

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS 401, 435 AND 461]

Amendment to Temporary Regulations

Under the Pennsylvania Gaming Control Board's (Board) Resolution No. 2005-3 REG, entitled Adoption of Temporary Regulations, dated June 16, 2005, the Board has the authority to amend the temporary regulations, adopted on June 16, 2005, as it deems necessary in accordance with the purpose of the act of July 5, 2004 (P. L. 572, No. 71) (Act 71) and to further the intent of Act 71. Therefore the Board has decided to make editorial changes to the temporary regulations, dated June 16, 2005, as deposited with the Legislative Reference Bureau (Bureau) and published at 35 Pa.B. 4045 (July 16, 2005).

Therefore, the Board has deposited with the Bureau amendments to §§ 401.4, 435.2, 435.3, 435.4 and 461.2. The amendments are effective as of October 20, 2005.

The temporary regulations of the Board, Chapters 401, 435 and 461, are amended by amending §§ 401.4, 435.2, 435.3, 435.4 and 461.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-5. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401. PRELIMINARY PROVISIONS

§ 401.4. Definitions.

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

Key employee qualifier—Officers; directors; persons who directly or indirectly hold any beneficial interest in or ownership of an amount equal to 5% or more of the securities of an applicant or licensee; a person who has the ability to control the applicant or licensee, has a controlling interest in the applicant or licensee, elects a majority of the board of directors of the applicant or licensee, or otherwise has the ability to control the applicant or licensee; a lender, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business; an underwriter; a financial backer whose holdings are valued at an amount equal to 5% or more of an equity interest in the applicant or licensee including holders of convertible bonds, the conversion of which would or does result in the owner holding 5% or more of an equity interest in the applicant or licensee; employees of a slot machine applicant or licensee, manufacturer applicant or licensee or supplier applicant or licensee required to be licensed by the Board; and any other person required to be licensed by the Board.

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Subpart B. LICENSING, REGISTERING AND PERMITTING

CHAPTER 435. EMPLOYEES

§ 435.2. Key employee qualifier license.

(a) All key employee qualifiers, including natural persons and entities, shall obtain a key employee qualifier license from the Board.

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§ 435.3. Key employee license.

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(b) An application for licensure as a key employee shall be on a form prescribed by the Board and include the following:

* * * * *

(13) History of insurance claims relating to the business activities of the applicant.

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§ 435.4. Occupation permit.

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(b) An application for an occupation permit shall be on a form prescribed by the Board and include the following:

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(13) History of insurance claims relating to the business activities of the applicant.

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(i) For an individual with out-of-State convictions, if the Board provides the individual with the opportunity to demonstrate rehabilitation, the individual shall provide certification from the equivalent state or county board of probation or parole, whichever is applicable that all obligations for restitution, fines and penalties have been met. The Board will provide notice to the district attorney or equivalent thereof of the individual's place of conviction of the individual's request for a determination of rehabilitation. The district attorney or equivalent thereof shall have 15 days from receipt of the notice to provide input into the determination.

(j) Nothing in subsections (h) or (i) shall be construed to authorize the issuance of an occupation permit to an applicant who has been convicted of an offense under 18 Pa.C.S. (relating to crimes and offenses) or the criminal laws of any other jurisdiction which conviction indicates that the issuance of the occupation permit to the applicant would be inimical to the public policy of the act or this part.

Subpart E. SLOT MACHINE TESTING, CERTIFICATION AND CONTROL

CHAPTER 461. SLOT MACHINE TESTING AND CERTIFICATION REQUIREMENTS

§ 461.2. Testing and certification generally.

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(c) The Board has the authority to require either or both of the following procedures with respect to testing and certifying a slot machine:

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(2) Utilize the services of slot machine testing and certification facilities to conduct the testing until a slot machine testing and certification facility is created by the Board.

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