

PROPOSED RULEMAKING

COUNTY PROBATION AND PAROLE OFFICERS' FIREARM EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 79]

County Probation and Parole Officers' Firearm Education And Training Commission

The County Probation and Parole Officers' Firearm Education and Training Commission (Commission) proposes to add Chapter 79 (relating to County Probation and Parole Officers' Firearm Education and Training Commission) to read as set forth in Annex A.

Authority

The rulemaking is proposed under the County Probation and Parole Officers' Firearm Education and Training Law (act) (61 P. S. §§ 332.1—332.9). Section 5(13) of the act (61 P. S. § 332.5(13)) empowers the Commission "to make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."

Purpose

This proposed rulemaking implements the act. This proposed rulemaking contains procedures which must be followed by interested third parties and which are directly applicable to the training programs and reimbursement mechanisms that are available for county probation and parole officers. Sections 79.11—79.33 explain the processes involved in obtaining certification to carry firearms from the Commission, maintaining certifications and revocation of these certifications. Sections 79.51 and 79.52 (relating to training expense) explain the procedures applicable to training expense reimbursements. Sections 79.61—79.65 (relating to approval of instructors, schools and vendors) explain the procedures that interested instructors, schools and vendors must follow to be approved for use within the various Commission training and education programs. Sections 79.71—79.87 explain the procedures that persons or schools who are aggrieved by Commission decisions should follow.

Explanation of Regulatory Requirements

Sections 79.1—79.3 (relating to general provisions) provide the scope of the proposed rulemaking and the definitions of words and terms used in Chapter 79.

Sections 79.11—79.15 (relating to initial certification of officers) provide procedures for filing applications so that interested county probation and parole officers may apply to take the basic training program conducted by the Commission. These sections also address the specific requirements that must be met by each county probation and parole officer to be considered certified and the duration of certification. If a county probation and parole officer fails to successfully complete the basic training program, these sections explain the process that must be followed to take the basic training program again.

Sections 79.21—79.24 (relating to maintenance of certification) set forth the requirements that county probation

and parole officers must satisfy each year to maintain their certification to carry a firearm. The sections explain the procedures that must be met to successfully complete firing range requalification examinations and what occurs if a particular county probation and parole officer does not successfully satisfy these procedures. The procedure that must be followed by county probation and parole officers who wish to seek an extension on their certification is also explained within these sections.

Sections 79.31—79.33 (relating to revocation of certification) set forth the reasons that a particular county probation and parole officer's certification to carry a firearm could be revoked.

Sections 79.41—79.44 (relating to recertification of officers following revocation) set forth three different procedures that county probation and parole officers who have had their certification to carry a firearm revoked can follow to be recertified to carry.

Sections 79.51 and 79.52 explain the types of reimbursements that may be made by the Commission to students and instructors, namely for attending or teaching the basic training program. These sections also place limitations on the amount of reimbursements that may be made by the Commission.

Sections 79.61—79.65 explain what criterion is considered by the Commission when approving instructors to conduct various Commission training and education programs. The procedure that interested individuals must follow to be considered for approval is set forth in these sections. These sections also set forth the procedures that schools and vendors must follow to be approved to conduct training and education programs for the Commission. These sections also explain what criteria must be met on a continuous basis for instructors, schools and vendors to remain approved by the Commission. These sections also set forth the procedure that counties in this Commonwealth must follow so that any training and education programs that the county creates and conducts can be an approved Commission course. If a county conducts an FETC training or education program, these sections explain what procedures that county must follow so that the class participants can receive the appropriate Commission recognition of the training or education program.

Sections 79.71 and 79.72 (relating to requests for reconsideration of Commission decisions) explain the reconsideration process that county probation and parole officers or schools who are aggrieved by a Commission decision are to follow.

Sections 79.81—79.87 (relating to notice and hearings) provide appeal procedures.

Affected Parties

The proposed rulemaking is intended to provide guidance and direction to county probation and parole officers pertaining to the processes to be followed so that they can be certified to carry a firearm within their respective counties, maintain certifications and be afforded an opportunity to be heard in the event their certifications are revoked by the Commission. Additionally, the proposed rulemaking is intended to provide guidance and direction to any schools or vendors who wish to be considered for conducting Commission training and education programs.

Fiscal Impact

Commonwealth—The Commission has determined that the proposed rulemaking will have no adverse financial impact on the Commonwealth since all funds budgeted for the Commission are derived from the County Probation and Parole Officers' Firearm Education and Training Fund (Fund), which, under the act, is a restricted receipts account within the General Fund. Moneys for the Fund are derived from costs imposed on a person who accepts Accelerated Rehabilitative Disposition or pleads guilty or nolo contendere or is convicted of a felony or misdemeanor. This fund is used exclusively for the training activities and expenses of the Commission.

Political subdivisions—For counties that choose to carry firearms, the proposed rulemaking is implementing a program that is already in effect and funding for the program is in place in these counties. Therefore, there is no new significant fiscal impact for these counties, either direct or indirect. For counties electing to participate after the implementation of the proposed rulemaking, the start-up costs of participation could be significant depending on numerous variables such as the number of officers or the type of equipment purchased by the county. Accordingly, it is impossible to estimate these costs.

Private sector—The proposed rulemaking will have no adverse fiscal impact on the private sector.

General public—The proposed rulemaking will not impose costs and will have no adverse fiscal impact on the general public.

Cost and Paperwork Requirements

The proposed rulemaking provides guidance and procedural information for implementing a program which is already in effect and for which funding is already in place. Therefore, there will be no new fiscal impact. The proposed rulemaking does not affect the existing reporting, recordkeeping or other paperwork requirements of the Commission, other government units or the general public.

Effective Date

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

Sunset Date

No sunset date has been assigned. The Commission will review the efficacy of these regulations on an ongoing basis.

Contact Person

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin* to the County Probation and Parole Officers' Firearm Education and Training Commission, 1101 S. Front Street, Suite 5600, Harrisburg, PA 17104-2522, Attention: Executive Director, Henry L. Van Brederode.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2006, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Judiciary. 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 objec-

tions 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 which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

LARRY STRAITIFF,
Chairperson

Fiscal Note: 41-18. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

**PART II. BOARD OF PROBATION AND PAROLE
CHAPTER 79. COUNTY PROBATION AND PAROLE
OFFICERS' FIREARM EDUCATION AND
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GENERAL PROVISIONS

§ 79.1. Scope.

This chapter sets forth standards and procedures relating to the certification of county probation and parole officers and their qualification to carry or use firearms in the performance of their duties.

§ 79.2. Definitions.

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

Act—The County Probation and Parole Officers' Firearm Education and Training Law (61 P. S. §§ 332.1—332.9).

Basic training—The initial training provided by the Commission.

CFI—Certified Firearms Instructor—A firearms instructor who meets the minimum qualifications for instructors as established by the Commission.

County-conducted training—Commission-approved training not presented by the Commission.

Executive Director—The administrative officer reporting directly to the Commission who is responsible for program management.

In-service training—The continuing training necessary for county probation and parole officers to maintain certification under the act.

MI—Master Instructor—A Commission-CFI who meets the minimum qualifications to become an MI.

(b) The definitions in section 2 of the act (61 P. S. § 332.2) are incorporated by reference.

§ 79.3. Enrollment.

Enrollment in programs under this part will be at the discretion of the Executive Director.

INITIAL CERTIFICATION OF OFFICERS

§ 79.11. Certification.

Certification of those county probation/parole officers who have satisfactorily completed basic training or who have been granted a waiver by the Commission will be recognized through the issuance of a certificate, which will bear a certification number.

§ 79.12. Applications.

(a) The requirements for program participation or waiver in section 7 of the act (61 P. S. § 332.7) are incorporated by reference.

(b) Application procedures to participate in training programs approved by the Commission will require any officer or county, or both, to submit information required on a form and in a format and within time parameters as specified by the Executive Director.

§ 79.13. Requirements for completion.

Satisfactory completion is defined as meeting the following requirements:

(1) Attendance at the entire prescribed training program.

(2) Compliance with Student Code of Conduct for the programs as established by the Commission.

(3) If applicable, attainment of a passing score on any and all written, oral or range components of a training program.

§ 79.14. Duration of certification.

The certification of officers by the Commission as a result of satisfactory completion of the basic training during a calendar year will remain valid through December 31 of the following calendar year, unless revoked under § 79.31 (relating to reasons for revocation of certification).

§ 79.15. Failure to complete basic training.

(a) An officer who fails to achieve a passing score on the written examination portion of basic training will not be allowed to continue in that basic training program. The officer may reapply to the Commission to enroll and participate in subsequent basic training programs.

(b) If an officer achieves a passing score on the written examination, but otherwise fails to complete the basic training for the reasons under § 79.13 (relating to requirements for completion), the officer's passing score will be recognized by the Commission for 1 year from the date of attainment of the passing score on the written examination. If the officer enrolls in a subsequent basic training program during this 1-year period, the officer will be required to attend and complete only the portion of the basic training that was not successfully completed.

(c) If an officer fails to achieve a passing score on the range portion of basic training, the Executive Director will notify the officer's chief probation officer, by means of certified mail, that the officer did not achieve a passing score on this portion of basic training.

(d) An officer who fails to achieve a passing score on the firing range portion of basic training may be afforded one additional opportunity to shoot the firing range portion of basic training within 90 calendar days from the date the officer fails to achieve a passing score if the officer's chief probation officer submits a request to the Executive Director seeking permission for the officer to shoot the firing range portion of basic training within 45 calendar days of the date that the officer failed to achieve a passing score.

(1) The request must include the following:

(i) A proposed date, time and location for the shoot.

(ii) The name of the CFI who will conduct the examination.

(iii) A written statement from a CFI that the CFI provided remedial range training and that the officer is competent to pass the firing range portion of basic training.

(2) The examination may be subject to monitoring by the Commission without notice.

MAINTENANCE OF CERTIFICATION

§ 79.21. Maintenance of certification.

(a) To maintain certification beyond December 31 of the calendar year following the issuance of the original certification or renewed certification, an officer shall successfully complete the following:

(1) In-service training, the specifics of which the Commission will publish by the end of the first quarter of each calendar year.

(2) A range requalification examination under § 79.22 (relating to range requalification examinations).

(b) This section does not apply to the extent an officer's certification is revoked under § 79.31 (relating to reasons for revocation of certification).

§ 79.22. Range requalification examinations.

(a) Range requalification examinations will require the officer to demonstrate continuing proficiency which includes weapons handling, range safety and marksmanship.

(b) A range requalification examination shall be completed during a Commission conducted event or a training event sanctioned by the Commission.

(c) Range requalification examinations must be conducted between April 1 and October 31 each calendar year.

(d) The course of fire for the range requalification examination shall be conducted using the same procedures that are followed for the firing range portion of basic training.

(e) Counties or departments desiring to conduct a range requalification examination shall follow an application process specified by the Commission.

(1) The first time that a county or CFI conducts a Commission-sanctioned range requalification examination, oversight must be provided by a member of the Commission, a Commission-approved representative, or a CFI who is not employed by the county or counties whose personnel are being examined.

(2) In subsequent years, the county may conduct the Commission-sanctioned range requalification examination without oversight.

(3) Any county conducting Commission-sanctioned range requalification examinations is subject to periodic inspection and audit by the Executive Director or a representative of the Commission.

§ 79.23. Failure to complete range requalification or in-service training.

(a) An officer who fails to achieve a passing score on any evaluation, which is a part of the range requalification examination or in-service training, will be permitted one additional opportunity to achieve a passing score on the portion failed.

(b) An officer who fails to satisfactorily complete an in-service training requirement will not receive credit for the Commission-specified number of hours of training for that course, and may be subject to revocation of certification under §§ 79.31—79.33 (relating to revocation of certification).

§ 79.24. Extensions.

(a) An officer who is unable to comply with § 79.21 (relating to maintenance of certification) due to extraordinary circumstances may, through the officer's chief probation officer, submit a written request, on a form and in a format prescribed by the Executive Director, to the Executive Director by October 31 of the year in which the officer's current certification will expire.

(1) The request must include the following:

(i) The specific reason for the requested extension of time.

(ii) The specific length of time of the requested extension.

(iii) Supporting documentation.

(2) When the request is due to medical reasons, the supporting documentation must include a written statement from the officer's physician indicating that at the present time and for the period of the requested extension the officer is not medically capable of participating in a range requalification examination or in-service training.

(b) The Executive Director will review the written request for extension of time and make a recommendation to the Commission. The Commission will provide written notification to the officer and the officer's chief probation officer of its decision.

(c) If the request for extension is approved, the officer shall comply with § 79.21 (relating to maintenance of certification) no later than the ending date of the granted period of extension.

(d) If the extension is to comply with § 79.21(2), the officer's chief probation officer shall send a request to the Executive Director to conduct a range requalification examination.

(1) The Executive Director must receive the request no later than 15 business days prior to the date of the range requalification examination.

(2) The range requalification examination may occur at any time during the period of the Commission-approved extension.

(e) The certification of an officer who has been granted an extension under § 79.24 (relating to extensions) shall be suspended on October 31 of the year in which the officer's current certification expires.

REVOCATION OF CERTIFICATION

§ 79.31. Reasons for revocation of certification.

The Commission may revoke an officer's certification for any reason including any of the following:

(1) Conviction of any crime that subjects the officer to the disabilities under the Gun Control Act of 1968 (18 U.S.C.A. §§ 921—930), or 18 Pa.C.S. Chapter 61, Subchapter A (relating to the Uniform Firearms Act of 1995), or both.

(2) Unsafe conduct during any Commission training.

(3) Unprofessional conduct during a Commission-sponsored event.

(4) Providing false or misleading information, either orally or in writing, to the Commission, its employees or agents.

(5) Failure on the part of a county, an individual officer or group of officers to timely comply with requests for information which may be made from time to time by the Commission.

§ 79.32. Revocation of certification for failure to pass range requalification examination.

(a) The Executive Director, upon receipt of the range requalification examination results, will immediately revoke the certification of an officer who fails to requalify.

(b) The officer who has failed to requalify will be notified of the revocation of certification in writing.

(1) Copies of the revocation notification will be sent to the chief probation officer and president judge of the officer's employing county and judicial district.

(2) The notice of revocation of certification will advise the officer that one additional opportunity to successfully complete the range requalification examination is avail-

able after the officer participates in Commission-sanctioned remedial training.

(i) Before an officer takes a Commission-sanctioned remedial training, a CFI, who has previously conducted remedial training, shall provide written documentation to the Executive Director stating that the officer to be reexamined has demonstrated sufficient improvement which warrants another opportunity to take a requalification reexamination.

(ii) The requalification examination must occur within no more than 60 days of the initial failure of the range requalification examination.

(iii) Range requalification examinations will not be permitted after October 31 of the calendar year in which the failure occurred.

(c) Unless the officer successfully completes the range requalification examination after completion of the Commission-sanctioned remedial training, the revocation of certification will remain in effect.

§ 79.33. Revocation of certification for failure to submit a timely request.

If the officer's chief probation officer fails to submit a request for a range requalification examination to the Executive Director prior to the expiration of the extension period granted by the Commission under § 79.24 (relating to extensions), the officer's certification will be immediately revoked upon expiration of the extension period and no further extensions will be granted.

**RECERTIFICATION OF OFFICERS
FOLLOWING REVOCATION**

§ 79.41. Failure to achieve a passing score on a range requalification examination.

When an officer's certification has been revoked due to the officer's failure to achieve a passing score under § 79.23 (relating to failure to complete range requalification or in-service training), the officer seeking recertification shall do the following:

(1) Submit an application to the Executive Director in a form approved by the Executive Director. The application must be co-signed by the chief probation officer who states that the officer is competent and safe to participate in Commission training activities.

(2) Enroll in, attend and satisfactorily complete a Commission-sponsored basic training.

§ 79.42. Failure to complete range requalification within required time frames.

(a) When an officer's certification has been revoked due to the officer's failure to meet the range requalification requirements in § 79.22 (relating to range requalification examinations), the officer seeking recertification shall do the following:

(1) Submit an application to the Executive Director within 20 calendar days of the effective date of the revocation of certification. The application must be in a form approved by the Executive Director and co-signed by the chief probation officer.

(2) Pass any written examinations, as described in § 79.13 (relating to requirements for completion). The examinations will be administered by the Executive Director, a designee or other authorized Commission staff or a Commission member.

(3) Successfully complete the range requalification requirements in § 79.22.

(b) The requirements for recertification in § 79.42 (relating to failure to complete range requalification within required time frames) shall be completed within the time frame specified by the Executive Director, but in no case later than March 31st of the year in which the application is filed with the Executive Director.

§ 79.43. Failure to meet mandatory in-service training requirements.

(a) When an officer's certification is revoked due to the officer's failure to meet any mandatory in-service training requirements established by the Commission, the officer seeking recertification shall do the following:

(1) Submit an application to the Executive Director which must be in a form approved by the Executive Director and also co-signed by the chief probation officer.

(2) Enroll in, attend and complete a Commission-sponsored basic training program, or enroll in, attend and complete the next available offerings of any mandatory in-service training, which were not completed as required by the Commission.

(3) Successfully complete the range requalification examination in § 79.22 (relating to range requalification examinations).

(b) The requirements for recertification in § 79.43 (relating to failure to meet mandatory in-service training requirements) shall be completed within a time frame established at the discretion of the Executive Director.

§ 79.44. Nonrecertifiable revocations.

When an officer's certification is revoked under § 79.31(a) or (d), or both (relating to reasons for revocation of certificate), the officer shall be ineligible for recertification.

TRAINING EXPENSE

§ 79.51. Reimbursement of expenses.

(a) Subject to the availability of funds, the Commission may assume the costs or reimburse expenses incurred, or both, during an officer's attendance at a basic training program or in-service training (including range requalification). The reimbursement will not include personnel costs. Expenses determined eligible by the Commission will be reimbursed at rates that are currently recognized by the Commonwealth, but will, from time to time, be further specified by the Commission.

(b) Instructors are not eligible for Commission reimbursement for any expenditure incurred when engaged in county-conducted basic training under § 79.64 (relating to county-conducted basic training) or an in-service training course developed by an entity other than the Commission or a Commission-approved vendor under § 79.63 (relating to requirements for in-service training courses) or county-conducted in-service training under § 79.65 (relating to county-conducted in-service training).

(c) Students are not eligible for Commission reimbursement for any expenditure incurred when they participate in county-conducted basic training under § 79.64 or an in-service training course developed by an entity other than the Commission or a Commission-approved vendor under § 79.63 or county-conducted in-service training under § 79.65.

(d) The Commission may reimburse, in accordance with Commission policies in effect on the dates of the county-conducted basic training or county-conducted in-service training, the county for selected expenditures associated with the county-conducted basic training or county-

conducted in-service training, or both. The reimbursement will be solely at the discretion of the Commission.

§ 79.52. Reimbursement limitations.

The Commission will assume only the costs or reimburse eligible training expenses, or both, incurred for an officer's initial basic training. Reimbursement of expenses will be contingent upon the county's compliance with all Commission regulations, policies and procedures and upon the satisfactory submission of any requested information, data, forms, reports or documents. Commission reimbursement for ammunition and lodging is available for only one basic training per officer.

**APPROVAL OF INSTRUCTORS, SCHOOLS
AND VENDORS**

§ 79.61. Approval of instructors.

(a) An individual seeking approval to become a CFI or MI in programs offered by the Commission shall submit an application to the Executive Director on forms established by the Commission. An individual may apply for designation as an Academic CFI, Range CFI, or both, or as an MI.

(1) *Minimum qualifications for Academic CFI.* The application for approval as an Academic CFI in areas of instruction other than range firearms techniques will include, but not be limited to, a resume or materials, or both, which evidence the education, qualifications and experience deemed appropriate by the Commission for the particular area of instruction.

(2) *Minimum qualifications for Range CFI.* The application for approval as a Range CFI in any Commission training, waiver or requalification examination program will include, but not be limited to, verification that the applicant has satisfactorily completed a law enforcement firearms instructor training course offered by entities such as: FBI, Pennsylvania State Police, National Rifle Association or any other course which from time to time may be approved by the Commission and documentation that the applicant has conducted at least 12 hours of law enforcement firearms instruction within the 24 months preceding the application submission date.

(3) *Minimum qualifications for an MI.* The applicant shall be a Commission CFI and submit an application for designation as an MI to the Executive Director. The applicant shall have been a lead instructor for the academic/classroom portion of a Commission basic training program and a range master for the range portion of the training.

(b) Certifications for both CFI and MI will be for 36 months following approval by the Commission unless sooner revoked by the Commission.

(c) To renew certification, an instructor shall be required to submit an application for renewal of certification. The application must at least include documentation demonstrating that the instructor has provided the following:

(1) For CFI certification renewal, a minimum of 6 hours of relevant academic instruction and a minimum of 6 hours of range firearms instruction to county probation personnel in the preceding 36 months.

(2) For MI certification renewal, a minimum of 12 hours of relevant academic instruction and a minimum of 12 hours of range firearms instruction to county probation personnel in the preceding 36 months.

(d) The Commission reserves the right to revoke its certification of any CFI or MI, or both, without notice.

§ 79.62. Approval of schools and vendors.

(a) Schools certified under 53 Pa.C.S. §§ 2162—2171 (relating to municipal police education and training) are preapproved to conduct training as the Commission may, from time to time and in particular geographic areas of this Commonwealth, require.

(b) Vendors and other entities may become approved to conduct Commission training, as the needs of the Commission dictate, through the Commonwealth's competitive bid process. Selected vendors will enter into a contract with the Commission to conduct specific training, to a particular population, for a specific period of time and to contractual standards. Approval of these entities to conduct Commission training may terminate upon expiration of the contract.

(c) Schools and vendors conducting training for the Commission shall use only instructors and curricula which have been preapproved by the Commission.

(d) Training conducted by a school or vendor must be approved and scheduled through the Executive Director, in writing, prior to any advertisement, registration or other obligation for that training.

(e) The Commission will inspect each approved school or vendor actively providing training at least once every 2 years, but reserves the right to monitor, without notice, training conducted by approved schools or vendors, and to review and inspect related program records, materials and facilities at any time.

(f) The Commission reserves the right to suspend or revoke the approval of school or vendor without notice.

§ 79.63. Requirements for in-service training courses.

(a) To receive credit towards Commission mandated in-service training, counties shall obtain preapproval from the Commission to conduct an in-service training course developed by an entity other than the Commission or a Commission-approved school or vendor.

(b) Counties seeking approval of an in-service training course developed by an entity other than the Commission or a Commission-approved school or vendor shall submit an application to the Executive Director at least 90 calendar days prior to the first proposed day of training. The application must be in a format and follow procedures established by the Executive Director.

(c) Upon approval by the Commission, the approved in-service training course may be conducted by the county in accordance with § 79.65 (relating to county-conducted in-service training).

(d) The Commission prior to the first proposed day of training must approve changes or modifications to the in-service training course that is approved by the Commission.

§ 79.64. County-conducted basic training.

(a) Basic training conducted by a county must be carried out in accordance with policies and procedures established by the Commission.

(b) An MI shall supervise all county-conducted basic training.

(c) A county desiring to conduct basic training shall submit an application for county-conducted basic training, including the required documentation, to the Executive Director on forms and under procedures established by the Executive Director.

(d) County-conducted basic training must be conducted on training sites, both classroom and range, that meet Commission standards and are preapproved by the Executive Director.

(e) Only students who have submitted a basic training application, which has been approved by the Executive Director, shall participate in a county-conducted basic training.

(f) The entire county-conducted basic training must be completed within 30 consecutive calendar days and on the dates, times and at locations specified in the application.

(g) Upon request of the Executive Director or at the conclusion of the training, the county shall submit all forms and materials required by the Executive Director in the time frame specified.

(h) A county that is conducting an approved basic training may accept any Commission-approved student for participation in the training.

(i) Materials to support county-conducted basic training may be provided to the county by the Commission solely at the discretion of the Commission.

(j) The Commission reserves the right to monitor and inspect all aspects of county-conducted basic training without notice to the county that is conducting the training.

§ 79.65. County-conducted in-service training.

(a) Counties may conduct in-service training courses that have been approved and adopted by the Commission in accordance with policies and procedures established by the Commission.

(b) An MI shall supervise county-conducted in-service training.

(c) A county desiring to conduct in-service training shall submit an application for county-conducted in-service training, including the required documentation, to the Executive Director on forms and following procedures as established by the Executive Director.

(d) County-conducted in-service training must be conducted on training sites, both classroom and range, that meet Commission standards and are preapproved by the Executive Director.

(e) Only students who have submitted an application for in-service training that has been approved by the Executive Director shall participate in county-conducted in-service training.

(f) The entire county-conducted in-service training shall be completed within 30 consecutive calendar days and on the dates, times and at the locations specified in the application.

(g) Upon request of the Executive Director or at the conclusion of the training, the county shall submit the forms and materials required by the Executive Director in the time frame specified.

(h) A county that is conducting approved in-service training may accept any Commission-approved student for participation in the training.

(i) Materials to support county-conducted in-service training may be provided to the county by the Commission solely at the discretion of the Commission.

(j) The Commission reserves the right to monitor and inspect all aspects of any county-conducted in-service training without notice to the county conducting the training.

RECONSIDERATION OF COMMISSION DECISIONS

§ 79.71. Decisions of instructors.

Commission instructors have the authority to summarily and immediately terminate an officer's participation in any Commission-sanctioned training activity if any Commission instructor believes, in the Commission instructor's sole discretion, that an officer presents a safety concern, disrupts the learning environment or violates the Commission's Student Code of Conduct.

§ 79.72. Procedure for officers or schools seeking reconsideration.

(a) *Procedure.* An officer or school shall first seek reconsideration of a Commission decision through a letter-ruling process, which consists of the following steps:

(1) The officer or school shall submit to the Executive Director a written request for reconsideration no later than 20 days after mailing of a Commission notice, which results in adverse action for the school or individual.

(2) The request for reconsideration must be in a format acceptable to the Executive Director and must, at a minimum, contain the following details:

(i) The name, address, telephone number and electronic mail address of the aggrieved individual or school.

(ii) A copy of the Commission notice, which results in adverse action for the school or individual.

(iii) A concise and thorough explanation of the basis for the request for reconsideration.

(iv) The relief being sought.

(3) The Commission will review the request for reconsideration at its next regularly scheduled meeting. The individual or entity seeking reconsideration will be notified of the time and place of the meeting.

(4) Following review of the request for reconsideration, the Commission will render a decision regarding the request for reconsideration. Within 10 days of the date of the decision, the Commission will forward to the individual or entity, by means of certified mail, return receipt requested, a letter ruling specifying the decision and the reasons for the Commission's decisions and explaining the right to a formal hearing if the individual/school does not accept the results set forth in the letter.

(5) Results and opinion in letter-rulings will have no precedential authority and are subject to withdrawal or change at any time to conform to new or different interpretations of the law.

(b) *Cross-reference.* This section supplements 1 Pa. Code § 35.10 (relating to form and content of formal complaint).

NOTICE AND HEARINGS

§ 79.81. General Rules of Administrative Practice and Procedure.

Title 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the proceedings of the Commission insofar as it is not superseded by §§ 79.82—79.87.

§ 79.82. Notice.

(a) If an officer or school wishes to pursue an appeal to a formal hearing, the officer or school shall submit to the Executive Director a written request for hearing no later than 30 calendar days after mailing of the Commission's letter-ruling regarding the request for reconsideration.

(b) A request for hearing must be in writing and contain at least the following information:

(1) The name, address, telephone number and electronic mail address of the officer or school filing the written request for hearing.

(2) A copy of the Commission's letter-ruling on the request for reconsideration.

(3) A concise statement of the complaint.

(4) A concise statement of the relevant facts and the grounds upon which the complaint is based.

(5) The relief being sought.

(c) The date of receipt by the Executive Director of the written hearing request from the officer or school and not the date of deposit in the mails is determinative of a timely request for a hearing.

(d) This section supplements 1 Pa. Code § 35.10 (relating to form and content of formal complaints).

§ 79.83. Appointment of hearing examiner.

(a) When the Executive Director receives a request for hearing, the Commission's Chairperson or a designee will appoint a hearing examiner to preside over the formal hearing.

(b) It will be the responsibility of the appointed hearing examiner to schedule the hearing and conduct it in accordance with this section and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(c) Subsection (a) supplements 1 Pa. Code § 35.185 (relating to designation of presiding officers). Subsection (b) supplements 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers).

§ 79.84. Hearings.

(a) Hearings will be conducted in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(b) Legal counsel may represent the aggrieved individual or entity and the costs incurred for the representation shall be borne by the individual or entity.

(c) The hearing examiner will notify the aggrieved individual and, if applicable, the aggrieved entity and the Commission of the date, time and location of the hearing at least 60 days prior to the selected date. A courtesy copy will be forwarded to the appropriate chief probation officer and president judge. This subsection supersedes 1 Pa. Code § 35.105 (relating to notice of non-rulemaking proceedings).

(d) A prehearing conference may be held at the discretion of the hearing examiner. This subsection is identical to 1 Pa. Code § 35.111 (relating to conferences to adjust, settle or expedite proceedings).

§ 79.85. Continuances.

(a) Continuances of hearings conducted under this section will only be granted upon a showing of good cause by the party requesting the continuance.

(b) Requests for continuances must be made in writing to the hearing examiner.

(c) A party's objections, if any, to a request for a continuance must be in writing and delivered to the hearing examiner and the other party. Objections shall be made immediately upon receipt of notification of a request for a continuance.

(d) This section supersedes 1 Pa. Code § 31.15(b) (relating to extension of time).

§ 79.86. Failure to appear at a hearing.

(a) If an officer or school or the officer's or school's representative fails to appear at the scheduled hearing without good cause, as determined by the hearing examiner, the request for hearing will be deemed abandoned and be dismissed with prejudice.

(b) If the Commission fails to appear at the hearing without good cause as determined by the hearing examiner, the hearing will proceed in absentia.

(c) If neither the officer or school nor the Commission or their representatives appear at the hearing, the hearing examiner will reschedule the hearing.

§ 79.87. Hearing examiner recommendation.

(a) Within 30 days of conclusion of the hearing, the hearing examiner will propose findings of fact and conclusions of law to the Commission.

(b) Upon receipt and after review of the hearing examiner's proposed findings of fact and conclusions of law and any exceptions and briefs, which may be submitted by either party, the Commission, or its designees, will issue a final adjudication.

(c) The Executive Director shall forward the final adjudication to the officer or school, or their legal counsel, if the officer or school has made the Executive Director aware of the representation, and the appropriate chief probation officer and president judge.

(d) The officer, school or Commission have the right to appeal the final adjudication in accordance with Pa.R.A.P. and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

[Pa.B. Doc. No. 06-2106. Filed for public inspection October 27, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461 AND 463]

Slot Machines Testing and Control; Possession of Slot Machines

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207 and 1320 (relating to regulatory authority of board; and slot machine testing and certification standards), proposes to add Chapters 461 and 463 (relating to slot machine testing and control; and possession of slot machines) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 461 at 35 Pa.B. 4045 (July 16, 2005) and temporary regulations in Chapter 463 at 35 Pa.B. 6619 (December 3, 2005). Under 4 Pa.C.S. § 1203(b), the temporary regulations expire on July 5, 2007.

The Board is proposing to replace the temporary regulations with the permanent regulations in this proposed rulemaking.

Explanation of Chapters 461 and 463

Chapter 461 contains the requirements for testing and approval of slot machines and associated equipment that must be met prior to use in this Commonwealth. It contains specific provisions that apply to slot machines, gaming vouchers, coupons, automated gaming voucher and coupon redemption machines, progressive slot machines, wide area progressive systems, slot monitoring systems, casino management systems, player tracking systems, external bonusing systems, cashless funds transfer systems, server supported and server based slot systems, automated jackpot payout machines, remote system access and use of alterable storage media.

Chapter 463 contains general provisions governing who may possess slot machines in this Commonwealth. It also outlines procedures and reporting requirements for transporting slot machines and for tracking the location of slot machines in this Commonwealth.

Amendments to the temporary regulations in this proposed rulemaking include a large number of editorial changes intended to improve the clarity of the language contained in the existing temporary regulations. Additionally, a number of definitions have been moved from the body of the regulations in Chapter 461 to § 461.1 (relating to definitions).

Affected Parties

This proposed rulemaking imposes performance standards that slot machines and associated equipment will have to meet before manufacturers can offer their products for sale and use in this Commonwealth. Suppliers and slot machine licensees will be affected because they can only sell or purchase products that have been tested and approved for use in this Commonwealth.

Fiscal Impact

Commonwealth

Most of the Commonwealth's costs associated with this proposed rulemaking will be incurred by the Board's Gaming Laboratory Operations Bureau which is responsible for testing slot machines and associated equipment and tracking the location and movement of slot machines.

The Department of Revenue will also experience some cost related to the testing of slot machines for compliance and compatibility with the central control computer system.

Law enforcement agencies authorized by the Board to possess slot machines will experience some reporting costs.

Political Subdivisions

This proposed rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

Private Sector

Manufacturers will experience significant costs associated with the testing and approval of their products by the Board. The Board is developing a schedule of fees based upon the time required for the testing of various types of equipment. Therefore, the costs incurred by an individual manufacturer will be a function of the number of products submitted for testing. Costs for the Gaming Laboratory that are not covered by fees will be assessed on manufacturers as required by 4 Pa.C.S. § 1320(b).

Manufacturers, suppliers and slot machine licensees will experience some costs associated with the submission of reports prior to the transportation of slot machines and submission of monthly reports specifying the location and other data for all slot machines in their possession.

Educational institutions authorized by the Board to possess slot machines will experience some reporting costs.

General Public

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

Paperwork Requirements

This proposed rulemaking will require manufacturers to provide extensive documentation in the form of operating manuals, wiring diagrams, and the like, needed to test their equipment.

Manufacturers, suppliers and slot machine licensees will be required to complete and submit reports prior to the transportation of slot machines and will have to submit monthly reports specifying the location and other data for all slot machines in their possession.

Educational institutions and law enforcement agencies authorized to possess slot machines will also have to submit monthly reports specifying the location and other data for slot machines in their possession.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-48.

Contact Person

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111, and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 27, 2006, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Review Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. A copy of this material is available to the public upon request and will be posted on the Board's website.

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 which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-48. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$963,000; (3) 1st Succeeding Year 2007-08 is \$1,573,000; 2nd Succeeding Year 2008-09 is \$1,623,120; 3rd Succeeding Year 2009-10 is \$1,675,245; 4th Succeeding Year 2010-11 is \$1,729,455; 5th Succeeding Year 2011-12 is \$1,785,833; (4) 2005-06 Program—\$23,000,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461. SLOT MACHINE TESTING AND CONTROL

- Sec.
- 461.1. Definitions.
- 461.2. Protocol requirements.
- 461.3. Testing and approval generally.
- 461.4. Submission for testing and approval.
- 461.5. Slot machine conversions.
- 461.6. Revocations and additional conditions.
- 461.7. Slot machine minimum design standards.
- 461.8. Gaming vouchers.
- 461.9. Coupons.
- 461.10. Automated gaming voucher and coupon redemption machines.
- 461.11. Automated gaming voucher and coupon redemption machines: accounting controls.
- 461.12. Progressive slot machines.
- 461.13. Wide area progressive systems.
- 461.14. Slot monitoring systems.
- 461.15. Casino management systems.
- 461.16. Player tracking systems.
- 461.17. External bonusing systems.
- 461.18. Cashless funds transfer systems.
- 461.19. Remote system access.
- 461.20. Server supported slot systems.
- 461.21. Server based slot systems.
- 461.22. Automated jackpot payout machines.
- 461.23. Slot machines and associated equipment utilizing alterable storage media.
- 461.24. Waivers.
- 461.25. Disputes.

§ 461.1. Definitions.

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

Asset number—A unique number assigned to a slot machine by a slot machine licensee for the purpose of tracking the slot machine while owned by the slot machine licensee.

Automated jackpot payout machine—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of a jackpot that is not totally and automatically paid directly from a slot machine.

Cashless funds transfer system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the electronic transfer of cashable or noncashable credits to a patron at a slot machine in connection with a promotional program.

Casino management system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at slot machines, inclusive of slot machine level accounting transactions, player tracking and productivity analysis.

Conversion—A change or alteration to a slot machine that does not affect the manner or mode of play or operation of the slot machine.

Coupon—An instrument issued by a slot machine licensee under which cashable or noncashable slot machine credits are provided directly or indirectly to a patron with or without regard to the identity of the patron or the patron's level of gaming activity.

Coupon system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of coupons, the acceptance of a coupon by a slot machine or its redemption at an automated coupon redemption machine, cashiers' cage or other locations, and in an alternative manner approved by the Board.

Double-up—An optional wager on a slot machine in which the player has a mathematically equal probability of winning or losing the wager.

External bonusing system—The collective hardware, software, communications technology and other ancillary equipment used in conjunction with slot machines to deliver randomly selected player incentives (bonus awards) to active slot machine players and to effect the accurate metering of the bonus award event on the slot machine.

Gaming voucher—An instrument that upon insertion into a slot machine bill validator entitles the patron inserting the gaming voucher to cashable or noncashable credits on a slot machine corresponding to the value printed on the gaming voucher.

Gaming voucher system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming vouchers and the redemption of gaming vouchers by slot machines, automated gaming voucher redemption machines, the cashiers' cage or in other locations, and in alternative manners, as approved by the Board.

Modification—A change or alteration in a slot machine or associated equipment that affects the manner or mode of play or operation of the slot machine or associated equipment.

(i) The term includes a change to control or graphics programs and to the theoretical hold percentage.

(ii) In the case of slot machines, the term does not include:

(A) A conversion.

(B) Replacement of one approved component with an identical component.

(iii) In the case of a wide area progressive system, the term includes a change in:

(A) A system name or theme.

(B) The odds to win the progressive payout.

(C) The reset amount.

(D) The progressive rate.

(E) The wager necessary to win the progressive payout.

Player tracking system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to player activity at slot machines. Player activity may be tracked generally or on an individual player basis.

Randomness—The observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

Skill—The application of intelligence and specific knowledge to achieve the best result when a slot machine offers a choice of options during game play.

Slot Lab—The Gaming Laboratory Operations Bureau of the Board.

Slot monitoring system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to activity at slot machines, inclusive of slot machine meter readings, error conditions, slot machine security, accounting, player tracking and productivity analysis.

Strategy choice—A particular play option on a slot machine that requires the use of skill to consistently achieve the best result.

Theme—A concept, subject matter and methodology of design of a slot machine.

Wager—Placing at risk in a slot machine a coin, bill, ticket, gaming voucher, coupon, or similar object or, upon payment of any consideration, including the use of cashless funds transfer systems and external bonusing systems.

§ 461.2. Protocol requirements.

In accordance with section 1324 of the act (relating to protocol information), manufacturer licensees and supplier licensees shall be required to enable all slot machines to communicate with the Department's central control computer for the purpose of transmitting auditing program information and activating and disabling slot machines.

§ 461.3. Testing and approval generally.

(a) In accordance with section 1320 of the act (relating to slot machine testing and certification standards), the Board will determine the manner and scope in which slot machines are to be tested and approved prior to operation and use in a licensed facility in this Commonwealth.

(b) Slot machines operated in this Commonwealth must be approved by the Board.

(c) The Board has the authority to require one or more of the following procedures:

(1) An abbreviated testing and approval process in accordance with § 461.4(g) (relating to submission for testing and approval).

(2) Testing and approval in accordance with § 461.4(i).

(3) Utilize the services of a Board-approved private slot machine testing facility to conduct the testing until a slot machine testing facility is established by the Board.

(d) On or before July 5, 2007, the Board will establish and maintain an independent slot machine testing facility. The cost of establishment and operation of the facility shall be paid by each manufacturer licensee in accordance with a schedule adopted by the Board.

(e) The Board will require payment of all costs for the testing and approval of slot machines and associated equipment in accordance with a schedule adopted by the Board.

(f) The Board will require a manufacturer licensee seeking approval of a slot machine or associated equipment to pay all costs of transportation, inspection and testing.

§ 461.4. Submission for testing and approval.

(a) A slot machine or associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a slot machine licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested and approved by the Board.

(b) When an applicant for, or holder of, a slot machine license develops software or a system that is functionally equivalent to any of the slot systems enumerated in subsection (c), that software or system shall be subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. Any reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a slot machine license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, slot machines and associated equipment that shall be submitted for testing and Board approval include:

(1) Slot machines, including bill validators and printers.

(2) Slot monitoring systems, to the extent the systems interface with slot machines and related systems.

(3) Casino management systems, to the extent the systems interface with slot machines and related systems.

(4) Player tracking systems, to the extent the systems interface with slot machines and related systems.

(5) Progressive systems, including wide area progressive systems.

(6) Gaming voucher systems.

(7) External bonusing systems.

(8) Cashless funds transfer systems.

(9) Machines performing gaming voucher, coupon or jackpot payout transactions.

(10) Coupon systems, to the extent the systems interface with slot machines and related systems.

(11) Other associated equipment specifically identified by the Board.

(d) Slot machine prototypes and associated equipment prototypes, and any modifications thereto, which are subject to testing and approval under this section will be evaluated by the Board for overall operational integrity and compliance with the act, this subpart and technical standards adopted by the Board. In addition, with regard to any slot machine, or modification thereto, the Board will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(e) The Board may periodically prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.

(f) The Board may periodically prescribe certification requirements, to be executed by the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted, unless otherwise noted, to obtain sufficient assurances from the manufacturer that the product was properly and completely tested by the manufacturer prior to its submission to the Board.

(g) Notwithstanding the terms of subsection (d), the Board may utilize an abbreviated testing and approval process in accordance with section 1320 of the act (relating to slot machine testing and certification standards).

(h) When an applicant for, or holder of, a manufacturer license seeks to utilize, during the applicable period, the abbreviated testing and approval process for a slot machine prototype, associated equipment prototype or any modification thereto, it shall submit the following to the Slot Lab:

(1) A prototype of the equipment, device or software accompanied by a written request for abbreviated testing and approval which identifies the jurisdiction within the United States upon which the applicant for, or holder of, a manufacturer license proposes the Board rely ("named jurisdiction"). The manufacturer shall transport the equipment device or software at its own expense and deliver it to the offices of the Slot Lab.

(2) A certification executed by the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the equipment, device or software submitted ("professional") asserting that:

(i) The specific prototype or modification is identical in all mechanical, electrical, electronic and other respects to one which has been tested and approved by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction.

(ii) The manufacturer is licensed and in good standing in the named jurisdiction and that the subject product has all regulatory approvals prerequisite to sale or distribution in the named jurisdiction.

(iii) In the professional's opinion, the testing standards of the named jurisdiction are comprehensive and thorough and provide similar adequate safeguards as those required by this subpart.

(iv) In the professional's opinion, the equipment, device or software complies with the act, this subpart and technical standards adopted by the Board including requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software unless a substantially similar checklist was filed with the named jurisdiction and is included in the submission package required by paragraph (4).

(4) Copies of the submission package, and any amendments thereto, filed with the named jurisdiction, copies of any correspondence, review letters or approvals issued by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction and, as applicable, a copy of the final regulatory approval issued by the named jurisdiction.

(5) A disclosure that lists any conditions or limitations placed by the named jurisdiction on the operation or

placement of the equipment, device or software at the time of approval or subsequently thereafter.

(6) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(7) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the abbreviated testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(8) Additional documentation requested by the Board.

(i) When an applicant for, or holder of, a manufacturer license seeks Board approval of a slot machine prototype, associated equipment prototype, or any modification thereto for which the abbreviated testing process in subsection (g) is not applicable, it shall submit the following to the Slot Lab:

(1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the offices of the Board's Slot Lab in accordance with instructions provided.

(2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Board and that the product, device or software complies with the act, this subpart and technical standards adopted by the Board, including applicable requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.

(4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Board.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a slot machine prototype, the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.

(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a slot machine, on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the slot machine including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the slot machine including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the slot machine for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board, a cross reference of product meters to the required meters, if necessary.

(xi) A description of tower light functions indicating the corresponding condition.

(xii) A description of error conditions and the corresponding action required by the operator.

(xiii) A description of the use and function of available dip switch settings or configurable options.

(xiv) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection process is impervious to outside influences, interference from electro-magnetic, electrostatic, and radio frequencies, and influence from ancillary equipment via data communications. Test results in support of representations shall be submitted. For the purposes of this section, "game outcome" means the results of a wager.

(xv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, PCs, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xvi) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.

(xvii) Program storage media including eproms, eeproms, and any type of alterable media for slot machine software.

(xviii) Technical specifications for any microprocessor or microcontroller.

(xix) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(xx) Additional documentation requested by the Board.

(7) In the case of a modification to a slot machine prototype, including a change in theme, the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the slot machine prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the slot machine including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(v) Additional documentation requested by the Board.

(8) In the case of a slot monitoring system, casino management system, player tracking system, wide area progressive system, gaming voucher system, external bonusing system, cashless funds transfer system, automated gaming voucher, coupon redemption or jackpot payout machine, coupon system or any other equipment or system required to be tested and approved under subsection (c):

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the system to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the system's major components accompanied by a description of each component's functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling and, when appropriate, communications methodology for multisite applications.

(v) A list of computer operating systems and third party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.

(viii) When applicable, features for each system which may include patron and employee card functions, promotions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted system's connection to, as applicable, slot machines, voucher, coupon redemption and jackpot payout machines, computerized systems for

counting money, vouchers and coupons. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) When requested by the Board, all source codes.

(xii) When applicable, a complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) When applicable, a complete, comprehensive and technically accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a coupon and the redemption options available.

(xiv) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) Additional documentation requested by the Board.

(9) In the case of a modification to any of the systems identified in paragraph (8), the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the system, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Board.

(j) At the conclusion of testing of a prototype or modification by the Slot Lab, but prior to a decision to approve a prototype or modification, the Board may require a trial period of scope and duration as it deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period shall be subject to compliance by the licensed manufacturer, applicable licensed suppliers, and the slot machine licensee with specific terms and conditions as may be required by the Board, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board and compliance with technical standards on trial periods or the prototype or modification adopted by the Board. The Board may authorize the receipt of compensation by a licensed manufacturer or licensed supplier during the trial period. The Board may order termination of the trial period if it determines that the licensed manufacturer, applicable licensed suppliers or the slot machine licensee conducting the trial period has not complied with the terms and conditions required by the Board or that the product is not performing as expected.

(k) At the conclusion of testing of a prototype or modification, the Slot Lab will report to the Board the results of its testing. Upon receipt of the Slot Lab's report, the Board will:

(1) Approve, approve with conditions or reject the submitted prototype or modification.

(2) Require additional testing or a trial period under subsection (j).

(l) Board approval of a prototype or modification does not constitute a guarantee of the prototype or modification's safety.

(m) A slot machine licensee is prohibited from installing in its licensed facility a slot machine or associated equipment, or modification thereto, required to be tested and approved under subsection (c) unless the equipment, device or software has been approved by the Board. A slot machine licensee may not modify, alter or tamper with an approved slot machine or associated equipment. A slot machine or associated equipment installed in a licensed facility in contravention of this requirement will be subject to seizure by the Board.

(n) Notwithstanding subsection (m), the Board may authorize installation of a modification to a slot machine prototype or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer in the manner prescribed by the Board. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(o) A slot machine licensee shall immediately notify the Board, in a manner and form the Board prescribes, of any known or suspected defect or malfunction in any slot machine or associated equipment installed in its licensed facility. The slot machine licensee shall comply with instructions issued by the Board with regard to the continued operation of the slot machine or associated equipment.

(p) Concurrent with the initial receipt of slot machines, an applicant for, or holder of, a slot machine license shall file a slot machine master list as required by § 463.5 (relating to slot machine master list).

(q) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer unless otherwise determined by the Board.

§ 461.5. Slot machine conversions.

A slot machine licensee shall:

(1) Maintain complete and accurate records of all conversions.

(2) Give prior notice of a slot machine conversion to the Slot Lab in writing in the manner prescribed by the Board.

(3) Notice the Department in accordance with § 463.6 (relating to notice to central control computer system).

§ 461.6. Revocations and additional conditions.

The Board may revoke the approval of or impose additional conditions on a slot machine prototype, associated equipment prototype, or modification thereto, if the equipment, device or software meets either of the following criteria:

(1) The equipment, device or software is not in compliance with the act, this subpart or technical standards adopted by the Board.

(2) The slot machine, or modification thereto, is not compatible with, or compliant with the central control computer and protocol specifications approved by the Department or is unable to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

§ 461.7. Slot machine minimum design standards.

(a) A slot machine may not be set to pay out less than the theoretical payout percentage, which may not be less than 85% or equal or exceed 100%. The theoretical payout percentage for the total value of slot machine wagers will be calculated using the following:

(1) The defined set of all symbols that will be displayed using spinning reels or video displays, or both.

(2) The finite set of all possible combinations which shall be known as the cycle of the game. All possible combinations in a slot machine cycle shall be independent of each other and of all possible combinations from cycles in other slot machines.

(3) The value of each winning combination that corresponds with the set from paragraph (2) which, whether by reason of skill or application of the element of chance, or both, may deliver or entitle the person or persons playing the slot machine to a jackpot.

(4) A payout of merchandise or anything of value provided a cash equivalent award for the merchandise is offered. The value of the cash equivalent will contribute to the calculation of the theoretical payout percentage.

(5) A payout in the form of an annuity will contribute to the calculation of the theoretical payout percentage by dividing the initial or reset amount of the jackpot payout by the number of years over which the jackpot will be paid.

(6) The odds of any winning combination may not exceed 50 million to 1.

(b) The calculation of the theoretical payout percentage will not include:

(1) The amount of any progressive jackpot in excess of the initial or reset amount.

(2) A cash or noncash complimentary issued under § 465.8 (relating to complimentary services or items).

(3) A payout of merchandise or anything of value when a cash equivalent award is not offered.

(c) A play offered by a slot machine may not have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that slot machine which is activated by a slot machine wager in a lesser amount than the slot machine wager required for that play. Notwithstanding the foregoing, the theoretical payout percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

(1) The aggregate total of the decreases in the theoretical payout percentage for plays offered by the slot machine is not more than 1/2 of 1%.

(2) The theoretical payout percentage for every play offered by the slot machine is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the slot machine.

(d) In addition to the requirements of subsections (a), (b) and (c), the volatility of a slot machine must verify that the theoretical payout percentage equals or exceeds the minimum payout requirement of 85% within 10 million plays. The criteria used to calculate the volatility must be in accordance with technical standards applicable to volatility adopted by the Board.

(e) The selection from the set of all possible combinations of symbols shall be made applying a pseudo random number generator. At a minimum, a pseudo random number generator must adhere to the following criteria:

(1) The random selection process must meet a 95% confidence interval.

(2) As determined by the Board, a random number generator must pass a standard chi-squared test for goodness of fit.

(3) Each possible slot machine combination which produces winning or losing slot machine outcomes must be available for random selection at the initiation of each play.

(4) A slot machine payout percentage that may be affected by reason of skill must meet the theoretical payout requirements of this subpart when evaluated by the Board using a method of play that will provide the greatest return to the player.

(5) Once a random selection process has occurred, the slot machine must:

(i) Display an accurate representation of the randomly selected outcome.

(ii) Not make a secondary decision which affects the result shown to the person playing the slot machine.

(f) A slot machine is prohibited from automatically altering any function of the slot machine based on internal computation of the hold percentage.

(g) The available winning combinations and applicable rules of play for a slot machine shall be available at all times the slot machine is idle to the patron playing the slot machine. The award schedule of available winning combinations may not include possible aggregate awards achievable from free plays. A slot machine that includes a strategy choice must provide mathematically sufficient information for a patron to use optimal skill. Information regarding a strategy choice need not be made available for any strategy decisions whenever the patron is not required, in addition to the initial wager, to make an additional wager and, when as a result of playing a strategy choice, the patron can not lose any credits earned thus far during that game play.

(h) Slot machines approved for use in a licensed facility must be equipped with the following meters that comply with the technical standards adopted by the Board:

(1) *Coin in.* A meter that accumulates the total value of all wagers, whether the wager results from the insertion of currency, gaming vouchers, coupons, downloaded credits, credits won or any other means. This meter must:

(i) Not include subsequent wagers of intermediate winnings accumulated during game play sequence such as those acquired from "double up" games.

(ii) For multi-game and multi-denomination/multigame slot machines, monitor the information necessary, on a per pay table basis, to calculate a weighted average actual payout percentage.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the slot machine as a

result of winning wagers, whether the payout is made directly from the printer by issuance of a gaming voucher, directly to a credit meter or by any other means. This meter may not record amounts awarded as the result of an external bonusing system or a progressive payout.

(3) *Attendant paid jackpots.* A meter that accumulates the total value of credits paid by an attendant resulting from a single winning alignment or combination, the amount of which is not capable of being paid by the slot machine itself. This meter may not record amounts awarded as the result of an external bonusing system or a progressive payout. This meter is to record only amounts specifically listed in the manufacturer's par sheet.

(4) *Attendant paid cancelled credits.* A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the slot machine.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The slot machine must also have a specific meter for each denomination of currency accepted that records the number of bills accepted for each denomination.

(6) *Voucher in—cashable/value.* A meter that accumulates the total value of all cashable gaming vouchers accepted by the slot machine.

(7) *Voucher in—cashable/count.* A meter that accumulates the total number of cashable gaming vouchers accepted by a slot machine.

(8) *Voucher out—cashable/value.* A meter that accumulates the total value of all cashable gaming vouchers issued by the slot machine.

(9) *Voucher out—cashable/count.* A meter that records the total number of all cashable gaming vouchers issued by a slot machine.

(10) *Voucher out—noncashable/value.* A meter that accumulates the total value of all noncashable gaming vouchers issued by the slot machine.

(11) *Voucher out—noncashable/count.* A meter that records the total number of all noncashable gaming vouchers issued by the slot machine.

(12) *Cashable electronic in.* A meter that accumulates the total value of cashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and a cashless funds transfer system.

(13) *Noncashable electronic in.* A meter that accumulates the total value of noncashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and a cashless funds transfer system.

(14) *Coupon in—cashable/value.* A meter that accumulates the total value of all cashable coupons accepted by the slot machine.

(15) *Coupon in—cashable/count.* A meter that accumulates the total number of all cashable coupons accepted by the slot machine.

(16) *Coupon in—noncashable/value.* A meter that accumulates the total value of all noncashable coupons accepted by the slot machine.

(17) *Coupon in—noncashable/count.* A meter that accumulates the total number of noncashable coupons accepted by the slot machine.

(18) *Slot machine paid external bonus payout.* A meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by the slot machine.

(19) *Attendant paid external bonus payout.* A meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by a slot attendant.

(20) *Slot machine paid progressive payout.* A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the slot machine. This meter may not record awards paid as a result of an external bonusing system.

(21) *Attendant paid progressive payout.* A meter that accumulates the total value of credits paid by a slot attendant as a result of progressive awards that are not capable of being paid by the slot machine. This meter may not include awards paid as a result of an external bonusing system.

(22) *Additional requirements.* Other meters required by technical standards adopted by the Board.

(i) A slot machine that does not meter one or more of the events required to be metered under subsection (h) may be approved when a slot machine licensee's system of internal controls establishes that the meter is not required to capture all critical transactions occurring on the slot machine.

(j) The meters required under subsection (h) must continuously and automatically increment in units equal to the denomination of the slot machine or, in the case of a slot machine configured for multidenomination play, must display the required information in dollars and cents.

(k) A slot machine approved for use in a licensed facility must be equipped with the following noncumulative meters:

(1) *Credits wagered.* A meter, visible from the front exterior of a slot machine, known as a credit wagered meter that advises the patron of the total value of amounts wagered in a particular game or round of slot play.

(2) *Win meter.* A meter, visible from the front exterior of the slot machine, known as a win meter that advises the patron of the total value of amounts won in the immediately concluded game or round of slot play.

(3) *Credits paid.* A meter, visible from the front exterior of the slot machine, known as a credits paid meter that advises the patron of the total value of the last:

(i) Cash out initiated by the patron.

(ii) Attendant paid jackpot.

(iii) Attendant paid cancelled credit.

(4) *Credit meter.* A meter, visible from the front exterior of the slot machine and specifically labeled as a credit meter, which advises the patron as to the number of credits or monetary value available for wagering on the slot machine. The credit meter need not distinguish between cashable credits and noncashable credits.

(l) A slot machine must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or in technical standards adopted by the Board, since the following events:

(1) Power reset.

(2) Door close.

(3) Game initialization (random access memory (RAM) clear).

(m) A slot machine must be equipped with a device, mechanism or method for retaining the total value of all meters required under subsection (h) for 72 hours subsequent to a power loss.

(n) The required meters on a slot machine must be accessible and legible without access to the interior of the slot machine.

(o) A slot machine must be equipped with a tower light capable of effectively communicating the status of the slot machine in accordance with technical standards on tower lights and error conditions adopted by the Board.

(p) A slot machine must be equipped with a device, mechanism or method for detecting, displaying and communicating to a slot monitoring system error conditions. The error conditions detected, displayed and communicated by a slot machine, and the method to be utilized to clear the message with regard to the error condition, must be in accordance with technical standards on tower lights and error conditions adopted by the Board.

(q) A slot machine must, in accordance with section 1324 of the act (relating to protocol information), comply with the comprehensive protocol specifications necessary to enable the slot machine to communicate with the Department's central control computer as that protocol is amended or supplemented, for the purpose of transmitting auditing program information, real time information retrieval and slot machine activation and disabling.

(r) A slot machine must lock up and preclude further play whenever a jackpot occurs that is not able to be paid completely by the slot machine and requires a hand pay. When the jackpot occurs, the slot machine can offer a predetermined number of double-up wagers before the slot machine locks up.

(s) Printers incorporated into a slot machine must be:

(1) Designed to allow the slot machine to detect and report a low paper level, paper out, presentation error, printer failure and paper jams.

(2) Mounted inside a lockable compartment within the slot machine.

(t) Seating made available by a slot machine licensee for use during slot play must be fixed and stationary in nature. Slot seating must be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213) purposes, by slot operations department personnel.

(u) Unless a slot machine licensee's slot monitoring system is configured to automatically record all of the information required by this subsection, the slot machine licensee shall be required to physically house in each slot machine the following entry authorization logs:

(1) A machine entry authorization log that documents each time a slot machine or any device connected thereto which may affect the operation of the slot machine is opened. The log must contain, at a minimum, the date, time, purpose for opening the slot machine or device and the signature and license or permit number of the person opening and entering the slot machine or device. Each log must have recorded thereon a sequence number and the manufacturer's serial number or the asset number corresponding to the slot machine in which it is housed.

(2) A progressive entry authorization log that documents each time a progressive controller not housed within the cabinet of the slot machine is opened. The log must contain, at a minimum, the date, time, purpose for accessing the progressive controller and the signature and license or permit number of the person accessing the progressive controller. Each log must be maintained in the progressive controller unit and have recorded thereon a sequence number and the manufacturer's serial number of the progressive controller.

(v) A slot machine must be equipped with a lock controlling access to the card cage door securing the microprocessor, the key to which must be different from any other key securing access to the slot machine's components including its belly door or main door, bill validator or slot cash storage box. Access to the key securing the microprocessor shall be limited to a supervisor in the slot operations department, which department shall establish a sign out and sign in procedure with regard to this key.

(w) A slot machine must be equipped with a mechanism for detecting and communicating to a slot monitoring system any activity with regard to access to the card cage door securing its microprocessor.

§ 461.8. Gaming vouchers.

(a) A slot machine licensee may utilize gaming vouchers and a gaming voucher system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) The design specifications for a gaming voucher, the expiration terms applicable thereto, the voucher verification methodologies utilized, and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers adopted by the Board.

(c) The design specifications for a gaming voucher system must be in compliance with technical standards on gaming voucher systems adopted by the Board.

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465.3 (relating to internal control systems and audit protocols) and address:

(1) Procedures for assigning a slot machine's asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user in accordance with technical standards adopted by the Board.

(3) Procedures used to configure and maintain user passwords in accordance with technical standards adopted by the Board.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities, in accordance with technical standards adopted by the Board.

(5) The duties and responsibilities of the information technology, internal audit, slot operations and slot accounting departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the

location and security protocols applicable to each piece of equipment as approved by the Board.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards adopted by the Board.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in the following instances:

(1) The slot machine licensee chooses to pay a patron the value of a gaming voucher notwithstanding the fact that the gaming voucher system is inoperable rendering it unable to determine the validity of the gaming voucher at the time of payment.

(2) The slot machine licensee chooses to pay a patron the value of a gaming voucher notwithstanding the fact that the gaming voucher system failed to verify and electronically cancel the gaming voucher when it was scanned.

(f) At the end of each gaming day, the gaming voucher system must generate reports, as approved by the Board, which reports are provided to the slot accounting department, either directly by the system or through the information technology department, and which, at a minimum, contain the following information:

(1) A report of all gaming vouchers that have been issued which includes the asset number and the serial number of the slot machine, and the value, date and time of issuance of each gaming voucher.

(2) A report of all gaming vouchers that have been redeemed and cancelled by redemption location, including the asset number of the slot machine or location if other than a slot machine, the serial number, the value, date and time of redemption for each voucher, the total value of all gaming vouchers redeemed at slot machines, and the total value of all gaming vouchers redeemed at locations other than slot machines.

(3) The unredeemed liability for gaming vouchers.

(4) The readings on gaming voucher related slot machine meters and a comparison of the readings to the number and value of issued and redeemed gaming vouchers, as applicable.

(5) Exception reports and audit logs.

(g) A slot machine licensee shall immediately report to the Board, in a manner prescribed by the Board, any evidence that a gaming voucher has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, reliability or suitability of the gaming voucher.

(h) Upon presentation of a gaming voucher for redemption at a slot machine, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the slot machine, the slot machine must perform one of the following procedures:

(1) Automatically issue a new gaming voucher containing the value that cannot be completely converted.

(2) Not redeem the gaming voucher and immediately return the gaming voucher to the patron.

(3) Allow for the additional accumulation of credits on an odd cents meter or a meter that displays the value in dollars and cents.

(i) A slot machine licensee that utilizes a system or a slot machine that does not print a test gaming voucher that is visually distinguishable from a valid gaming voucher whenever the slot machine is tested on the gaming floor must have in place internal controls approved by the Board under § 465.3 for the issuance of test currency from the cashiers' cage and the return and reconciliation of the test currency and any gaming vouchers printed during the testing process.

(j) Except as provided in subsection (n) with regard to employee redemption of gaming vouchers, a gaming voucher shall be redeemed by a patron for a specific value of cash, slot machine credits, or, at the request of the patron, a check issued by the slot machine licensee in the amount of the gaming voucher surrendered. Notwithstanding the forgoing, a slot machine licensee may not permit a gaming voucher that is presented for redemption to be redeemed if it knows, or has reason to know, that the gaming voucher:

(1) Is materially different from the sample of the gaming voucher approved by the Board.

(2) Was previously redeemed.

(3) Was printed as a test gaming voucher.

(k) Notwithstanding the requirements of subsection (j), if a patron requests to redeem a gaming voucher by mail, the slot machine licensee may effectuate the redemption. However, the gaming voucher may only be redeemed by a cage supervisor in accordance with internal controls approved by the Board under § 465.3, which include the following:

(1) Procedures for using the gaming voucher system to verify the validity of the serial number and value of the voucher, which, if valid, must be immediately cancelled electronically by the system.

(2) Procedures for the issuance of a check equal to the value of the voucher.

(l) Gaming vouchers redeemed at cashiering locations shall be transferred to the slot accounting department on a daily basis. Gaming vouchers redeemed by slot machines shall be counted in the count room and forwarded to the slot accounting department upon the conclusion of the count process. Gaming vouchers redeemed at automated gaming voucher redemption machines shall be forwarded to slot accounting upon the conclusion of the cashiers' cage reconciliation process. Slot accounting department representatives with no incompatible functions shall perform, at a minimum, the following:

(1) On a daily basis:

(i) Compare gaming voucher system report data to any count room system report data available for that gaming day to ensure proper electronic cancellation of the gaming voucher.

(ii) Calculate the unredeemed liability for gaming vouchers, either manually or by means of the gaming voucher system.

(2) On a weekly basis, compare appropriate slot machine meter readings to the number and value of issued and redeemed gaming vouchers per the gaming voucher system. Meter readings obtained through a slot monitoring system may be utilized to complete this comparison.

(m) A slot machine licensee shall provide written notice to the Slot Lab of any adjustment to the value of any gaming voucher. The notice shall be made prior to, or concurrent with, the adjustment.

(n) Employees of a slot machine licensee who are authorized to receive gratuities under § 465.20 (relating to acceptance of tips or gratuities from patrons) may only redeem gaming vouchers given as gratuities at a cashiers' cage. Gaming vouchers valued at more than \$100 shall only be redeemed at the cashiers' cage with the approval of the supervisor of the cashier conducting the redemption transaction.

(o) A gaming voucher system must be configured to alert a slot machine licensee to any malfunction. Following a malfunction of a system, a slot machine licensee shall immediately notify the Board and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, the Board may permit, in accordance with approval procedures the Board prescribes, a slot machine licensee to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided that:

(1) The malfunction is limited to a single storage media device, such as a hard disk drive.

(2) In addition to the malfunctioning storage media device, the system contains a backup storage media device not utilized in the normal operation of the system. The backup device must immediately and automatically replace the malfunctioning device to permit a complete and prompt recovery of all information in the event of an additional malfunction.

(3) Continued use of the malfunctioning system would not inhibit the ability to perform a complete and prompt recovery of all information, and would not otherwise harm or affect the normal operation of the system.

(p) Other than a modification to a gaming voucher system required on an emergency basis to prevent cheating or malfunction and approved by the Board under § 461.4(m), a modification to a gaming voucher system may not be installed without the gaming voucher system having undergone the testing and approval process required under § 461.4.

§ 461.9. Coupons.

(a) A slot machine licensee may utilize coupons and a coupon system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval) and complies with technical standards on coupon systems adopted by the Board.

(b) The design specifications for a coupon, the expiration terms applicable thereto, the coupon verification methodologies utilized, and any limitation on the value of a coupon must be in compliance with technical standards on coupons adopted by the Board.

(c) A coupon shall be designed and manufactured with sufficient graphics or other security measures, to permit the proper verification of the coupon. A coupon must contain, at a minimum, the following information:

(1) The name or trade name of the slot machine licensee. If the slot machine licensee is affiliated with a casino licensee in any other jurisdiction with an identical or similar name or trade name, the name of the Pennsylvania location must be evident on the coupon.

(2) The value of the coupon, in both numbers and words.

(3) A unique serial number, which is automatically generated by the system in accordance with this subpart and technical standards adopted by the Board.

(4) The locations where the coupon may be redeemed and restrictions regarding redemption.

(5) An indication of the date on which the coupon becomes invalid.

(6) A bar code or magnetic strip which enables the coupon system to establish the validity of the coupon and its value in accordance with this subpart and technical standards adopted by the Board.

(d) Prior to issuing a coupon, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of coupons. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461.10. Automated gaming voucher and coupon redemption machines.

(a) A slot machine licensee may utilize an automated gaming voucher and coupon redemption machine that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) Automated gaming voucher and coupon redemption machines may be located on or proximate to the gaming floor of a licensed facility and must be subject to surveillance coverage under § 465.10 (relating to surveillance system; surveillance department control; surveillance department restrictions). Each automated gaming voucher and coupon redemption machine must have imprinted, affixed or impressed on the outside of the machine a unique asset identification number.

(c) An automated gaming voucher and coupon redemption machine must have the capability of establishing the validity of a gaming voucher or coupon by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher or coupon system in accordance with this subpart and technical standards adopted by the Board with electronic records within the gaming voucher system or coupon system.

(d) The method or methods utilized to comply with subsection (c) shall be submitted to and approved by the Board in the context of the testing of a gaming voucher system or coupon system.

(e) An automated gaming voucher and coupon redemption machine may function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

(f) An automated gaming voucher and coupon redemption machine must contain a lockable gaming voucher, coupon and currency storage box which retains any gaming vouchers, coupons or currency accepted by the machine. The gaming voucher, coupon and currency storage box located inside the machine must also have imprinted, affixed or impressed thereon the asset identification number of the corresponding machine.

(g) An automated gaming voucher and coupon redemption machine must have, at a minimum, the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other. The key to the lock securing the compartment housing the storage box shall be controlled by the slot operations department. The key to the lock

securing the storage box within the compartment shall be controlled by the slot accounting department.

(2) One lock securing the compartment housing the currency cassettes, the key to which shall be controlled by the slot accounting department.

(3) One lock securing the compartment housing the coin storage container, the key to which shall be controlled by the slot accounting department.

(4) One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1)—(3). This key shall be controlled by an employee of the slot accounting department other than the employee controlling the keys referenced in paragraphs (1)—(3).

(h) An automated gaming voucher and coupon redemption machine must be designed to resist forced illegal entry. The slot machine licensee must secure all input/output ports on an automated gaming voucher and coupon redemption machine.

(i) An automated gaming voucher and coupon redemption machine's currency cassettes must be designed to preclude access to its interior. Access to each currency cassette shall be controlled by the slot accounting department.

(j) Access controls relating to the operating system or applications of the automated gaming voucher and coupon redemption machine, and ancillary systems, applications and equipment associated with the reconciliation thereof, must employ security measures that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be in accordance with this subpart and technical standards adopted by the Board.

(k) A gaming voucher or coupon accepted by an automated gaming voucher and coupon redemption machine shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the cashiers' cage, another automated gaming voucher and coupon redemption machine or its acceptance in a slot machine bill validator. The method utilized to comply with this requirement shall be in accordance with this subpart and technical standards adopted by the Board.

(l) An automated gaming voucher and coupon redemption machine must be designed to be impervious to outside influences, interference from electromagnetic, electrostatic and radio frequencies and influence from ancillary equipment.

(m) An automated gaming voucher and coupon redemption machine must include a means to protect against transaction failure and data loss due to power loss.

(n) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the following error conditions: power reset; door open; door just closed; and system communication loss. These error conditions may be automatically cleared by the automated gaming voucher and coupon redemption machine when the condition no longer exists and upon completion of a new transaction.

(o) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the error conditions in paragraphs (1)—(4). These error conditions must disable the automated gaming voucher and coupon redemption machine and prohibit new transactions and may only be cleared by either the slot accounting department or slot operations department.

(1) Failure to make payment, if the gaming voucher or coupon is not returned and no receipt is issued.

(2) Failure to make complete payment if a receipt for the unpaid amount is not issued.

(3) Bill validator failure.

(4) Printer failure due to printer jam or lack of paper.

(p) An automated gaming voucher and coupon redemption machine must be designed to evaluate whether sufficient funds are available before stacking the voucher and completing the transaction.

(q) An automated gaming voucher and coupon redemption machine must be capable of maintaining synchronization between its real time clock and that of the gaming voucher system and coupon system.

(r) An automated gaming voucher and coupon redemption machine must be equipped with electronic digital storage meters that accumulate the following information. The information must be readily available through system reports. Where a value is maintained, the value must be in dollars and cents.

(1) *Physical coin out.* The total value, by denomination, of all coins paid by the automated gaming voucher and coupon redemption machine.

(2) *Voucher in—value.* The value of all cashable gaming vouchers accepted.

(3) *Voucher in—count.* The number of cashable gaming vouchers accepted.

(4) *Coupon in—value.* The value of all cashable coupons accepted.

(5) *Coupon in—count.* The number of cashable coupons accepted.

(6) *Bill in.* The value of all currency accepted by the automated gaming voucher and coupon redemption machine. An automated gaming voucher and coupon redemption machine must also have specific meters for each denomination of currency accepted that records the number of bills accepted.

(7) *Bill out.* The total value of currency dispensed. An automated gaming voucher and coupon redemption machine must also provide for specific meters for each denomination of currency dispensed that record the number of bills dispensed.

(8) *Additional requirements.* Other meters as may be required by technical standards adopted by the Board.

(s) An automated gaming voucher and coupon redemption machine must have the capacity to record and retain, in an automated transaction log, all critical transaction history for at least 30 days. Transaction history must include records with the date, time, amount and disposition of each complete and incomplete transaction, error conditions, logical and physical access and attempted access to the automated gaming voucher and coupon redemption machine. If an automated gaming voucher and coupon redemption machine is capable of redeeming multiple vouchers and coupons in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers and coupons.

(t) An automated gaming voucher and coupon redemption machine or ancillary systems, applications and equip-

ment associated with the reconciliation thereof, must be capable of producing the following reports upon request:

(1) *Gaming voucher transaction report.* The report must include the disposition (paid, partial pay, unpaid) of gaming vouchers accepted by an automated gaming voucher and coupon redemption machine which must include the validation number, the date and time of redemption, amount requested and the amount dispensed. This information must be available by reconciliation period which may be by day, shift or drop cycle.

(2) *Coupon transaction report.* This report must include the disposition (paid, partial pay, unpaid) of coupons accepted by an automated gaming voucher and coupon redemption machine which must include the unique serial number, the date and time of redemption, amount requested and the amount dispensed. The information must be available by reconciliation period which may be by day, shift or drop cycle.

(3) *Reconciliation report.* The report must include the following:

- (i) Report date and time.
- (ii) Unique asset identification number of the machine.
- (iii) Total cash balance of the currency cassettes.
- (iv) Total count of currency accepted by denomination.
- (v) Total dollar amount of vouchers accepted.
- (vi) Total count of gaming vouchers accepted.
- (vii) Total dollar amount of coupons accepted.
- (viii) Total count of coupons accepted.

(4) *Gaming voucher, coupon and currency storage box report.* The report must be generated, at a minimum, whenever a gaming voucher, coupon and currency storage box is removed from an automated gaming voucher and coupon redemption machine. The report must include the following:

- (i) Report date and time.
- (ii) Unique asset identification number of the machine.
- (iii) Unique identification number for each storage box in the machine.
- (iv) Total value of currency dispensed.
- (v) Total number of bills dispensed by denomination.
- (vi) Total dollar value of gaming vouchers accepted.
- (vii) Total count of gaming vouchers accepted.
- (viii) Total dollar value of coupons accepted.
- (ix) Total count of coupons accepted.

(x) Details required to be included in the gaming voucher transaction report required by paragraph (1) and the coupon transaction report required in paragraph (2).

(5) *Transaction report.* The report must include all critical patron transaction history including the date, time, amount and disposition of each complete and incomplete transaction. If an automated gaming voucher and coupon redemption machine is capable of redeeming multiple vouchers or coupons in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers and coupons accepted.

§ 461.11. Automated gaming voucher and coupon redemption machines: accounting controls.

Prior to commencing use of an automated gaming voucher redemption machine, an automated coupon redemption machine, bill breaker or some combination thereof, a slot machine licensee shall establish a comprehensive system of internal controls addressing the distribution of currency or coin, or both, to the machines, the removal of gaming vouchers, coupons or currency accepted by the machines and the reconciliations associated therewith. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461.12. Progressive slot machines.

(a) A progressive slot machine is a slot machine that offers a jackpot that may increase in value based upon wagers as the slot machine is played. A progressive slot machine may stand alone, be linked or interconnected with other progressive slot machines. Progressive slot machines located at a licensed facility that are linked or interconnected with progressive slot machines at another licensed facility are collectively referred to as a wide area progressive system.

(b) A slot machine that offers a progressive jackpot which may increase in value based upon wager and is adjusted and displayed by a device other than the approved program that controls the operation of the slot machine, referred to herein as a progressive controller, must have the following features:

(1) For each progressive jackpot offered by the slot machine, a mechanical, electrical or electronic device, to be known as a progressive meter, visible from the front of the slot machine, which may increase in value based upon wagers, that advises the player of the amount which can be won if the slot machine symbols that award the progressive jackpot appear as a result of activation of play of the slot machine.

(2) A slot machine paid progressive payout meter in accordance with § 461.7(h) (relating to slot machine minimum design standards).

(3) A slot attendant paid progressive payout meter in accordance with § 461.7(h).

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the slot machine or by a slot attendant.

(5) A key and key switch to reset the progressive meter or meters or other reset mechanism as may be approved by the Board.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(7) Dual key control by the security department and slot accounting department, or alternative key controls as the Board approves, of the compartment housing the microprocessor or other unit that controls the progressive meter or meters. The compartment shall be in a location approved by the Board.

(c) A slot machine that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more slot machines must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other slot machine linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other slot machine linked to the common progressive meter.

(3) Have its program or progressive controller that controls the common display for the progressive meter housed in a location and subject to dual key controls approved by the Board.

(d) Notwithstanding the provisions of subsection (c):

(1) Two or more linked slot machines offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that:

(i) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(ii) A notice approved by the Board indicating the proportional probability of hitting the progressive jackpot on the a linked progressive system is conspicuously displayed on each linked slot machine.

(2) The probability of winning a progressive jackpot offered on linked slot machines may vary among the slot machines when necessary to enable a slot machine licensee or, as applicable, a slot system operator, to institute a change in the probability which is otherwise permitted by this subpart, if the change is completed expeditiously in accordance with procedures that have been filed with and approved by the Board.

(e) A slot machine licensee seeking to utilize a linked slot machine shall submit to the Board for approval the location and manner of installing any progressive meter display mechanism.

(f) A slot machine that offers a progressive jackpot may not be placed on the gaming floor until the slot machine licensee or, as applicable, the slot system operator, has submitted to the Board, in a manner the Board directs, and the Board has approved, the following:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the slot machines.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1. Notwithstanding the foregoing, this paragraph does not apply to a jackpot with a probability that may exceed 50 million to 1 during the game cycle due solely to the intervening occurrence of free play awards between the activation of a play and the award of the jackpot.

(g) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under § 465.3 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, with prior Board approval, been transferred to another progressive slot machine or wide area progressive system in accordance with this subpart.

(4) The change is necessitated by a slot machine or meter malfunction, in which case:

(i) For progressive jackpots governed by subsection (b), an explanation shall be entered on the progressive slot summary required by this subpart and the Board shall be notified of the resetting in writing in a manner the Board directs.

(ii) For progressive jackpots governed by subsection (m), an explanation shall be entered on the machine entry authorization log required under this subpart unless the slot machine automatically addresses the malfunction in a manner approved by the Board.

(h) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron or the progressive jackpot has been transferred to another progressive slot machine or wide area progressive system or removed in accordance with subsection (j).

(i) When a slot machine has a progressive meter with digital limitations on the meter, the slot machine licensee shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(j) A slot machine licensee or, as applicable, a slot system operator, may limit, transfer or terminate a progressive jackpot offered on a gaming floor only under the following circumstances:

(1) A slot machine licensee may establish a payout limit for a progressive jackpot provided that the payout limit is greater than the then current payout amount on the progressive jackpot meter. The slot machine licensee shall notice the Board, in a manner the Board directs, of the imposition of a payout limit on a progressive meter or a modification thereto concurrent with the setting of the payout limit.

(2) A slot machine licensee may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its slot machine program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A slot machine licensee may immediately and permanently remove one or more linked slot machines from a gaming floor, provided that:

(i) When the slot machine is part of a wide area progressive system offered at multiple licensed facilities, the slot machine licensee retains at least one linked slot machine offering the same progressive jackpot on its gaming floor.

(ii) When the progressive jackpot is only offered in a single licensed facility, at least two linked slot machines offering the same progressive jackpot remain on the gaming floor.

(4) A slot machine licensee may transfer a progressive jackpot amount on a stand alone slot machine or the common progressive jackpot on an entire link of slot machines with a common progressive meter, including a

wide area progressive system, from a gaming floor provided the progressive jackpot is:

- (i) Transferred in its entirety.
- (ii) Transferred to one of the following:

(A) The progressive meter for a slot machine or wide area progressive system with the same or greater probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot). However, if no other slot machine or wide area progressive system meets all of these qualifications, the Board may authorize a transfer of the jackpot to the progressive meter of the most similar slot machine or wide area progressive system available if the Board finds the transfer would be in the public interest.

(B) The progressive meters of two separate slot machines or wide area progressive systems, provided that each slot machine or wide area progressive system to which the jackpot is transferred individually satisfies the requirements of clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each slot machine for at least 30 days.

(iv) Notice of intent to transfer the progressive jackpot is provided in writing to the Board, in a manner the Board directs, at least 30 days prior to the transfer of the progressive jackpot.

(5) A slot machine licensee may immediately and permanently remove a progressive jackpot on a stand alone progressive slot machine, the common progressive jackpot on an entire link of slot machines with a common progressive meter or an entire wide area progressive system from a gaming floor provided notice of intent to remove the progressive jackpot is:

(i) Conspicuously displayed on the front of each slot machine for at least 30 days.

(ii) Provided in writing to the Board, in a manner the Board directs, at least 30 days prior to the removal of the progressive jackpot.

(k) The amount indicated on the progressive meter or meters and coin in meter on each slot machine governed by subsection (b) shall be recorded on a progressive slot summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the slot accounting department, the progressive slot summary report shall be forwarded to the slot accounting department by the end of the gaming day on which it is prepared. A representative of the slot accounting department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the slot operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the slot machine, the amount of the adjustment and the signatures of the slot accounting department member requesting the adjustment and of the slot operations department member making the adjustment.

(2) The adjustment must be effectuated within 48 hours of the meter reading.

(l) Except as otherwise authorized by this section, a slot machine offering a progressive jackpot that is removed from the gaming floor shall be returned to or replaced on the gaming floor within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement slot machine may not be less than the amount on the progressive meter or meters at the time of removal. If a slot machine offering a progressive jackpot is not returned or replaced, any progressive meter amount at the time of removal shall, within 5 days of the slot machine's removal, be added to a slot machine offering a progressive jackpot approved by the Board which slot machine offers the same or a greater probability of winning the progressive jackpot and requires the same wager or less than the wager required to win the progressive jackpot on the slot machine that was removed. This subsection does not apply to the temporary removal by a slot machine licensee, for a period not to exceed 30 days, of all linked slot machines that are part of a particular wide area progressive system, provided that the progressive jackpot offered by the temporarily removed slot machines remains available on slot machines that are part of the same wide area progressive system in another licensed facility.

(m) A slot machine that offers a progressive jackpot controlled by a slot machine program with a fixed initial and reset amount, rate of progression and progressive jackpot limit which cannot be changed by the slot machine licensee must limit the progressive jackpot to an amount which is less than \$1,200.

(n) A progressive jackpot governed by subsection (m) is not subject to subsections (j)(4), (k) or (l).

(o) Where a slot machine is located adjacent to a slot machine offering a progressive jackpot, the slot machine licensee shall conspicuously display on the slot machine a notice advising patrons that the slot machine is not participating in the progressive jackpot of the adjacent slot machine.

§ 461.13. Wide area progressive systems.

(a) Two or more slot machine licensees may, with the prior written approval of the Board, operate linked progressive slot machines that are interconnected between two or more participating licensed facilities. The slot machines participating in the link shall be collectively referred to as wide area progressive system.

(b) A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act, this subpart and technical standards on wide area progressive systems adopted by the Board.

(c) A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements must be approved in writing by the Board prior to implementation and comply with the act, this subpart and technical standards on wide area progressive systems adopted by the Board.

(d) Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms are determined by the Board to be in compliance with the act, this subpart and

technical standards on wide area progressive systems adopted by the Board. The persons designated in a slot system agreement as being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.

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

(f) Slot system agreements must address:

(1) Details with regard to the terms of compensation for the slot system operator. In specific, the agreement must address to what extent, if any, the slot system operator is receiving compensation based, directly or indirectly, on an interest, percentage or share of a slot machine licensee's revenue, profits or earnings from the operation of the wide area progressive system.

(2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.

(3) Control and operation of the computer monitoring room required under this subpart.

(4) Other requirements requested by the Board, including those required to comply with technical standards on wide area progressive systems adopted by the Board.

(g) A wide area progressive system shall be controlled and operated from a computer monitoring room approved by the Board. The computer monitoring room must:

(1) Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that system. The employees shall be licensed or permitted as the Board deems appropriate based on an analysis of specific duties and responsibilities.

(2) Have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a slot machine licensee participating in the slot system agreement or by a dedicated surveillance system maintained by the slot system operator. Surveillance coverage must be in accordance with technical standards adopted by the Board.

(3) Be accessible through a locked door. The door must be alarmed in a manner that audibly signals the surveillance monitoring room for the surveillance system elected under paragraph (2).

(4) Have a computer monitoring room entry log. The log must be:

(i) Kept in the computer monitoring room.

(ii) Maintained in a book with bound numbered pages that cannot be readily removed.

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

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

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

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

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

§ 461.14. Slot monitoring systems.

(a) A slot machine licensee may utilize a slot monitoring system which has an interface between it and slot machines and related systems that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A slot monitoring system must comply with the act, this subpart and technical standards on slot monitoring systems adopted by the Board.

§ 461.15. Casino management systems.

(a) A slot machine licensee may utilize a casino management system which has an interface between it and slot machines and related systems tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A casino management system must comply with the act, this subpart and technical standards on casino management systems adopted by the Board.

§ 461.16. Player tracking systems.

(a) A slot machine licensee may utilize a player tracking system which has an interface between it and slot machines and related systems tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A player tracking system must comply with the act, this subpart and technical standards on player tracking systems adopted by the Board.

§ 461.17. External bonusing systems.

(a) A slot machine licensee may utilize an external bonusing system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) The combination of the slot machine theoretical payout percentage plus the bonus awards generated by an external bonusing system cannot equal or exceed 100% of the theoretical payout for a slot machine on which the external bonus award is available.

(c) A slot machine connected to an external bonusing system must satisfy the minimum theoretical payout percentage required under this subpart without the contribution of any external bonus award available on the slot machine.

(d) An external bonusing system must comply with the act, this subpart and technical standards on external bonusing systems adopted by the Board.

§ 461.18. Cashless funds transfer systems.

(a) A slot machine licensee may utilize a cashless funds transfer system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A cashless funds transfer system must comply with the act, this subpart and technical standards on cashless funds transfer systems adopted by the Board.

(c) Prior to utilizing a cashless funds transfer system, a slot machine licensee must establish a system of internal controls applicable to the cashless funds transfer system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control

systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of its cashless funds transfer system and include:

- (1) An overview of the system design.
 - (2) System access controls and restrictions.
 - (3) Override policies and restrictions.
 - (4) Backup and recovery procedures.
 - (5) Logical and physical access controls and restrictions.
 - (6) Network security.
 - (7) Procedures for handling customer disputes.
- (d) Transfer of electronic credits to a slot machine under this section shall be initiated by a patron using an access control approved by the Board. Access controls must require the use of a unique access code for each patron. The access code shall be selected by and only available to the patron.

(e) A record of every transfer of electronic credits to a slot machine under this section shall be maintained by the slot machine licensee and shall be identified by, at a minimum, the date, time and the asset number of the slot machine to which the transfer occurred and an identification number assigned to the patron who initiated the transaction. The identification number assigned to a patron for the purposes of this section must be different from the unique access code selected by the patron as part of an access control.

(f) On at least a monthly basis, a slot machine licensee using a cashless funds transfer system shall provide a statement to a patron who has participated in the system that month. The statement must include, at a minimum, the patron's beginning monthly balance, credits earned, credits transferred to a slot machine pursuant to this section and the patron's monthly ending balance. With the written authorization of the patron, the mailing of a monthly statement may be omitted or be issued electronically to the patron. Notwithstanding the foregoing, a monthly statement is not required for transfers of temporary electronic credits or transfers of electronic credits from a temporary anonymous account.

(g) A slot machine licensee shall notice the Slot Lab in writing of any adjustment to the amount of a credit transferred to a slot machine by means of a cashless funds transfer system. The notice shall be made on or before the date of adjustment.

§ 461.19. Remote system access.

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a slot machine licensee's slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system, wide area progressive system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with technical standards on remote system access adopted by the Board.

(c) A slot machine licensee authorizing access to a system by a licensed manufacturer under this section shall be responsible for implementing a system of access protocols and other controls over the physical integrity of that system and the remote access process sufficient to

insure appropriately limited access to software and the system wide reliability of data.

§ 461.20. Server supported slot systems.

(a) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Server supported slot machine—A slot machine connected to, and administered by, a server supported slot system.

Slot machine server—A computer configured to:

(i) Receive, store, authenticate and download to server supported slot machines Board-approved slot machine games and other approved software. A slot machine server may also be used to effect changes in a server supported slot machine's configuration.

(ii) Receive, store and authenticate Board-approved slot machine games and other approved software for use on server based slot machines.

Server supported slot system—A system comprised of one or more server supported slot machines connected to a slot machine server and its ancillary computer network for the ultimate purpose of downloading Board-approved slot machine games and other approved software to server supported slot machines.

(b) A slot machine licensee may utilize a server supported slot system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(c) A server supported slot system must comply with the act, this subpart and technical standards on server supported slot systems adopted by the Board.

(d) Results from the play or operation of a server supported slot machine connected to a server supported slot system must be determined solely by the individual server supported slot machine and not by the server supported slot machine server or any other ancillary computer network.

(e) Prior to utilizing a server supported slot system, a slot machine licensee shall establish a system of internal controls applicable to the server supported slot system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of the server supported slot system.

§ 461.21. Server based slot systems.

(a) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Server based slot machine—A slot machine accessing a server based slot system.

Slot machine server—A computer configured to:

(i) Receive, store, authenticate and download to server supported slot machines Board-approved slot machine games and other approved software. A slot machine server may also be used to effect changes in a server supported slot machine's configuration.

(ii) Receive, store and authenticate Board-approved slot machine games and other approved software for use on server based slot machines.

Server based slot system—A system comprised of one or more server based slot machines connected to a server based slot machine server and its ancillary computer network for the purpose of facilitating access by a server based slot machine to Board-approved slot machine games and other approved software residing on the server based slot machine server.

(b) A slot machine licensee may utilize a server based slot system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(c) A server based slot system must comply with the act, this subpart and technical standards on server based slot systems adopted by the Board.

(d) Results from the play or operation of a server based slot machine must be determined solely by the server based slot machine server and not by the individual server based slot machine.

(e) Prior to utilizing a server based slot system, a slot machine licensee shall establish a system of internal controls applicable to the server based slot system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of its server based slot system.

§ 461.22. Automated jackpot payout machines.

(a) A slot machine licensee may utilize an automated jackpot payout machine that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) An automated jackpot payout machine must comply with the act, this subpart and technical standards on automated jackpot payout machines adopted by the Board.

(c) Prior to commencing use of an automated jackpot payout machine, a slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of jackpot payouts utilizing an automated jackpot payout machine and the distribution of currency or coin, or both, to the machines. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461.23. Slot machines and associated equipment utilizing alterable storage media.

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Alterable storage media—Memory or other storage medium, such as an EEPROM, flash, optical or magnetic storage device, that is contained in a slot machine or associated equipment subject to approval under § 461.4 (relating to submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the slot machine or associated equipment. The term does not include:

(i) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(ii) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) *Use of alterable storage media.* Any use of alterable storage media in a slot machine or associated equipment must be in compliance with the act, this subpart and technical standards on alterable storage media adopted by the Board.

§ 461.24. Waivers.

The Board may waive one or more of the requirements in this chapter or the technical standards applicable to slot machines and associated equipment adopted by the Board upon a determination that the nonconforming slot machine or associated equipment or modification as configured meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board.

§ 461.25. Disputes.

(a) If a dispute arises with a patron concerning payment of alleged winnings, the slot machine licensee shall notify the patron in writing, concurrent with its initial receipt of notice of the dispute, that the patron has the right to contact the Board with regard to the dispute.

(b) When a slot machine licensee refuses to pay winnings claimed by a patron and the patron and the slot machine licensee remain unable to resolve the dispute after 7 days, the slot machine licensee shall, on the next day, notify the Board in writing of the dispute in a manner and form the Board prescribes. The notice must identify the parties to the dispute and shall state the known relevant facts regarding the dispute.

CHAPTER 463. POSSESSION OF SLOT MACHINES

- Sec.
- 463.1. Possession of slot machines generally.
- 463.2. Transportation of slot machines into, within and out of this Commonwealth.
- 463.3. Slot machine location.
- 463.4. Connection to the central control computer system.
- 463.5. Slot machine master list.
- 463.6. Notice to central control computer system.

§ 463.1. Possession of slot machines generally.

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, and the like), a person may not possess any slot machine within this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess slot machines in this Commonwealth for the purposes described herein, subject to the terms and conditions imposed by the Board, provided that the slot machines are stored in secure locations specifically approved in writing by the Board and that any slot machines located outside of a licensed facility are not used for gambling activity:

(1) An applicant for, or holder of a slot machine license, for the purpose of maintaining for use, training or operating slot machines in a licensed facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a supplier licensee.

(3) The holder of a supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating slot machines and any training with regard thereto.

(4) An educational institution, as authorized in writing by the Board, for the purpose of teaching slot machine design, operation, repair or servicing.

(5) A manufacturer or supplier of slot machines not licensed within this Commonwealth, as authorized in writing by the Board, for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting slot machines in accordance with § 463.2 (relating to the transportation of slot machines into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons authorized in writing by the Board upon a finding that the possession of slot machines by those persons in this Commonwealth is not contrary to the goals and objectives of the act.

§ 463.2. Transportation of slot machines into, within and out of this Commonwealth.

In furtherance of section 1511 of the act (relating to the declaration of exemption from federal laws prohibiting slot machines), prior to the transport or movement of a slot machine into this Commonwealth, from one person authorized to possess slot machines under § 463.1 (relating to possession of slot machines generally) to another person authorized within this Commonwealth or transport or movement out of this Commonwealth, the persons causing the slot machine to be transported or moved shall notify the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board. The notice shall be submitted no later than the day the slot machine is transported and include the following information:

(1) The name and address of the person shipping or moving the slot machine.

(2) The name and address of the person who owns the slot machine, if different from the person shipping or moving the machine.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the slot machine is being sent and the destination of the slot machine, if different from that address.

(6) The quantity of slot machines being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location within this Commonwealth.

(8) The port of entry, or exit, if any, of the slot machine if the origin or destination of the slot machine is outside the continental United States.

(9) The reason for transporting or moving the slot machine.

§ 463.3. Slot machine location.

(a) A gaming floor must consist of one or more areas within a licensed facility approved by the Board for the placement and operation of slot machines.

(b) A slot machine in a slot machine area on a gaming floor shall be placed at a location, which location may contain no more than one slot machine, identified by number on a gaming floor plan approved by the Board under section 1322 of the act (relating to slot machine accounting controls and audits) and § 467.1 (relating to gaming floor plan) and shall also be identified by this slot machine location number and an asset number on a Slot Machine Master List.

§ 463.4. Connection to the central control computer system.

Prior to utilization for gambling activity, a slot machine on a gaming floor shall be connected or linked to a central control computer system having the capabilities and in compliance with the terms of section 1323 of the act (relating to central control computer system).

§ 463.5. Slot machine master list.

(a) Prior to the commencement of operations at a licensed facility, an applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the applicant or licensee on its gaming floor, in Board-approved restricted areas off the gaming floor but within the licensed facility, and in Board-approved storage locations in this Commonwealth off the premises of the licensed facility. The list shall be denoted as a Slot Machine Master List.

(b) The Slot Machine Master List must contain the following information which, for those slot machines located on the gaming floor, must be presented for each slot machine in consecutive order by the slot machine location number under § 463.3 (relating to slot machine location):

(1) The date the list was prepared.

(2) A description of each slot machine by:

(i) Asset number and model and manufacturer's serial number.

(ii) Denomination, if configured for multiple denominations, a list the denominations.

(iii) Manufacturer and machine type, noting whether the machine is a high-boy, is a progressive or a wide area progressive slot machine

(iv) An indication as to whether the slot machine is configured to communicate with a cashless funds transfer system.

(v) An indication as to whether the slot machine is configured to communicate with a gaming voucher system.

(3) For those slot machines located off the gaming floor, an indication as to whether the slot machine is in a Board-approved restricted area off the gaming floor but within the licensed facility or in a Board-approved storage location in this Commonwealth off the premises of the licensed facility.

(4) Additional documentation requested by the Board.

(c) Once a slot machine has been placed in an authorized location on the gaming floor or is stored in a Board-approved restricted area off the gaming floor but within the licensed facility, all subsequent movements of that slot machine within the licensed facility shall be recorded by a slot department member in a machine movement log which includes the following:

(1) The asset number and model and manufacturer's serial number of the moved slot machine.

(2) The date and time of movement.

(3) The location from which the slot machine was moved.

(4) The location to which the slot machine was moved.

(5) The date and time of any required notice to the Department in connection with activation or disabling of the slot machine in the central control computer system.

(6) The signature of the slot shift manager and the lead technician verifying the movement of the slot machine in compliance with this section.

(d) Documentation summarizing slot machine movements within a licensed facility shall be submitted to the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, on a daily basis.

(e) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, an applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, an updated Slot Machine Master List containing the information, required in subsection (b).

(f) Manufacturer licensees, supplier licensees, educational institutions, Board-authorized manufacturers and suppliers not licensed within this Commonwealth and regulatory and law enforcement agencies that possess slot machines under § 463.1 (relating to possession of slot machines generally) shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the person. The list shall be

denoted as a Slot Machine Master List, shall be filed within 3 business days of the initial receipt of slot machines and contain the following information:

(1) The date on which the list was prepared.

(2) A description of each slot machine by:

(i) Model and manufacturer's serial number.

(ii) Manufacturer and machine type, noting whether the machine is a high-boy, is a progressive or a wide area progressive slot machine.

(g) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, those persons enumerated in subsection (f) shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, an updated Slot Machine Master List containing the information, required in subsection (f).

§ 463.6. Notice to central control computer system.

To insure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine coincident with the movement of a slot machine, the slot machine licensee shall provide the Department with notice of the slot movement, in a form and pursuant to a time frame prescribed by the Department. The notice is required prior to any of the following:

(1) Placement of a slot machine on the gaming floor.

(2) Movement of a slot machine between slot machine locations on the gaming floor.

(3) Removal of a slot machine from the gaming floor.

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