

[Pa.B. Doc. No. 24-751. Filed for public inspection May 24, 2024, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA HEALTH INSURANCE EXCHANGE AUTHORITY

[ 31 PA. CODE CH. 5001 ]

### Health Equity Accreditation

The Pennsylvania Health Insurance Exchange Authority d/b/a Pennie® (Exchange Authority) proposes to add Chapter 5001 to the Exchange Authority's regulations under Part L<sup>1</sup> to read as set forth in Annex A. This rulemaking is proposed under the Exchange Authority's general rulemaking authority under section 506 of The Administrative Code of 1929 (71 P.S. § 186) and the act of July 2, 2019 (P.L. 294, No. 42) (Act 42 of 2019) which added 40 Pa.C.S. §§ 9101—9703 (relating to health insurance markets oversight), also known as the Health Insurance Markets Oversight Act, specifically 40 Pa.C.S. § 9701(a) (relating to regulations).

#### *Background Information*

The Exchange Authority is the State-affiliated entity that operates the Commonwealth's State-based health insurance marketplace. The Exchange Authority was created in July of 2019 under Act 42 of 2019. It was a unanimous and bipartisan effort to transition away from the Federal health exchange and to take State control by establishing a State-based health insurance marketplace at a significantly lower cost and using the savings to launch a reinsurance program to lower premiums for families purchasing health and dental insurance through the Exchange Authority. The Exchange Authority's mission is to improve the accessibility and affordability of individual market health coverage for all residents of this Commonwealth.

#### *Purpose*

The purpose of this proposed rulemaking is to require insurers selling qualified plans<sup>2</sup> through the Exchange Authority to be accredited in health equity.<sup>3</sup> Through health equity accreditation (HEA), insurers and their employees will learn about cultural competency within the healthcare field to ensure that every person—regardless of personal characteristics such as gender, race, socioeconomic status and geographical location—receives the same quality of care.

In recent years, health equity has become an important and well-recognized accreditation standard in the healthcare industry. Currently, multiple states and health plans across the country use HEA to identify and close significant health coverage and care gaps that remain in this country. Health equity plays a key role in the advancement of public health, particularly for historically underserved communities that may have inequitable access to critical healthcare services and that also experience worse long-term health outcomes than the general population. Gaining HEA will lead to better health outcomes for

historically marginalized communities by requiring insurers to use race and ethnicity data for quality measurement. In addition, this process will help insurers build a diverse staff, reduce biased behavior and improve decision-making among employees. This will ensure that all Exchange Authority customers have access to the culturally competent care they deserve.

By requiring HEA, the Exchange Authority expects a decrease in health inequities among Commonwealth residents who purchase qualified plans through the Exchange Authority and an increase in enrollment among underserved populations.

#### *Explanation of Regulatory Requirements*

Proposed § 5001.1 (relating to scope) explains the proposed regulation's applicability.

Proposed § 5001.2 (relating to purpose) explains the purpose of the proposed regulation, which is to ensure that insurers selling qualified plans through the Exchange Authority are certified in health equity.

Proposed § 5001.3 (relating to definitions) defines the words and terms in Chapter 5001.

Proposed § 5001.4 (relating to achieving health equity accreditation) establishes the requirements and timeline to comply with the proposed regulation.

Proposed § 5001.5 (relating to recognized health equity accreditation organizations) establishes the standards that an HEA organization<sup>4</sup> must meet for the Exchange Authority to recognize them as an organization through which insurers selling plans through the Exchange Authority can obtain accreditation.

Proposed § 5001.6 (relating to penalties) establishes the penalties for the regulated community for failure to meet the requirements of this regulation.

#### *External Comments*

Prior to the drafting of the annex, the Exchange Authority engaged in significant stakeholder engagement efforts, including with all of the health insurers offering qualified plans through the Exchange Authority (Capital Blue Cross, Highmark, UPMC, Independence Blue Cross, Cigna, Oscar, PA Health & Wellness and Geisinger) as well as the dental insurers (BEST Life, Delta Dental, Dominion National, DSM, Educators and The Guardian). The Exchange Authority received feedback from insurers indicating that many were already in the process of exploring HEA since they have lines of business in states requiring this type of accreditation. At the time of the drafting of this proposed rulemaking, one insurer, Independence Blue Cross, has already achieved HEA. In addition, the Exchange Authority also met with health insurance agents and certified enrollment assisters who work with local organizations across this Commonwealth. The feedback offered by insurers, agents and assisters, aided the Exchange Authority in drafting the annex.

More importantly, the Exchange Authority's board, which is comprised of representatives of insurance companies, consumer advocacy groups and State agencies, has been involved from the beginning of this process and has

<sup>1</sup> Currently, the Exchange Authority does not have any regulations. The proposed HEA regulation would be the Exchange Authority's first regulation. This, and future regulations, will be codified in 31 Pa. Code Part L. The first chapter of the Exchange Authority's regulations will begin with Chapter 5001.

<sup>2</sup> A qualified plan is a health or dental insurance policy offered by a qualified insurer in a state-based or Federally-facilitated health insurance marketplace. Qualified Plans are defined in 40 Pa.C.S. § 9103 (relating to definitions).

<sup>3</sup> The proposed regulation's definition of "health equity" is based on the Centers for Medicare & Medicaid Services' definition of health equity but slightly reworded for clarity purposes only.

<sup>4</sup> Interested HEA organizations will need to submit documentation about their health equity certification program to the Exchange Authority for review to ensure that their programs properly cover all the standards set forth in § 5001.5(b) of this proposed rulemaking. If their program meets the standards, the Exchange Authority will list their names on its web site. Insurers can then select an organization from that list to obtain accreditation.

provided comments and suggestions on the scope and implementation of this proposed rulemaking. Before submitting the regulatory package, the board reviewed a draft of the annex and provided feedback.

#### *Affected parties*

This proposed rulemaking will directly affect insurers offering qualified plans through the Exchange Authority: eight health insurers as of August 2023 (Capital Blue Cross, Highmark, UPMC, Independence Blue Cross,<sup>5</sup> Cigna, Oscar, PA Health & Wellness and Geisinger) and six dental insurers (BEST Life, Delta Dental, Dominion National, DSM, Educators and The Guardian). It will also affect insurers who will offer qualified plans through the Exchange Authority in the future.

In addition, this proposed rulemaking will affect individuals currently enrolled in qualified plans through the Exchange Authority (as of March of 2023 approximately 371,516 individuals) by providing for better and more equitable healthcare.

HEA organizations are not regulated by this proposed rulemaking. Only HEA organizations that submit an application to the Exchange Authority to be recognized as HEA organizations are indirectly and minimally affected because they would need to submit documentation to the Exchange Authority to demonstrate they are properly qualified.

#### *Fiscal Impact*

*State government.* There will not be any fiscal impact to the Exchange Authority or any other Commonwealth agency due to this proposed rulemaking.

*General public.* This proposed rulemaking will have no fiscal impact upon the general public.

*Political subdivisions.* This proposed rulemaking will have no fiscal impact upon political subdivisions.

*Private sector.* This proposed rulemaking will have no fiscal impact upon the private sector, except for minimal impact to the regulated entities. The Exchange Authority estimates that each insurer selling qualified plans through the Exchange Authority will pay approximately \$6,240 plus \$0.06 per member fee every 3 years for accreditation.

#### *Paperwork*

There are no forms that insurers selling qualified plans through the Exchange Authority, the regulated community, are required to complete and submit due to this regulation. However, once these insurers obtain HEA, they must submit a copy of their accreditation certificate to the Exchange Authority.

Organizations intending to qualify as a recognized HEA organization by the Exchange Authority must submit documentation (see Appendix A, which was submitted to the Independent Regulatory Review Commission (IRRC) as part of the Proposed Regulation. Appendix is available at <https://www.irrc.state.pa.us/regulations/RegSrchrslts.cfm?ID=3416>. Select "Download proposed regulation," scroll to Appendix A.) to the Exchange Authority to ensure that their accreditation program satisfies the requirements set forth in the proposed regulation.

The only additional paperwork that would be imposed on the Exchange Authority as a result of this proposed rulemaking would be related to the review of the documentation submitted by HEA organizations that intend to be recognized by the Exchange Authority under § 5001.5(b) of this proposed rulemaking. It is expected that this paperwork will be minimal.

<sup>5</sup> Independence Blue Cross has already received HEA.

#### *Effect Date*

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

#### *Sunset Date*

The Exchange Authority will monitor the effectiveness of this regulation every other year. Therefore, no sunset date has been assigned.

#### *Contact Person*

Questions or comments regarding this proposed rulemaking may be addressed in writing to PennieRegulations@pennie.com or to Ana Paulina Gomez, Chief Counsel, Pennsylvania Health Insurance Exchange Authority, P.O. Box 536, Harrisburg, PA 17108, within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under Section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 7, 2024, the Exchange Authority submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the chairperson of the Banking & Insurance Committee of the Senate and the chairperson of the Insurance Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final delivery of the rulemaking, by the Exchange Authority, the General Assembly and the Governor.

DEVON TROLLEY,  
*Executive Director*

**Fiscal Note:** 130-1. No fiscal impact; recommends adoption.

### Annex A

#### TITLE 31. INSURANCE

#### PART L. PENNSYLVANIA HEALTH INSURANCE EXCHANGE AUTHORITY

#### CHAPTER 5001. HEALTH EQUITY ACCREDITATION

(*Editor's Note:* Chapter 5001 is proposed to be added and is printed in regular type to enhance readability.)

Sec.	
5001.1.	Scope.
5001.2.	Purpose.
5001.3.	Definitions.
5001.4.	Achieving health equity accreditation.
5001.5.	Recognized health equity accreditation organizations.
5001.6.	Penalties.

#### § 5001.1. Scope.

This chapter applies to insurers selling qualified plans through the Exchange Authority.

#### § 5001.2. Purpose.

The purpose of this chapter is to increase health equity and enhance the cultural competency of healthcare services provided in this Commonwealth by requiring insurers selling qualified plans through the Exchange Authority to be accredited in health equity by a recognized accrediting body.

### § 5001.3. Definitions.

(a) The definitions in 40 Pa.C.S. § 9103 (relating to definitions) are incorporated by reference and apply to this chapter.

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

*Department*—The Insurance Department of the Commonwealth.

*Exchange Authority*—The Pennsylvania Health Insurance Exchange Authority d/b/a Pennie®.

*Health equity*—The fair and just opportunity for all individuals to attain their optimal health regardless of race, ethnicity, disability, sexual orientation, gender, socioeconomic status, geography, preferred language or other factors that affect access to care and health outcomes.

*Recognized health equity accreditation organization*—An organization recognized by the Exchange Authority to be qualified to offer health equity accreditation under § 5001.5 (relating to recognized health equity accreditation organizations).

### § 5001.4. Achieving health equity accreditation.

(a) *Compliance.* An insurer offering qualified plans through the Exchange Authority shall be accredited in health equity by a recognized health equity accreditation organization.

(b) *Timeframe to achieve health equity accreditation.*

(1) An insurer offering qualified plans through the Exchange Authority on \_\_\_\_\_ (*Editor's Note:* The blank refers to the effective date of the rulemaking.) shall achieve health equity accreditation by a recognized health equity accreditation organization by the start of the plan year that begins after \_\_\_\_\_. (*Editor's Note:* The blank refers to the date 12 months after the effective date of the rulemaking.)

(2) An insurer seeking to offer qualified plans through the Exchange Authority shall achieve health equity accreditation by a recognized health equity accreditation organization by the start of the plan year immediately following the plan year in which the insurer is first certified to offer qualified plans through the Exchange Authority.

(3) Notwithstanding paragraphs (1) and (2), an insurer that has not attained accreditation within the time frame under paragraph (1) or paragraph (2), as applicable, may offer qualified plans through the Exchange Authority at the Exchange Authority's discretion if the insurer submits to the Exchange Authority a plan demonstrating its good faith and timely efforts to achieve health equity accreditation, including a date by which the insurer anticipates attaining accreditation.

(c) *Annual submission.* An insurer offering qualified plans through the Exchange Authority that achieves health equity accreditation as required under subsection (b) shall thereafter submit to the Exchange Authority a copy of its current health equity accreditation certificate by August 31 of every year by e-mail to PennieRegulations@pennie.com using the subject title "Insurer Health Equity Accreditation Certificate."

### § 5001.5. Recognized health equity accreditation organizations.

(a) *Process for recognizing health equity accreditation organizations.*

(1) An organization that seeks to qualify as a recognized health equity accreditation organization shall submit an application to the Exchange Authority to establish that its health equity accreditation program satisfies the requirements under subsection (b).

(2) The organization shall submit its application to the Exchange Authority in a form and manner approved by the Exchange Authority.

(3) The Exchange Authority shall review an organization's application for compliance with the requirements under subsection (b).

(4) The Exchange Authority may decline to approve or terminate the approval of an organization that does not satisfactorily comply with the requirements under subsection (b).

(5) If the Exchange Authority approves an organization's application, the organization shall do one of the following on an annual basis from the date its application was approved:

(i) Submit a letter to the Exchange Authority attesting that its program has not changed and continues to meet the requirements under subsection (b).

(ii) Submit a new application to the Exchange Authority if its program has changed.

(6) If the Exchange Authority approves an organization's application, the Exchange Authority will publish on its web site the organization's name in a list of recognized health equity accreditation organizations.

(b) *Recognized health equity accreditation organizations requirements.* To be recognized as a health equity accreditation organization by the Exchange Authority, an organization shall have a health equity accreditation program in the United States that:

(1) Educates an applicant seeking accreditation about health equity to help the applicant achieve a framework that advances health equity, expands coverage and improves health outcomes for the applicant's customers regardless of their race, ethnicity, disability, sexual orientation, gender, socioeconomic status, geography or preferred language.

(2) Is conducted in accordance with a written plan and curriculum or manual.

(3) Includes, at a minimum, curriculum that covers all of the following topics:

(i) Diversity of the workforce of the applicant seeking accreditation.

(ii) Access and availability of language services.

(iii) Cultural awareness and responsiveness.

(iv) Reduction of healthcare disparities.

(4) Has instructors and administrators with education or certification in health equity education.

(5) Has specific parameters that the applicant seeking accreditation must meet prior to becoming accredited in health equity.

(6) Has renewal criteria.

(7) Includes a health equity accreditation certification that expires in no more than 3 years if renewal criteria are not satisfied.

### § 5001.6. Penalties.

Failure to comply with the provisions of this chapter will subject an insurer offering qualified plans through

the Exchange Authority to referral to the Department for enforcement in accordance with 40 Pa.C.S. § 9702 (relating to enforcement) and any other penalty provided by law.

[Pa.B. Doc. No. 24-752. Filed for public inspection May 24, 2024, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### [ 61 PA. CODE CH. 5 ]

#### Payment Methods for Obligations Due the Commonwealth

The Department of Revenue (Department) and the Treasury Department (Treasury), under the authority contained in section 9 of The Fiscal Code (72 P.S. § 9), propose amendments to Chapter 5 (relating to payments by electronic funds transfer) to read as set forth in Annex A.

##### *Purpose of Proposed Rulemaking*

The purpose of this proposed rulemaking is to update the existing regulation that has, for the most part, not changed since it was originally promulgated in 1992. Prior amendments to the regulation consist of additions of taxes to which the electronic payment mandate applies and reductions to the threshold for the electronic payment mandate. For example, the act of July 2, 2012 (P.L. 823, No. 87) and the act of July 18, 2013 (P.L. 574, No. 71) reduced the payment threshold over which electronic payments are required from \$20,000 to \$10,000 and from \$10,000 to \$1,000, respectively.

Section 9 of The Fiscal Code requires the Department and the Treasury to promulgate regulations relating to the way payments are made to the Department for obligations due the Commonwealth. Currently, Chapter 5 focuses mostly on the electronic payment mandate. This proposed rulemaking broadens the scope of the original regulation to address all forms of payments to the Department, not just electronic payments. This proposed rulemaking also memorializes existing payment methods and does not broaden or limit the methods by which payments are currently made to the Department.

The existing regulation and electronic fund transfer (EFT) mandate already applies to persons remitting the following tax obligations to the Department: Sales and Use, Corporate Net Income, Employer Withholding, Capital Stock-Franchise, Liquid Fuels, Bank Shares, Fuel, Use, Title Insurance and Trust, Mutual Thrift Institutions, Company Shares, Oil Company Franchise, Insurance Premiums, Malt Beverage, Public Utility Realty, Motor Carrier Road Tax and Gross Receipts.

The Pennsylvania General Assembly has enacted several new taxes since the existing regulation was last updated, including the following: Other Tobacco Products Tax, Wine Excise Tax (WET), Wine Expanded Permit, Carsharing Fee, Consumer Fireworks Tax, Medical Marijuana Gross Receipts Tax and Fantasy Sports Tax. The Department proposes to impose the electronic payment mandate to these taxes as well as other obligations that are not otherwise exempted.

This proposed rulemaking also coincides with system programming of the Department's modernized tax system.

##### *Description of Proposed Amendments*

This proposed rulemaking is largely a rewriting and reorganization of the existing regulation. The major change is that the electronic payment mandate for obligations of \$1,000 or more will now apply to all tax types, except for certain types of Personal Income Tax payments under Article III of the Tax Reform Code of 1971 (TRC) (72 P.S. §§ 7301—7361) and Inheritance Tax payments under Article XXI of the TRC (72 P.S. §§ 9101—9196), and all other obligations due the Commonwealth paid through the Department.

The Department proposes to amend the title of Chapter 5 to Payment Methods for Obligations Due the Commonwealth to clarify that this chapter addresses how all payments are made to the Department rather than just addressing electronic payments.

The Department proposes to delete §§ 5.1—5.7. Many of the substantive provisions are proposed to be carried over into new, reorganized and rewritten sections which are proposed to be added as §§ 5.11—5.16.

The Department proposes to delete § 5.1 and move the purpose for the chapter into § 5.11 (relating to purpose), with some changes as described in the explanation of § 5.11.

The Department proposes to delete § 5.2 in its entirety and move the definitions into § 5.12 (relating to definitions), with some changes as described in the explanation of § 5.12.

The Department proposes to delete § 5.3 in its entirety. Subsections (a)—(d) are obsolete. Subsections (e)—(g) set forth the current amount and method of payment, which will now be set forth in proposed § 5.14 (relating to payments required to be paid by EFT). Parts of subsections (g) and (h) will be set forth in Department guidance and instructions, thus eliminating the need for those provisions.

The Department proposes to delete § 5.4 because it will now be obsolete with the allowable methods of payment set forth in proposed § 5.13 (relating to payments in general).

Section 5.5 was previously deleted in a prior rulemaking published at 42 Pa.B. 7279 (December 1, 2012).

The Department proposes to delete §§ 5.6 and 5.7 because they contain technical rules related to EFT payments. The Department is proposing to provide these technical rules in Department instructions in the future as set forth in proposed § 5.13(c).

Proposed § 5.11 states the purpose of the regulation, which is to provide for how payments for Commonwealth obligations are to be remitted. The previous § 5.1 contained references to the Department and Treasury, which will not be carried over to proposed § 5.11. In addition, while the previous purpose section limited the scope of the chapter to EFTs, the proposed purpose section does not contain that limitation resulting in the application of this chapter to all obligations due the Commonwealth.

The Department proposes to amend the definitions formerly contained in § 5.2 and move them to § 5.12.

The definitions “ACH,” “ACH credit” and “ACH debit” are not carried over to the proposed definitions section, as these are commonly used terms and have generally understood meanings that do not require specialized definitions for the purpose of the regulation. In addition,

the Department proposes to forgo the use of “ACH” throughout Chapter 5 in favor of the term “automated clearing house.”

The Department has not carried over the term “business day” because the term will not be used in this proposed rulemaking.

The Department proposes to carry over the definition of “EFT—electronic funds transfer” from § 5.2 to proposed § 5.12. The Department also proposes to amend the definition by listing the allowable types of electronic payments. Credit and debit card payments have been added as allowable payment methods, given that they are an expedient means of payment authorized by section 9(a)(1) of The Fiscal Code. This proposed definition is also consistent with the Federal Reserve Board’s Regulation E in 12 CFR 205.3(b) (relating to coverage), defining electronic fund transfers. In addition, the proposed definition provides that virtual currency is not a permitted form of EFT.

The definition for “Fedwire” is carried over from § 5.2 and proposed to be amended to be consistent with the provisions found in 12 CFR 210.25—210.32 (relating to funds transfers through the Fedwire funds service).

The definition for “financial institution” is proposed to be added because this term is to be used in the definition of “EFT.” The definition is identical to the definition of “financial institution” found in 12 CFR 205.2(i) (relating to definitions).

The definition for “virtual currency” is proposed to be added because the term is to be used in the definition of “EFT.” The Department proposes to define “virtual currency” using language that is identical to the Internal Revenue Service definition used in IRS Notice 2014-21 and the IRS Frequently Asked Questions on Virtual Currency Transactions.

Proposed § 5.13 provides for the proposed place, method and procedures by which obligations due the Commonwealth are to be remitted. In subsection (a), the Department proposes a list of methods by which a person may remit payments of obligations due the Commonwealth. In subsections (a) and (c), the Department proposes that the place, procedures and technical criteria for the remittance of payments due the Commonwealth will be published in Department instructions and publications. Placing this information in Department instructions and publications rather than directly in the regulation is necessary to account for frequently changing addresses, systems and technologies. Ways to obtain forms and instruction by mail, phone or online can be found on the Department’s web site at <https://www.revenue.pa.gov/FormsandPublications/Pages/How-Do-I-Get-Forms.aspx>.

Proposed § 5.14 provides the rules for the electronic payment mandate. Subsection (a) applies to payments of \$1,000 or more, and to all tax types, with some exceptions as set forth in subsections (b) and (c). Subsections (b) and (c) outline the payment criteria for certain Personal Income Tax payments under Article III of the TRC and Inheritance Tax payments under Article XXI of the TRC. Proposed § 5.14(b) and (c) are the exceptions to the general rule contained in subsection (a).

Proposed § 5.14(b) provides that payments due under Article III of the TRC (Article III payments), as listed in proposed paragraphs (1)—(3) are not subject to the \$1,000 EFT requirement. Section 9 of The Fiscal Code creates the EFT requirement, but also provides that the Department and the Treasury cannot impose the EFT payment

requirement on Article III payments. Rather, Article III payments are subject to the \$15,000 EFT requirement contained in section 332.1 of the TRC (72 P.S. § 7332.1). Section 332.1 of the TRC was specifically added in 2021 to apply to Personal Income Tax payments under Article III of the TRC. The regulatory provisions under § 5.14(b) are consistent with both section 9 of The Fiscal Code and section 332.1 of the TRC.

Proposed § 5.14(c) exempts inheritance tax payments under Article XXI of the TRC from the requirements of subsection (a). Inheritance Tax payments are exempted from the EFT payment requirement because those payments are all made to the County Registers of Wills (ROW), who act as agents for the Department. The ROWs have their own procedures and systems in place to receive payments. Imposing an EFT payment requirement and potential penalty for inheritance tax payments cannot be implemented given the myriad and divergent procedures and systems of the 67 ROW county offices.

Proposed § 5.15 (relating to date of receipt rules) provides the date on which payments are considered received by the Department. Persons with obligations due the Commonwealth are notified they are responsible for their choice of payment and bear the burden of any late payments associated with their choice, even if the late payment is due to circumstances beyond the person’s control.

Proposed § 5.16 (relating to penalty) reiterates the statutory penalty for failure to remit payments by EFT when required. See section 9.1 of The Fiscal Code (72 P.S. § 9.1) regarding failure to make payment by EFT. The statute requires the Department to impose a penalty if there is a failure to make a payment by EFT when required. This proposed language clarifies that the penalty is imposed upon the total amount of each payment remitted. It further clarifies that the penalty is imposed upon each payment regardless of whether the payment is for principal tax, interest, penalties, additions, fees or a combination thereof. In addition to the specific amendments cited previously, outdated references to Department Bureaus and addresses are proposed to be deleted. Provisions relating to filing tax returns are beyond the scope of the regulations and are also proposed to be deleted.

#### *Affected Parties*

This proposed rulemaking applies to all persons making payment of obligations due the Commonwealth through the Department.

#### *Fiscal Impact*

The Department has determined that this proposed rulemaking will have minimal or no revenue impact on the Commonwealth.

#### *Paperwork Requirements*

This proposed rulemaking will not result in additional paperwork for the public or the Commonwealth.

#### *Effective Date*

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

#### *Sunset Date*

This proposed rulemaking is scheduled for review within 5 years of final publication. A sunset date has not been assigned.

*Public Comments and Contact Person*

Interested persons are invited to submit in writing any comments, suggestions or objections regarding this proposed rulemaking to Maria L. Miller, Office of Chief Counsel, Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 15, 2024, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Review Form to the Independent Regulatory Commission (IRRC) and to the chairperson of the Committee on Finance of the Senate and the chairperson of the Committee on Finance of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

PATRICK BROWNE,  
*Secretary*

STACY GARRITY,  
*State Treasurer*

**Fiscal Note:** 15-463. No fiscal impact; recommends adoption.

**Annex A****TITLE 61. REVENUE****PART I. DEPARTMENT OF REVENUE****Subchapter A. GENERAL PROVISIONS****Chapter 5. [ PAYMENTS BY ELECTRONIC FUNDS TRANSFER ] PAYMENT METHODS FOR OBLIGATIONS DUE THE COMMONWEALTH**

§ 5.1. [ Purpose ] [Reserved].

§ 5.2. [ Definitions ] [Reserved].

§ 5.3. [ Payments required to be paid by EFT ] [Reserved].

§ 5.4. [ Voluntary participation ] [Reserved].

§ 5.6. [ EFT payments ] [Reserved].

§ 5.7. [ Miscellaneous provisions ] [Reserved].

(*Editor's Note:* Sections 5.11—5.16 are proposed to be added and are printed in regular type to enhance readability.)

Sec.	
5.11.	Purpose.
5.12.	Definitions.
5.13.	Payments in general.
5.14.	Payments required to be paid by EFT.
5.15.	Date of receipt rules.
5.16.	Penalty.

**§ 5.11. Purpose.**

Under section 9 of the FC (72 P.S. § 9), this chapter provides the method by which obligations due the Commonwealth shall be remitted to the Department.

**§ 5.12. Definitions.**

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

**EFT—electronic funds transfer**—A transfer of funds, other than a transaction originated by check, draft or similar paper instrument, which is initiated through an electronic terminal, telephone, computer or magnetic tape to order, instruct or authorize a financial institution to debit or credit an account. For purposes of this chapter, the term includes only the following types of EFT:

(i) Automated clearing house debit or credit.

(ii) Debit or credit card.

(iii) Fedwire or other wire transfer, but only with prior approval of the Department.

(iv) Other EFT as designated in Department instructions or publications. The term does not include virtual currency.

**Fedwire—Fedwire funds service**—The funds-transfer system, as described in 12 CFR 210.25—210.32 (relating to funds transfers through the Fedwire funds service), owned and operated by the Federal Reserve Banks.

**Financial institution**—A bank, savings association, credit union, or any other person that directly or indirectly holds an account belonging to a consumer, or that issues an access device and agrees with a consumer to provide EFT services.

**Treasury**—The Treasury Department of the Commonwealth.

**Virtual currency**—A digital representation of value, other than a representation of the United States dollar or a foreign currency, that functions as a unit of account, a store of value and a medium of exchange.

**§ 5.13. Payments in general.**

(a) *Place.* A person shall remit payment of an obligation due the Commonwealth at the location the Department shall designate in Department instructions or publications.

(b) *Method.* Unless otherwise provided in this chapter, a person may remit payment of an obligation due the Commonwealth to the Department by one of the following methods:

(1) Cash.

(2) Check, draft or similar paper instrument, including personal check, certified check or cashier's check.

(3) EFT.

(c) *Procedures and technical criteria.* The Department will provide procedures and technical criteria for remittance of payments in Department instructions and publications.

**§ 5.14. Payments required to be paid by EFT.**

(a) *General rule.* Unless otherwise provided for in this section, a payment of \$1,000 or more toward an obligation due the Commonwealth must be remitted to the Department using one of the following payment methods:



## DEPARTMENT OF REVENUE

[ 61 PA. CODE CH. 153 ]

## Business Income and Nonbusiness Income

The Department of Revenue (Department), under the authority of section 408 of the Tax Reform Code of 1971 (TRC) (72 P.S. § 7408(a)), proposes to amend Chapter 153 (relating to corporate net income tax) by adding § 153.24a (relating to business and nonbusiness income) to read as set forth in Annex A.

*Purpose of Proposed Rulemaking*

The purpose of this proposed rulemaking is to add § 153.24a regarding business income and nonbusiness income due to legislative changes and the further development of the unitary business principle of the United States Constitution in case law.

Under section 402 of the TRC (72 P.S. § 7402), corporations doing business, carrying on activities, having capital or property employed or used, owning property in this Commonwealth or having substantial nexus in this Commonwealth are subject to and shall pay taxes to the Commonwealth. Corporations subject to tax in this Commonwealth must calculate and pay tax based on the entity's taxable income. See, 72 P.S. §§ 7401—7412. As part of calculating taxable income a multistate corporation must determine the amount of its business income, which is then subjected to a statutory apportionment formula, as well as items of nonbusiness income, if any, which are then subject to allocation. See 72 P.S. § 7401. The statutory apportionment formula attempts to determine the percentage of a corporation's income that is subject to corporate taxation in any given state. Under current Commonwealth law, the statutory apportionment formula for most taxpayers consists of a single sales factor where the numerator of the factor is the taxpayer's total sales in this Commonwealth, and the denominator consists of the taxpayer's total sales everywhere. See 72 P.S. § 7401(3)2.(a)(9)(A)(v) and (15).

Business income, by definition in this Commonwealth, includes all income which is apportionable under the Constitution of the United States. 72 P.S. § 7401(3)2.(a)(1)(A). Nonbusiness income is defined as all income that is not business income. It is subject to allocation whereby specific items of nonbusiness income are allocated in total to one specific state for purposes of corporate taxation rather than being apportioned. 72 P.S. § 7401(3)2.(a)(4)—(8).

The Department is promulgating this proposed rulemaking to affirm that the definition of "business income" includes all income of the taxpayer's unitary business in an effort to clarify when income should be classified as business versus nonbusiness income and minimize future disputes between the Department and taxpayers on these issues. The language of 72 P.S. § 7401(3)2.(a)(1)(A) provides:

*"Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if either the acquisition, the management or the disposition of the property constitutes an integral part of the taxpayer's regular trade or business operations. The term includes all income which is apportionable under the Constitution of the United States.*

(Emphasis added).

(1) *EFT*. Failure to comply with Department instructions related to the manner and procedures for the remittance of EFT payments will be deemed to be a failure to remit by EFT.

(2) A certified or cashier's check.

(b) *TRC section 332.1 payments*. The following payments are subject to the electronic payment provisions of section 332.1 of the TRC (72 P.S. § 7332.1) and are not subject to the payment provisions in subsection (a):

(1) Form PA-40 (Personal Income Tax Return) and PA-41 (Fiduciary Income Tax Return) tax liability payments, including estimated payments and payments made with the return.

(2) Form PA-40 NRC (Nonresident Consolidated Income Tax Return) tax liability payments.

(3) Withholding payments required under sections 316.2, 324 and 324.4 of the TRC (72 P.S. §§ 7316.2, 7324 and 7324.4).

(4) Other payments made by individuals under sections 301—361 of the TRC (72 P.S. §§ 7301—7361).

(c) *Inheritance tax payments*. Inheritance tax payments under sections 9101—9196 of the TRC (72 P.S. §§ 9101—9196) are not subject to the payment provisions in subsection (a).

**§ 5.15. Date of receipt rules.**

(a) The receipt date of a payment of an obligation due the Commonwealth depends upon the method of payment.

(1) For an automated clearing house debit payment, the receipt date is the date the payor authorizes the Department to debit the payor's account.

(2) For an automated clearing house credit or Fedwire payment, the receipt date is the settlement date provided by the payor's originating institution.

(3) For a credit or debit card payment, the receipt date is the date the Department's third-party provider approves the payment.

(4) For payments mailed to the Department, the receipt date is the United States Postal Service postmark date.

(5) For payments delivered in person or by courier, the receipt date is the date the payment is delivered to and accepted by the Department.

(b) The person with the obligation due the Commonwealth bears the burden of remitting the payment by the due date. The person with the obligation due the Commonwealth is accountable for errors committed by the person, the payor or third parties. These errors are not justification for the abatement of interest or penalty.

**§ 5.16. Penalty.**

A person who fails to remit an obligation due the Commonwealth using the method required under § 5.14(a) (relating to payments required to be paid by EFT) shall be subject to a penalty of 3% of the total amount of each payment remitted, not to exceed \$500. The penalty will be imposed upon all payment types including principal tax, interest, penalties, additions and fees, or a combination thereof.

[Pa.B. Doc. No. 24-753. Filed for public inspection May 24, 2024, 9:00 a.m.]

Over a series of cases, the United States Supreme Court has developed criteria to determine which income is apportionable under the Constitution of the United States. See generally, *Allied-Signal v. Director, Division of Taxation*, 504 U.S. 768, 119 L. Ed. 2d. 533 (1992); *Exxon Corporation v. Wisconsin Department of Revenue*, 447 U.S. 207, 65 L.Ed.2d 66 (1980); *Mobil Oil Corporation v. Commissioner of Taxes of Vermont*, 445 U.S. 425, 63 L.Ed.2d 510 (1980). The United States Supreme Court, in its criteria, has focused on the concept of the “unitary business principle.”

First, companies are presumed to be unitary, and the burden of proof is upon the taxpayer to prove the existence of nonunitary income. For example, in the matter of *Mobil Oil Corporation v. Commissioner of Taxes of Vermont*, 445 U.S. 425, 63 L.Ed.2d 510 (1980), *Mobil* took the position that the dividends it received from foreign subsidiaries were not apportionable income subject to tax in Vermont. Essentially, it argued that the foreign dividends must be excepted from the application of Vermont’s apportionment factor and instead, in effect, be treated as nonbusiness income subject instead to allocation because the foreign dividends lacked sufficient nexus with the company’s business activities in Vermont. The United States Supreme Court noted that:

[T]he linchpin of apportionability in the field of state income taxation is the unitary business principal. In accord with this principal, what appellant must show, in order to establish that its dividend income is not subject to an apportioned tax in Vermont, is that the income was earned in the course of activities unrelated to the sale of petroleum products in that State.

*Id.* at 439.

The United States Supreme Court ultimately held against *Mobil*, finding that the company did not prove that the foreign operations of its affiliates were distinct in any business or economic sense from its petroleum sales activities in Vermont. Moreover, the United States Supreme Court found that the foreign activities were part of *Mobil*’s integrated business and thus subject to tax by Vermont.

Approximately three months after issuing its decision in *Mobil*, the United States Supreme Court further decreed that a taxpayer cannot avoid apportionment of its unitary business income merely by utilizing separate accounting to report its income in one particular state. *Exxon Corporation v. Wisconsin Department of Revenue*, 447 U.S. 207, 65 L.Ed.2d 66 (1980). In *Exxon*, the taxpayer argued that since it was able to separately account for its Wisconsin income, only that income should have been subjected to tax by the state, and application by Wisconsin of the state’s statutory apportionment formula violated the Due Process Clause. The United States Supreme Court disagreed, finding that as discussed in *Mobil* “the linchpin of apportionability” is the unitary business principal. Once the finding of a unitary business is present, then a state may constitutionally apply an apportionment formula to determine the tax due to the state. To avoid subjecting income to apportionment the taxpayer would need to prove that the income in question was from unrelated business activities, which constituted a discrete business enterprise. *Mobil Oil Corporation v. Commissioner of Taxes of Vermont*, 445 U.S. 425, 442, 439.

In 1992, the United States Supreme Court outlined the analysis that states must conduct to determine whether a unitary business exists. See *Allied-Signal v. Director, Division of Taxation*, 504 U.S. 768, 119 L. Ed. 2d. 533 (1992). There the United States Supreme Court reiterated that a review of the three factors of a unitary business identified in *Mobil*—(1) functional integration; (2) centralization of management; and (3) economies of scale—was a necessary analysis that a court must engage in before reaching a determination as to whether income from a business was appropriately subject to apportionment. The opinion noted that the unitary business inquiry “focuses on the objective characteristics of the asset’s use and its relation to the taxpayer and its activities within the taxing State.” *Id.* It went on to state that a unitary relationship was not necessarily required for a finding that income was subject to apportionment. Instead, that threshold could be reached where no unitary relationship existed, but it could be shown that the income arose from an operational rather than an investment function.

This differentiation between operational and investment functions, albeit nonbinding, was later held by the United States Supreme Court as being a tool that states could use to determine whether an asset was part of a unitary business. In *MeadWestvaco ex rel. Mead Corp. v. Illinois Dept. of Rev.*, 553 U.S. 16, 19, 26, 128 S. Ct. 1498, 170 L.Ed. 2d 404 (2008), the United States Supreme Court clarified that the commentary in *Allied-Signal* did not announce a new ground for the constitutional apportionment of income. Instead, the conclusion that an asset “served an operational function was merely instrumental to the constitutionally relevant conclusion that the asset was a unitary part of the business being conducted in the taxing State rather than a discrete asset to which the state had no claim.” *Id.* The United States Supreme Court went on to affirm that the “hallmarks” of a unitary relationship were, again, functional integration, centralized management and economies of scale.

These four United States Supreme Court cases provide the framework upon which the Commonwealth must determine what taxpayer income is apportionable under the Constitution of the United States and thus meets the definition of “business income” under the language of section 401 of the TRC (72 P.S. § 7401(3)2.(a)(1)(A)) as opposed to what income, by default, is properly classified as “nonbusiness income” and instead subject to allocation.

This proposed rulemaking will require a unitary business analysis applying current pronouncements of the United States Supreme Court. The Department is promulgating this proposed rulemaking to affirm that the definition of “business income” includes all income of the taxpayer’s unitary business in an effort to clarify when income should be classified as business versus nonbusiness income and minimize future disputes between the Department and taxpayers on these issues. Given that all states which impose a corporate income tax apportion income, with these regulations the Department seeks to promote the consistent classification of income as either business income or nonbusiness income among different taxing jurisdictions. Consistency with other states’ interpretation of the same or substantially similar language was a goal that the Pennsylvania Supreme Court noted was favored in the determination of the proper interpretation of statutory language. See *Commonwealth of Pennsylvania v. Gilmour Manufacturing Company*, 573 Pa. 143, 822 A.2d 676 (2003). To further promote consistent treatment with other states, the majority of the proposed language for this regulation mirrors the rules of the

Multistate Tax Commission's<sup>1</sup> Model General Allocation and Apportionment Regulations.

The TRC's definitions of "business income" and "nonbusiness income" as originally enacted were based upon the Uniform Division of Income for Tax Purposes Act (UDITPA), Uniform Division of Income for Tax Purposes, U.L.A. Div. Inc. Tax and did not contain the last sentence of the definition referring to the Constitution of the United States. The core theory underlying the UDITPA model statute was the unitary business principle. See Multistate Tax Commission *Synopsis of The Project to Revise UDITPA* at [https://www.mtc.gov/getattachment/Uniformity/Project-Teams/Multistate-Tax-Compact-Article-IV/The-Project-to-Revise-UDITPA-\(NC-Note\).pdf.aspx](https://www.mtc.gov/getattachment/Uniformity/Project-Teams/Multistate-Tax-Compact-Article-IV/The-Project-to-Revise-UDITPA-(NC-Note).pdf.aspx).

Unfortunately, the application of the original UDITPA definitions of the transactional and functional tests was problematic in multiple states and led to litigation in various states across the country. A comprehensive and critical review of these state court decisions is contained in a special report published in *Tax Analysts State Tax Today* (2001 STT 171-26, September 4, 2001), "The Business-Nonbusiness Income Distinction and the Case for its Abolition," by Professor Walter Hellerstein of the University of Georgia. Rather than leading to uniform taxation in the adopting states, the original UDITPA language led to nonuniformity and division.

To clarify the law regarding the determination of business income in this Commonwealth, the definition in section 401(3) of the TRC of "taxable income" was modified by the act of June 22, 2001 (P.L. 353, No. 23) to adopt the United States constitutional standard for determining business income. Correspondingly, the definition of "nonbusiness income" was modified to make clear that the term did not include income which is apportionable under the Constitution of the United States. While Federal constitutional limits on the authority of the Commonwealth were present before the addition of this language to the definitions of business and nonbusiness income in 2001, the addition of this language directly tied the treatment of income to both the existing language emanating from UDITPA, as modified by the Commonwealth, as well as United States Supreme Court jurisprudence. The General Assembly's enactment of the revised definitions of "business" and "nonbusiness income" has established legislative intent consistent with adopting the unitary business principle as the standard for determining business and nonbusiness income in this Commonwealth.

To the extent they are inconsistent with the unitary business principle, the application of older Pennsylvania court-designed concepts such as "unrelated income" or "multiformity" do not limit the State's authority to tax under the unitary business principle. These concepts arose at a time when the Commonwealth's tax law lacked the requisite allocation and apportionment provisions to

meet Federal constitutionality. To save the constitutionality of the former statutes, Commonwealth courts developed and applied these principles to limit the application of the tax to appropriate United States constitutional limits. Having its origin in the context of property taxation, the doctrine of multiformity as it existed in the 1930s was expressed in restrictive terms requiring concrete connections between taxing state and the property taxed. See, for example, *Commonwealth v. Columbia Gas and Electric*, 336 Pa. 209 (1939). Claims based upon the historical principles of multiformity or unrelated income within this Commonwealth, which purport to provide extra-statutory remedies, will be evaluated by the Department based on whether the income in question should be treated as falling within the current unitary business principle as determined by the United States Supreme Court. To the extent a company realizes income from a unitary business, the Department will apply an apportionment formula to the company's total income to obtain a reasonable approximation of the income associated with the activities conducted within this Commonwealth. On the other hand, to the extent a company can establish that certain income is nonunitary with its normal business activities then the allocation provisions in the existing statutory guidance as well as these proposed regulations would be implicated.

Some corporations not domiciled within this Commonwealth have cited *Commonwealth v. ACF Industries, Inc.*, 441 Pa. 129; 271 A.2d 273 (1970) for the proposition that the Commonwealth may not tax all of the income of a multistate unitary business. In *ACF*, the taxpayer stipulated it was a unitary business, yet claimed that certain income of its unitary business could not be subject to tax by the Commonwealth pursuant to the multiformity and unrelated assets concepts. However, what was actually before the court in *ACF* was the interpretation of a 1957 amendment to the Corporate Net Income Tax Act of May 16, 1935 (P.L. 208, No. 91). That 1957 amendment was repealed when the TRC enacted a new corporate net income tax which codified the UDITPA concepts of business and nonbusiness for purposes of apportioning the income of a multistate business. Thus, the *ACF* case is inapplicable.

And Commonwealth courts have followed suit with regard to the unitary business principle. The Pennsylvania Supreme Court in *Glatfelter Pulpwood Co. v. Commonwealth*, 619 Pa. 243, 61 A.3d 993 (2013) dismissed a taxpayer's multiformity claim finding that the income at issue was from the taxpayer's unitary business under the UDITPA functional test for business income stating:

As the High Court has made clear, to calculate the in-state income of a multistate enterprise for taxation purposes, a state is not required to isolate those income-producing activities that physically occur within its borders; rather, a state may tax a fairly apportioned share of the total income of a multi-state enterprise if that enterprise constitutes a "unitary business." *MeadWestvaco ex rel. Mead Corp. v. Illinois Dept. of Rev.*, 553 U.S. 16, 19, 26, 128 S. Ct. 1498, 170 L.Ed. 2d 404 (2008).

*Id.*, 619 Pa. at 268, 61 A.3d at 1008.

As an additional consideration, under section 404 of the TRC (72 P.S. § 7404), corporations owning or controlling other corporations may not file a consolidated report showing combined net income. Taxable income will continue to be determined on a separate company as opposed to on a consolidated basis. While the analysis of the unitary or nonunitary nature of the income is essentially

<sup>1</sup> As described on its web site: "The Multistate Tax Commission is an intergovernmental state tax agency working on behalf of states and taxpayers to facilitate the equitable and efficient administration of state tax laws that apply to multistate and multinational enterprises. Created by the Multistate Tax Compact, the Commission is charged by this law with:

- Facilitating the proper determination of State and local tax liability of multistate taxpayers, including the equitable apportionment of tax bases and settlement of apportionment disputes;
- Promoting uniformity or compatibility in significant components of tax systems;
- Facilitating taxpayer convenience and compliance in the filing of tax returns and in other phases of tax administration;
- Avoiding duplicative taxation.

The commission was created in 1967 as an effort by states to protect their tax authority in the face of previous proposals to transfer the writing of key features of state tax laws from the state legislature. For that reason, the Commission has been a voice for preserving the authority of states to determine their own tax policy within the limits of the U.S. Constitution."

the same between separate company and consolidated filing jurisdictions, the approach to performing the analysis in a consolidated filing jurisdiction necessarily involves examining not only activities within each corporate entity, but also the activities between the entities potentially included in the corporate filing group. This proposed rulemaking will promote the Commonwealth's uniform interpretation of the unitary business concept with other states. Moreover, the proposed regulations are intended to provide additional guidance to taxpayers and incorporate the analysis offered by the United States Supreme Court on the apportionment or allocation of income.

#### *Description of Proposed Amendments*

The following paragraphs provide a brief description for each specific section of this proposed rulemaking:

The Department proposes to add § 153.24a. Section 153.24a explains the approach to determining whether corporate income is treated as business income which is subject to apportionment based on the company's sales factor or is nonbusiness income and is allocated to one state. In essence, if income is classified as business income, then the taxpayer determines a fraction where the numerator is its sales sourced to this Commonwealth and the denominator is its sales everywhere. 72 P.S. § 7401(3)2.(a)(15). The taxpayer then multiplies that fraction by the business income and subjects the result to the applicable tax rate. If the income is determined to be nonbusiness income, the income is just taxed by one state and no sales factor is calculated. For nonbusiness income, the Commonwealth either taxes 100% of the income or none of it.

There is a need for additional guidance in this area as it impacts all corporate taxpayers which have operations both inside and outside of this Commonwealth. In preparing annual tax returns, these taxpayers must determine if income falls within the broad definition of business income and is subject to tax in this Commonwealth or whether the income falls outside of the definition of business income and for the Commonwealth's purposes should only be taxed by one state.

Proposed subsection (a), regarding apportionment and allocation, establishes the statutory references in this Commonwealth regarding the classification of income as being either business income or nonbusiness income. Subsection (a) further clarifies that income is business income if it meets the definition of business income and nonbusiness income if it does not meet the definition of business income. This is important because all income of a multistate taxpayer falls into one of these two categories and once categorized, it triggers different tax calculations for that company.

Proposed subsection (b), regarding the transactional test, describes the transactional test for determining business or nonbusiness income and discusses its application to taxpayers. This subsection identifies that if a transaction or activity is in the regular course of a taxpayer's trade or business it is treated as business income whether it occurs on a regular or irregular basis. It also makes clear that whether a transaction or activity takes place inside or outside of this Commonwealth is not determinative of whether the income generated by it constitutes business or nonbusiness income. This subsection is important as the transactional test is one of the principal tests used to determine whether an item of income is business income for Pennsylvania's purposes

and is consequently subject to apportionment or will be treated as nonbusiness income by the Commonwealth and be subject to allocation.

Proposed subsection (c), regarding the functional test, describes a second test relating to property, the functional test, that is used in determining whether income is business or nonbusiness income and discusses its application to taxpayers. The subsection paraphrases the applicable statutory language from section 401 of the TRC by describing business income as including income from tangible and intangible property if either the acquisition, management or disposition of the property constitutes an integral part of the taxpayer's trade or business. It goes on to provide additional descriptions of the types of property covered by the test, the meaning of the language "acquisition, management or disposition" and provides a test for how long property must be removed from use in a taxpayer's business activities before the Department will consider income related to it changing from business to nonbusiness. To aid taxpayers with making this determination the subsection contains four examples highlighting specific scenarios involving the use of property by businesses and whether income arising from that property constitutes business or nonbusiness income under the functional test.

Proposed subsection (c) also addresses an issue historically raised by taxpayers regarding whether there is a "liquidation" exception to the functional test by clarifying that even if transactions are infrequent, if the property involved was used in the operation of the business while owned by the taxpayer, its sale results in business income. This subsection also clarifies that the determination of business versus nonbusiness income is not impacted by whether the activity or property involved is located inside or outside this Commonwealth. Examples are also provided which provide further guidance on these points.

Importantly, this subsection informs taxpayers of the Department's longstanding position that if deductions are taken against a taxpayer's business income in earlier periods, with respect to a piece of property, the Department will presume that income with respect to that property is in fact business income. However, the absence of these deductions against business income in earlier periods will not create a presumption for or against business or nonbusiness income treatment in future periods. Finally, this subsection makes clear that the functional test applies equally to all types of property whether they be tangible or intangible, real or personal.

Proposed subsection (d), regarding the unitary business principle, outlines the unitary business concept as the foundation for the apportionment of income from a multistate business. Specifically, the unitary business concept, which is further described in proposed subsection (e) regarding principles for determining the existence of a unitary business, requires apportionable income to be derived from the same unitary business that is conducted, at least in part, in this Commonwealth. If income meets the previously discussed transactional and functional tests it is also going to be unitary income, but even if it does not meet either of these tests, it may still constitute unitary business income of the taxpayer and be subjected to apportionment by the Commonwealth under the United States Constitution. This concept that the test for business versus nonbusiness income is broader than just the transactional and functional tests is very important for taxpayers to understand and consider as they attempt to determine the classification of their income. It has also

been an area of dispute between the Department and taxpayers in the past and this subsection provides important guidance to taxpayers in this regard.

Proposed subsection (e) describes what a unitary business is and why it is important to determine whether a business is unitary or not and provides significant guidance based on established United States Supreme Court precedence as to what characterizes a unitary business. Those tests as set forth by the United States Supreme Court focus on functional integration, centralization of management and economies of scale. This subsection describes each of these three characteristics in detail. It also provides higher level guidance to taxpayers concerning the general indicators of a unitary business and provides specific tests as to what constitutes a commonly controlled group for purposes of determining whether a unitary relationship exists. Even though the Commonwealth taxes each separate corporation, rather than an entire affiliated group of corporations, it is still essential to include guidance on commonly controlled groups in this proposed rulemaking. Frequently, taxpayers subject to the Commonwealth's corporate income taxation are members of an affiliated group of corporations that file one or more consolidated Federal income tax returns, including multiple entities in each, as well as owning direct or indirect interests, or both, in foreign entities, which while engaged in the same business as the Commonwealth taxpayer, may not be part of the same Federal consolidated return or returns. These other entities may transact significant business with their affiliate that files in this Commonwealth and understanding when a unitary relationship exists between the Commonwealth filer and the other affiliated entity may be important in reaching a determination as to the proper treatment of the income or loss which is recognized as a result of these transactions.

Proposed subsection (f), regarding examples of business and nonbusiness income, provides additional examples of business and nonbusiness income to aid taxpayers in making determinations of the classification of items of income. The examples address rents received from real or tangible property, gains or losses from the sale of assets, interest and royalties.

Proposed subsection (g), regarding consistency and uniformity in reporting, requires taxpayers to notify the Department if the classification of an item previously reported to the Commonwealth as either business or nonbusiness income changes on a current return. Additionally, to the extent the taxpayer is not uniform across all jurisdictions in which it files as to whether an item of income is apportionable or non-apportionable income under the United States Constitution, the report filed with the Commonwealth must disclose the variances and the rationale for them. These requirements aid the Department in evaluating the determinations reached by taxpayers regarding the classification of income as business or nonbusiness. It also promotes uniformity in the interpretation of similar state laws across the country, which is a goal that the Commonwealth's courts have previously recognized.

Proposed subsection (h), regarding definitions, includes the following definitions of key terms that are used in this proposed rulemaking for clarity and consistency: "allocation," "apportionment," "business activity," "business income," "nonbusiness income" and "trade or business."

*Affected Parties*

Corporate taxpayers and tax practitioners within this Commonwealth will be affected by this proposed rulemaking in a positive way as it will promote uniform tax compliance.

*Fiscal Impact*

This proposed rulemaking will have no fiscal impact on the Commonwealth as it is a clarification of Commonwealth law.

*Paperwork Requirements*

This proposed rulemaking will not generate substantial paperwork for the public or the Commonwealth.

*Effective Date*

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

*Sunset Date*

This proposed rulemaking is scheduled for review within 5 years of final-form publication. A sunset date has not been assigned.

*Public Comments and Contact Person*

Interested persons are invited to submit in writing any comments, suggestions or objections regarding this proposed rulemaking to Maria L. Miller, Office of Chief Counsel, Department of Revenue, P.O. Box 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 15, 2024, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Review Form to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Committee on Finance of the Senate and the chairperson of the Committee on Finance of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

PATRICK BROWNE,  
*Secretary*

**Fiscal Note:** 15-462. No fiscal impact; recommends adoption.

**Annex A**  
**TITLE 61. REVENUE**  
**PART I. DEPARTMENT OF REVENUE**  
**Subpart B. GENERAL FUND REVENUES**  
**ARTICLE VI. CORPORATION TAXES**  
**CHAPTER 153. CORPORATE NET INCOME TAX**  
**ALLOCATIONS AND APPORTIONMENTS**

*(Editor's Note: Section 153.24a is proposed to be added and is printed in regular type to enhance readability.)*

**§ 153.24a. Business and nonbusiness income.**

(a) *Apportionment and allocation.* Article IV of the TRC requires that every item of income be classified either as business income or nonbusiness income. For purposes of this classification, income includes gains and losses. Business income is apportioned among jurisdictions by use of a formula. Nonbusiness income is specifically allocated to one or more specific jurisdictions in accordance with express rules. The following apply:

(1) An item of income is classified as business income if it falls within the definition of business income in subsection (h).

(2) An item of income is nonbusiness income only if it does not meet the definitional requirements in subsection (h) for being classified as business income.

(b) *Transactional test.* Business income includes income arising from transactions and activity in the regular course of the taxpayer's trade or business. The following apply:

(1) If the transaction or activity is in the regular course of the taxpayer's trade or business, the income arising from the transaction or activity is business income. If the income arose from the unitary business of the taxpayer, income is business income even though the actual transaction or activity that gives rise to the income does not occur in this Commonwealth.

(2) For a transaction or activity to be in the regular course of the taxpayer's trade or business, the transaction or activity need not be one that frequently occurs in the trade or business. It is sufficient to classify a transaction or activity as being in the regular course of a trade or business, if it is reasonable to conclude transactions of that type are customary in the kind of trade or business being conducted or are within the scope of what that kind of trade or business does. The transactional test includes income from sales of inventory, property held for sale to customers and services which are commonly sold by the trade or business. The transactional test also includes income from the sale of property used in the production of business income of a kind that is sold and replaced with some regularity, even if replaced less frequently than once a year.

(c) *Functional test.* Business income also includes income from tangible and intangible property if either the acquisition, management or disposition of the property constitutes an integral part of the taxpayer's regular trade or business. Income arising from property, which was depreciated, amortized, expensed or for which management costs were expensed in computing taxable income while owned by the taxpayer is business income under the functional test. The following apply:

(1) Property includes any direct or indirect interest in, control over, or use of real property, tangible personal property and intangible property by the taxpayer. Property that constitutes an integral part of the trade or business refers to property that is or was used to contribute to the production of business income directly or indirectly, without regard to the materiality of the contribution. Property that is held solely for investment purposes does not constitute an integral part of the trade or business.

(2) Acquisition, management or disposition refers to a taxpayer's activities in acquiring property, exercising control and dominion over property and disposing of property, including dispositions by sale, lease or license. Income arising from the liquidation, disposition or other

use of property which was acquired or developed in the course of the taxpayer's trade or business constitutes business income even if the property was not directly employed in the operation of the taxpayer's trade or business.

(3) Income from the disposition or other use of property which has been withdrawn from use in the taxpayer's trade or business and is instead held solely for unrelated investment purposes is nonbusiness income. Property that was used in the taxpayer's trade or business is not considered converted to investment purposes merely because it is offered for sale, but any property which has been withdrawn from use in the taxpayer's trade or business for 5 years or more is presumed to be held for investment purposes.

(4) The classification of income by the labels occasionally used, such as manufacturing income, compensation for services, sales income, interest, rents, royalties, gains, income derived from accounts receivable, operating income, non-operating income, and the like, is of no aid in determining whether income is business or nonbusiness income.

*Example 1:* The taxpayer purchases a chain of 100 retail stores for the purpose of merging those store operations with its existing business. Five of the retail stores are redundant under the taxpayer's business plan and are sold 6 months after acquisition. Even though the five stores were never integrated into the taxpayer's trade or business, the income is business income because the property's acquisition was related to the taxpayer's trade or business.

*Example 2:* The taxpayer is in the business of developing adhesives for industrial and construction uses. In the course of its business, it accidentally creates a weak but non-toxic adhesive and patents the formula, awaiting future applications. Another manufacturer uses the formula to create temporary body tattoos. The taxpayer wins a patent infringement suit against the other manufacturer. The entire damages award, including interest and punitive damages, constitutes business income.

*Example 3:* The taxpayer is engaged in the oil refining business and maintains a cash reserve for buying and selling oil on the spot market as conditions warrant. The reserve is held in overnight "repurchase agreement" accounts of United States treasuries with a local bank. The interest on those amounts is business income because the reserves are necessary for the taxpayer's business operations. Over time, the cash in the reserve account grows to the point that it exceeds any reasonably expected requirement for acquisition of oil or other short-term capital needs and is held pending subsequent investment opportunities unrelated to the taxpayer's business operations. The interest received on the excess amount is nonbusiness income.

*Example 4:* A manufacturer decides to sell one of its redundant factories to a real estate developer and transfers the ownership of the factory to a special purpose subsidiary, SaleCo (Taxpayer) immediately prior to its sale to the real estate developer. The parties elect to treat the sale as a disposition of assets under section 338(h)(10) of the IRC (26 U.S.C. § 338(h)(10)), resulting in Taxpayer recognizing a capital gain on the sale. The capital gain is business income.

(i) Under the functional test, income from the liquidation, disposition or other utilization of property is business income if the property is or was an integral part of the taxpayer's trade or business. The income is business

income even though the transaction or activity from which it is derived did not occur in the regular course of the taxpayer's trade or business.

(ii) Income that is derived from isolated sales, leases, assignments, licenses, and other infrequently occurring dispositions, transfers or transactions involving property, including transactions made in the full or partial liquidation or the winding-up of any portion of the trade or business, is business income, if the property is or was related to the taxpayer's trade or business. Income from the licensing of an intangible asset, such as a patent, copyright, trademark, service mark, know-how, trade secrets, or the like, that was developed or acquired for use by the taxpayer in its trade or business, constitutes business income whether or not the licensing itself constituted the operation of a trade or business, and whether or not the taxpayer remains in the same trade or business from or for which the intangible asset was developed or acquired.

(iii) Under the functional test, income from intangible property is business income when the intangible property serves an operational function as opposed to solely an investment function.

(iv) If either the acquisition, management or disposition of the property is or was an integral part of the taxpayer's trade or business, then income from that property is business income even though the actual transaction or activity involving the property that gives rise to the income does not occur in this Commonwealth.

*Example 1:* A manufacturer purchases raw materials to be incorporated into the product it offers for sale. The nature of the raw materials is such that the purchase price is subject to extreme price volatility. To protect itself from extreme price increases or decreases, the manufacturer enters into future contracts pursuant to which the manufacturer can either purchase a set amount of the raw materials for a fixed price, within a specified time period, or resell the future contracts. Any gain on the sale of the future contracts would be considered business income, regardless of whether the contracts were either made or resold in this Commonwealth.

*Example 2:* A National retailer produces substantial revenue in its business activities. It invests a large portion of the revenue in fixed income securities which are divided into two categories: (a) short-term securities held pending use of the funds in the taxpayer's trade or business; and (b) long-term securities held solely as an investment. Interest income on the short-term securities held pending use of the funds in the taxpayer's trade or business (a) is business income because the funds represent working capital necessary to the operations of the taxpayer's trade or business. Interest income derived from the long-term investment securities (b) is nonbusiness income as those securities were held solely as an investment and not in furtherance of the taxpayer's trade or business.

(5) If with respect to an item of property a taxpayer takes a deduction from income that is apportioned to this Commonwealth including depreciation, amortization, expensing or for which management costs were expensed in computing taxable income while owned by the taxpayer, it is presumed that the item or property is or was an integral part of the taxpayer's trade or business. No presumption arises from the absence of any of these actions.

(6) Application of the functional test is unaffected by the form of the property, tangible or intangible property,

real or personal property. Income arising from an intangible interest, for example, corporate stock or other intangible interest in an entity or a group of assets, is business income when the intangible itself or the property underlying or associated with the intangible is or was an integral part of the taxpayer's trade or business. While apportionment of income derived from transactions involving intangible property may be supported by a finding that the issuer of the intangible property and the taxpayer are engaged in the same trade or business, the establishment of a relationship is not the exclusive basis for concluding that the income is subject to apportionment. It is sufficient to support the finding of business income if the holding of the intangible interest served an operational rather than an investment function.

(d) *Unitary business principle.* The Due Process Clause and the Commerce Clause of the Constitution of the United States restrict states from apportioning income that has no rational relationship with the taxing state. The protection against extra-territorial state taxation afforded by these clauses is often described as the "unitary business principle." The unitary business principle requires apportionable income to be derived from the same unitary business that is being conducted at least in part in this Commonwealth. The unitary business that is conducted in this Commonwealth includes both a unitary business that the taxpayer alone may be conducting and a unitary business the taxpayer may conduct with any other person or persons. Satisfaction of either the transactional test or the functional test complies with the unitary business principle because each test requires that the transaction or activity, in the case of the transactional test or the property, in the case of the functional test, be tied to the same trade or business. Items of income that do not satisfy the transactional or functional tests for business income may still be classified as business income if the income is apportionable business income under the unitary business principle. The application of the unitary business principle to this income assures that income over which the Commonwealth has Constitutional authority to tax does not escape taxation. Determination of the scope of the unitary business being conducted in this Commonwealth is without regard to the extent to which this Commonwealth requires or permits combined reporting.

(e) *Principles for determining the existence of a unitary business.*

(1) *Unitary business principle.*

(i) *The concept of a unitary business.* A unitary business is a single economic enterprise that is made up either of separate parts of a single entity or of a commonly controlled group of entities that are sufficiently interdependent, integrated and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value to the separate parts. This flow of value to an entity located in this Commonwealth that comes from being part of a unitary business conducted both within and without this Commonwealth is what provides the constitutional due process definite link and minimum connection necessary for this Commonwealth to apportion income of the unitary business, even if that income arises in part from activities conducted outside the Commonwealth. The income of the unitary business is then apportioned to this Commonwealth. This sharing or exchange of value may also be described as requiring that the operation of one part of the business be dependent upon, or contribute to, the operation of another

part of the business. Phrased in the disjunctive, the foregoing means that if the activities of one business either contributes to the activities of another business or are dependent upon the activities of another business, those businesses are part of a unitary business.

(ii) *Constitutional requirement for a unitary business.* The sharing or exchange of value described in subparagraph (i) that defines the scope of a unitary business requires more than the mere flow of funds arising out of a passive investment or from the financial strength contributed by a distinct business undertaking that has no operational relationship to the unitary business. The unitary business principle shall be applied to the fullest extent allowed by the Constitution of the United States. The unitary business principle shall not be applied to result in the combination of business activities or entities under circumstances where, if it were adverse to the taxpayer, the combination of these activities or entities would not be allowed by the Constitution of the United States.

(iii) *Separate trades or businesses conducted within a single entity.* A single entity may have more than one unitary business. In these cases it is necessary to determine the business income attributable to each separate unitary business as well as its nonbusiness income, which is specifically allocated. The business income of each unitary business is then apportioned by a statutory formula that takes into consideration the in-State and the out-of-State factors that relate to the respective unitary business whose income is being apportioned.

(iv) *Unitary business unaffected by formal business organization.* A unitary business may exist within a single entity or among a commonly controlled group of entities. The scope of what is included in a commonly controlled group of entities is set forth in paragraph (4).

(2) *Determination of a unitary business.*

(i) A unitary business is characterized by significant flows of value evidenced by factors such as those described in *Mobil Oil Corp. v. Vermont*, 445 U.S. 425 (1980): functional integration, centralization of management and economies of scale. These factors provide evidence of whether the business activities operate as an integrated whole or exhibit substantial mutual interdependence. Facts suggesting the presence of the previously mentioned factors should be analyzed in combination for their cumulative effect and not in isolation. A particular business operation may be suggestive of one or more of the previously mentioned factors.

(ii) *Description and illustration of functional integration, centralization of management and economies of scale.*

(A) *Functional integration.* Functional integration refers to transfers between, or pooling among, business activities that significantly affect the operation of the business activities. Functional integration includes, but is not limited to, transfers or pooling with respect to the unitary business's products or services, technical information, marketing information, distribution systems, purchasing and intangibles such as patents, trademarks, service marks, copyrights, trade secrets, know-how, formulas and processes. There is no specific type of functional integration that must be present. The following is a list of examples of business operations that can support the finding of functional integration. The order of the list does not establish a hierarchy of importance.

(I) *Sales.* Sales, exchanges or transfers, collectively "sales" of products, services and intangibles between business activities provide evidence of functional integra-

tion. The significance of the intercompany sales to the finding of functional integration will be affected by the character of what is sold, and the percentage of total sales or purchases represented by the intercompany sales. For example, sales among entities that are part of a vertically integrated unitary business are indicative of functional integration. Functional integration is not negated by the use of a readily determinable market price to effect the intercompany sales, because these sales can represent an assured market for the seller or an assured source of supply for the purchaser.

(II) *Common marketing.* The sharing of common marketing features among entities is an indication of functional integration when the marketing results in significant mutual advantage. Common marketing exists when a substantial portion of the entities' products, services or intangibles are distributed or sold to a common customer, when the entities use a common trade name or other common identification or when the entities seek to identify themselves to their customers as a member of the same enterprise. The use of a common advertising agency or a commonly owned or controlled in-house advertising office does not by itself establish common marketing that is suggestive of functional integration. However, the activity is relevant to determining the existence of economies of scale and centralization of management.

(III) *Transfer or pooling of technical information or intellectual property.* Transfers or pooling of technical information or intellectual property, such as patents, copyrights, trademarks and service marks, trade secrets, processes or formulas, know-how, research or development, provide evidence of functional integration when the matter transferred is significant to the businesses' operations.

(IV) *Common distribution system.* Use of a common distribution system by the entities, under which inventory control and accounting, storage, trafficking and transportation are controlled through a common network provides evidence of functional integration.

(V) *Common purchasing.* Common purchasing of substantial quantities of products, services or intangibles from the same source by the entities, particularly where the purchasing results in significant cost savings or where the products, services or intangibles are not readily available from other sources and are significant to each entity's operations or sales, provides evidence of functional integration.

(VI) *Common or intercompany financing.* Significant common or intercompany financing, including the guarantee by, or the pledging of the credit of, one or more entities for the benefit of another entity or entities provides evidence of functional integration if the financing activity serves an operational purpose of both borrower and lender. Lending which serves an investment purpose of the lender does not necessarily provide evidence of functional integration.

(B) *Centralization of management.* Centralization of management exists when directors, officers or other management employees jointly participate in the management decisions that affect the respective business activities and that may also operate to the benefit of the entire economic enterprise. Centralization of management can exist whether the centralization is effected from a parent entity to a subsidiary entity, from a subsidiary entity to a parent entity, from one subsidiary entity to another, from one division within a single entity to another division within an entity, or from any combination of the forego-



ing. Centralization of management may exist even when day-to-day management responsibility and accountability has been decentralized, so long as the management has an ongoing operational role with respect to the business activities. An operational role can be effected through mandates, consensus building, or an overall operational strategy of the business, or any other mechanism that establishes joint management.

(I) *Facts providing evidence of centralization of management.* Evidence of centralization of management is provided when common officers participate in the decisions relating to the business operations of the different segments. Centralization of management may exist when management shares or applies knowledge and expertise among the parts of the business. The existence of common officers and directors, while relevant to a showing of centralization of management, does not alone provide evidence of centralization of management. Common officers are more likely to provide evidence of centralization of management than are common directors.

(II) *Stewardship distinguished.* Centralized efforts to fulfill stewardship oversight are not evidence of centralization of management. Stewardship oversight consists of those activities that any owner would take to review the performance of or safeguard an investment. Stewardship oversight is distinguished from those activities that an owner may take to enhance value by integrating one or more significant operating aspects of one business activity with the other business activities of the owner. For example, implementing reporting requirements or mere approval of capital expenditures may evidence only stewardship oversight.

(C) *Economies of scale.* Economies of scale refer to a relation among and between business activities resulting in a significant decrease in the average per unit cost of operational or administrative functions due to the increase in operational size. Economies of scale may exist from the inherent cost savings that arise from the presence of functional integration or centralization of management. The following are examples of business operations that can support the finding of economies of scale. The order of the list does not establish a hierarchy of importance.

(I) *Centralized purchasing.* Centralized purchasing designed to achieve savings due to the volume of purchases, the timing of purchases or the interchangeability of purchased items among the parts of the business engaging in the purchasing provides evidence of economies of scale.

(II) *Centralized administrative functions.* The performance of traditional corporate administrative functions, such as legal services, payroll services, pension and other employee benefit administration, in common among the parts of the business may result in some degree of economies of scale. An entity that secures savings in the performance of corporate administrative services due to its affiliation with other entities that it would not otherwise reasonably be able to secure on its own because of its size, financial resources or available market, provides evidence of economies of scale.

(3) *Indicators of a unitary business.*

(i) *Same type of business.* Business activities that are in the same general line of business generally constitute a single unitary business as, for example, a multistate grocery chain.

(ii) *Steps in a vertical process.* Business activities that are part of different steps in a vertically structured

business almost always constitute a single unitary business. For example, a business engaged in the exploration, development, extraction and processing of a natural resource and the subsequent sale of a product based upon the extracted natural resource is engaged in a single unitary business, regardless of the fact that the various steps in the process are operated substantially independently of each other with only general supervision from the business's executive offices.

(iii) *Strong centralized management.* Business activities which might otherwise be considered as part of more than one unitary business may constitute one unitary business when there is a strong central management, coupled with the existence of centralized departments for functions such as financing, advertising, research or purchasing. Strong centralized management exists when a central manager or group of managers makes substantially all of the operational decisions of the business. For example, some businesses conducting diverse lines of business may properly be considered as engaged in only one unitary business when the central executive officers are actively involved in the operations of the various business activities and there are centralized offices that perform for the business activities, the normal matters that a truly independent business would perform for itself, such as personnel, purchasing, advertising or financing.

(4) *Commonly controlled group of entities.*

(i) Separate corporations can be part of a unitary business only if they are members of a commonly controlled group.

(ii) "Commonly controlled group" means any of the following:

(A) A parent corporation and any one or more corporations or chains of corporations, connected through stock ownership or constructive ownership with the parent, but only if one of the following apply:

(I) The parent owns stock possessing more than 50% of the voting power of at least one corporation.

(II) Stock cumulatively possessing more than 50% of the voting power of each of the corporations, except the parent, is owned by the parent, one or more corporations described in clause (A), or one or more other corporations that satisfy the conditions of this subclause.

(B) Two or more corporations, if stock possessing more than 50% of the voting power of the corporations is owned, or constructively owned, by the same person.

(C) Two or more corporations that constitute stapled entities. The following apply:

(I) For purposes of this clause, stapled entities means any group of two or more corporations, if more than 50% of the ownership or beneficial ownership of the stock possessing voting power in each corporation consists of stapled interests.

(II) Two or more interests are stapled interests if, by reason of form of ownership, restrictions on transfer or other terms or conditions in connection with the transfer of one of the interests, the other interest or interests are also transferred or required to be transferred.

(D) Two or more corporations, if stock possessing more than 50% of the voting power of the corporations is cumulatively owned without regard to the constructive ownership rules of clause (A) by, or for the benefit of, members of the same family. Members of the same family are limited to an individual, his or her spouse, parents,

brothers or sisters, grandparents, children and grandchildren and their respective spouses.

(iii) *Commonly controlled group.*

(A) If, in the application of subparagraph (ii), a corporation is a member of more than one commonly controlled group of corporations, the corporation shall elect to be treated as a member of only the commonly controlled group or part thereof with respect to which it has a unitary business relationship. If the corporation has a unitary business relationship with more than one of those groups, it shall elect to be treated as a member of only one of the commonly controlled groups with respect to which it has a unitary business relationship. This election shall remain in effect until the unitary business relationship between the corporation and the rest of the members of its elected commonly controlled group is discontinued or unless revoked with the approval of the Department.

(B) Membership in a commonly controlled group shall be treated as terminated in any year, or fraction thereof, in which the conditions of subparagraph (ii) are not met, except as follows:

(I) When stock of a corporation is sold, exchanged or otherwise disposed of, the membership of a corporation in a commonly controlled group shall not be terminated if the requirements of subparagraph (ii) are again met immediately after the sale, exchange or disposition.

(II) The Department may treat the commonly controlled group as remaining in place if the conditions of subparagraph (ii) are again met within a period not to exceed 2 years.

(iv) A taxpayer may exclude some or all corporations included in a commonly controlled group by reason of subparagraph (ii)(D) by showing that those members of the group are not controlled directly or indirectly by the same interests, within the meaning of the same phrase in section 482 of the IRC (26 U.S.C. § 482). For purposes of this subparagraph, the term "controlled" includes any kind of control, direct or indirect, whether legally enforceable, and however exercisable or exercised.

(v) Except as otherwise provided, stock is owned when title to the stock is directly held or if the stock is constructively owned.

(A) An individual constructively owns stock that is owned by any of the following:

(I) His or her spouse.

(II) Children, including adopted children of that individual or the individual's spouse who have not attained the age of 21 years.

(III) An estate or trust, of which the individual is an executor, trustee or grantor, to the extent that the estate or trust is for the benefit of that individual's spouse or children.

(B) Stock owned by a corporation, or a member of a controlled group of which the corporation is the parent corporation, is constructively owned by any shareholder owning stock that represents more than 50% of the voting power of the corporation.

(C) In the application of subparagraph (ii)(D) dealing with stock possessing voting power held by members of the same family, if more than 50% of the stock possessing voting power of a corporation is, in the aggregate, owned by or for the benefit of members of the same family, stock owned by that corporation shall be treated as constructively owned by members of that family in the same ratio

as the proportion of their respective ownership of stock possessing voting power in that corporation to all of the stock of that corporation.

(D) Except as otherwise provided, stock owned by a partnership is constructively owned by any partner, other than a limited partner, in proportion to the partner's capital interest in the partnership. For this purpose, a partnership is treated as owning proportionately the stock owned by any other partnership in which it has a tiered interest, other than as a limited partner.

(E) In any case where a member of a commonly controlled group, or shareholders, officers, directors or employees of a member of a commonly controlled group is a general partner in a limited partnership, stock held by the limited partnership is constructively owned by a limited partner to the extent of its capital interest in the limited partnership.

(F) In the application of subparagraph (ii)(D) dealing with stock possessing voting power held by members of the same family, stock held by a limited partnership is constructively owned by a limited partner to the extent of the limited partner's capital interest in the limited partnership.

(vi) For purposes of the definition of "commonly controlled group," each of the following shall apply:

(A) "Corporation" means any entity defined as a corporation, as defined in section 401(1) of the TRC (72 P.S. § 401(1)).

(B) "Person" means an individual, a trust, an estate, a qualified employee benefit plan, a limited partnership or a corporation.

(C) "Voting power" means the power of all classes of stock entitled to vote that possess the power to elect the membership of the board of directors of the corporation.

(D) "More than 50% of the voting power" means voting power sufficient to elect a majority of the membership of the board of directors of the corporation.

(E) Stock possessing voting power includes stock where ownership is retained but the actual voting power is transferred in either of the following manners:

(I) For 1 year or less.

(II) By proxy, voting trust, written shareholder agreement or by similar device, where the transfer is revocable by the transferor.

(F) In the case of an entity treated as a corporation under clause (A), "stock possessing voting power" refers to an instrument, contract or similar document demonstrating an ownership interest in that entity that confers power in the owner to cast a vote in the selection of the management of that entity.

(G) In the general application of paragraph 4, if an entity may elect to be treated as a partnership or as a corporation under the laws of this Commonwealth or under section 7701 of the IRC (26 U.S.C. § 7701) and elects to be treated as a partnership, that entity shall be treated as a general partnership. If, however; contractual agreements, member agreements, or other restrictions limit the power of some or all of the members to participate in the vote of stock possessing voting power owned by that entity, similar to the restrictions of limited partners in a limited partnership, the Department may permit or require that entity to be treated as a limited partnership.

(f) *Examples of business income and nonbusiness income.* The examples used in these regulations are illustrative only and are limited to the facts they contain.

(1) *Rents from real and tangible personal property.*

*Example 1:* The taxpayer operates a multistate car rental business. The income from car rentals is business income.

*Example 2:* The taxpayer is engaged in the heavy construction business in which it uses equipment such as cranes, tractors, and earth-moving vehicles. The taxpayer makes short-term leases of the equipment when particular pieces of equipment are not needed on any particular project. The rental income is business income.

*Example 3:* The taxpayer operates a multistate chain of men's clothing stores. The taxpayer purchases a five-story office building for use in connection with its trade or business and uses the street floor as one of its retail stores and the second and third floors for its general corporate headquarters. The remaining two floors are held for future use in the trade or business and are leased to tenants on a short-term basis in the meantime. The rental income is business income.

*Example 4:* The taxpayer operates a multistate chain of grocery stores. The taxpayer purchases as an investment an office building in another state with surplus funds and leases the entire building to others. The net rental income is nonbusiness income of the grocery store trade or business. Therefore, the net rental income is nonbusiness income.

*Example 5:* The taxpayer operates a multistate chain of men's clothing stores. The taxpayer invests in a 20-story office building and uses the street floor as one of its retail stores and the second floor for its general corporate headquarters. The remaining 18 floors are leased to others. The rental of the 18 floors is not done in furtherance of but rather is separate from the operation of the taxpayer's trade or business. The net rental income is nonbusiness income of the clothing store trade or business. Therefore, the net rental income is nonbusiness income.

*Example 6:* The taxpayer constructed a plant for use in its multistate manufacturing business and 20 years later the plant was closed and offered for sale. The plant was rented for a temporary period from the time it was closed by the taxpayer until it was sold 18 months later. The rental income is business income and the gain on the sale of the plant is business income.

(2) *Gains or losses from sales of assets.*

*Example 1:* In conducting its multistate manufacturing business, the taxpayer systematically replaces automobiles, machines and other equipment used in the trade or business. The gains or losses resulting from those sales constitute business income.

*Example 2:* The taxpayer constructed a plant for use in its multistate manufacturing business and 20 years later sold the property at a gain while it was in operation by the taxpayer. The gain is business income.

*Example 3:* Same as "Example 2" except that the plant was closed and offered for sale but was not in fact sold until a buyer was found 18 months later. The gain is business income.

*Example 4:* Same as "Example 2" except that the plant was rented while being held for sale. The rental income is business income and the gain on the sale of the plant is business income.

(3) *Interest.*

*Example 1:* The taxpayer operates a multistate chain of department stores, selling for cash and on credit. Service charges, interest or time-price differentials and the like are received with respect to installment sales and revolving charge accounts. These amounts are business income.

*Example 2:* The taxpayer conducts a multistate manufacturing business. During the tax year, the taxpayer receives a Federal income tax refund pertaining to the taxpayer's trade or business and collects a judgment against a debtor of the business. Both the tax refund and the judgment bear interest. The interest income is business income.

*Example 3:* The taxpayer is engaged in a multistate manufacturing and wholesaling business. In connection with that business, the taxpayer maintains special accounts to cover such items as workmen's compensation claims, rain and storm damage, machinery replacement, and the like. The funds in those accounts earn interest. Similarly, the taxpayer temporarily invests funds intended for payment of Federal, State and local tax obligations pertaining to the taxpayer's trade or business. The interest income is business income.

*Example 4:* The taxpayer is engaged in a multistate money order and traveler's check business. In addition to the fees received in connection with the sale of the money orders and traveler's checks, the taxpayer earns interest income by the investment of the funds pending their redemption. The interest income is business income.

*Example 5:* The taxpayer is engaged in a multistate manufacturing and sales business. The taxpayer usually has working capital and extra cash totaling \$200,000 which it regularly invests in short-term interest-bearing securities. The interest income is business income.

(4) *Patent and copyright royalties.*

*Example 1:* The taxpayer is engaged in the multistate business of manufacturing and sales of industrial chemicals. In connection with that business, the taxpayer obtained patents on certain of its products. The taxpayer licensed the production of the chemicals in foreign countries, in return for which the taxpayer receives royalties. The royalties received by the taxpayer are business income.

*Example 2:* The taxpayer is engaged in the music publishing trade or business and holds copyrights on numerous songs. The taxpayer acquires the assets of a smaller publishing company, including music copyrights. These acquired copyrights are used by the taxpayer in its trade or business. Any royalties received on these copyrights are business income.

(g) *Consistency and uniformity in reporting.*

(1) *Year-to-year consistency.* In filing reports with the Commonwealth, if the taxpayer departs from or modifies the manner in which income has been classified as business income or nonbusiness income in reports for prior years, the taxpayer shall disclose the nature and extent of the modification in the report for the current year.

(2) *State-to-state consistency.* If the returns or reports filed by a taxpayer for all states to which the taxpayer files income or gross receipts tax reports are not uniform in the classification of income as apportionable or non-apportionable income under the United States Constitution, the taxpayer shall disclose in its report to the Commonwealth the nature and extent of the variance.

For purposes of this paragraph, the phrase “returns or reports filed by a taxpayer for all states” includes returns or reports filed by a taxpayer with political subdivisions of a state.

(h) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Allocation*—The assignment of items of nonbusiness income to a particular state.

*Apportionment*—The division of business income between states by the use of a formula containing apportionment factors.

*Business activity*—The transactions and activities occurring in the regular course of a particular trade or business of a taxpayer and includes the acquisition, management or disposition of property that constitutes an integral part of the taxpayer’s trade or business.

*Business income*—All income which is apportionable under the Constitution of the United States, including the following:

(i) Income arising from transactions and activity in the regular course of the taxpayer’s trade or business.

(ii) Income arising from tangible and intangible property if either the acquisition, management or disposition of the property constitutes an integral part of the taxpayer’s regular trade or business.

*Nonbusiness income*—All income other than business income. The term does not include any income that is apportionable under the Constitution of the United States.

*Trade or business*—Transactions and activity that are included in the unitary business of the taxpayer under the unitary business principle as applied by the United States Supreme Court.

[Pa.B. Doc. No. 24-754. Filed for public inspection May 24, 2024, 9:00 a.m.]

END OF ISSUE







