

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 147]

[Correction]

Special Permits; Mentored Youth Hunting Program Permit

An error occurred in the final-form rulemaking which appeared at 42 Pa.B. 3594, 3595 (June 23, 2012). The fiscal note number was incorrect. The correct fiscal note is as follows.

Fiscal Note: Fiscal Note 48-336 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1160. Filed for public inspection June 22, 2012, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CHS. 461a, 524, 528, 529, 605a, 613a AND 615a] Table Game Devices

(Editor's Note: This final-form rulemaking replaces the defective final-form rulemaking published at 42 Pa.B. 2675 (May 12, 2012). The document published at 42 Pa.B. 2675 did not contain amendments to Chapter 461a. The defective version of the final-form rulemaking was approved by the Office of Attorney General on February 3, 2012. The Office of Attorney General rescinded approval on June 8, 2012. See 42 Pa.B. 3595 (June 23, 2012). The Office of Attorney General approved this final-form rulemaking on June 19, 2012. The Independent Regulatory Review Commission, the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee approved this final-form rulemaking as stated in the Regulatory Review section of this preamble.)

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1) and (2), 1317.2, 1319, 1319.1 and 1341A, rescinds Chapters 524, 528 and 529, amends Chapter 461a (relating to slot machine and table game device testing and control) and adds Chapters 605a, 613a and 615a (relating to electronic gaming tables; gaming related gaming service providers; and conditional table game device licenses) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 524, 528 and 529. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 524 with the permanent regulations in Chapter 605a, the temporary regulations in Chapter 528 with the permanent regulations in Chapter 613a and the temporary regulations in Chapter 529 with the permanent regulations in Chapter 615a.

Explanation of Chapter 605a

Section 605a.1 (relating to definitions) provides definitions of “electronic wagering system” and “game account” that are applicable to the chapter. These definitions mirror the definitions in 4 Pa.C.S. Part II (relating to gaming) or reflect commonly used terms in the gaming industry.

Section 605a.2 (relating to electronic wagering systems) sets forth the requirements for electronic wagering systems. An electronic wagering system allows players to place wagers electronically on some form of display and adds winnings or deducts losses automatically. This section specifies the minimum requirements for these systems and requires that they be tested by the Bureau of Gaming Laboratory Operations (Bureau) and approved prior to use in the licensed facility.

Section 605a.3 (relating to procedures for buying in to and cashing out of a table game using an electronic wagering system) provides the procedures whereby a player may “buy in to” a table game, which is how the player purchases credits that can be used to play the game, and the procedures for “cashing out” of the game, which is how the player receives any funds remaining in his gaming account when he is ready to leave the game.

Section 605a.4 (relating to electronic gaming tables) contains the requirements for electronic gaming tables. An electronic gaming table uses an electronic wagering system, but still requires a dealer or boxperson to conduct the game. This section includes the technical requirements for the tables, the meters the tables must have and the requirement that the tables be tested by the Bureau and approved prior to use.

Section 605a.5 (relating to fully automated electronic gaming tables) contains the requirements for fully automated electronic gaming tables. The difference between an electronic gaming table and a fully automated electronic gaming table is that a fully automated electronic gaming table operates without a dealer, boxperson or any other employee of the certificate holder. This section is structured in the same manner as § 605a.4 and contains the technical requirements of the tables, the meters these tables must have and the requirement that the tables be tested by the Bureau and approved prior to use.

Section 605a.6 (relating to integrated live Roulette wheels used on fully automated electronic gaming tables) contains the specific statistical requirements that the Roulette wheels used on fully automated electronic gaming tables must meet regarding the randomness of the resulting spins and the actions that are to occur if the roulette wheel does not satisfy the statistical test.

Section 605a.7 (relating to progressive table game systems) sets forth meter requirements for progressive table game systems, requires Bureau testing and approval of progressive jackpots offered and limits the circumstances under which a progressive jackpot may be turned back to a lesser amount. These provisions are similar to Chapter 461a governing progressive jackpots offered on slot machines.

Explanation of Chapter 613a

Chapter 613a sets forth the certification process for gaming related gaming service providers. A gaming related gaming service provider is a class of gaming service provider that provides new table games or side wagers,

game variations or similar innovations for which they have typically received or applied for a patent. Although these entities and individuals provide the table games and side wagers played in the licensed facility, they are not otherwise required to be licensed as a manufacturer or supplier. The Board is therefore creating a classification of gaming service provider for these individuals and entities.

Included in Chapter 613a are provisions regarding the following: which entities or individuals are considered gaming related gaming service providers; the application and renewal process; the qualification process for key individuals who own or are employed by the gaming related gaming service provider; gaming related gaming service provider responsibilities; the gaming related gaming service provider list; permission to conduct business prior to certification; requirements regarding using a gaming related gaming service provider; and certificate holders' duty to investigate. These requirements mirror the application and qualification requirements of all certified gaming service providers in Chapter 437a (relating to gaming service provider certification and registration).

Explanation of Chapter 615a

Chapter 615a establishes the requirements regarding the issuance of a conditional table game device license to entities that have applied for a table game device manufacturer, manufacturer designee or supplier license.

As part of the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), entities that want to manufacture or supply table game devices are required to obtain a table game device manufacturer or supplier license. For entities that are not currently licensed, this will require the entities to file a manufacturer, manufacturer designee or supplier license application with the Board.

Typically, these applications can take 1 year or more to process due to the extensive background investigations that are required. The Board may therefore issue a conditional license to a table game device manufacturer, manufacturer designee or supplier applicant that meets the requirements in § 615a.1 (relating to table game devices, conditional licenses). More specifically, these applicants will have to do the following: submit a complete application; be licensed in good standing in a jurisdiction that has licensing standards which provide similar safeguards to those in this Commonwealth; have an expression of interest in acquiring the equipment they manufacture or supply from a certificate holder or a manufacturer, manufacturer designee or supplier licensee; have successfully completed a preliminary screening, including the applicant's criminal history; and have paid the applicable application and licensing fees. To date, the Board has determined that Ontario, New Jersey, Nevada, Mississippi and Louisiana have licensing standards that are equivalent to the Commonwealth's standards.

Table game device manufacturer, manufacturer designee or supplier applicants that meet these requirements will be able to provide table game devices while the review of their license application continues. If, however, as part of the continuing investigation, the Office of Enforcement Counsel issues a Notice of Recommendation of Denial, the Bureau of Licensing may rescind the conditional license. If this occurs, the Bureau of Licensing will notify the conditional licensee and all certificate holders that the conditional licensee is no longer authorized to provide table game devices in this Commonwealth. This notice will be sent by registered mail and

will contain a date after which the applicant will no longer be permitted to provide table game devices.

Comment and Response Summary

Notice of proposed rulemaking was published at 41 Pa.B. 605 (January 29, 2011). During the comment period, the Board received comments from the Independent Regulatory Review Commission (IRRC).

General Comments

In §§ 605a.2(c) and (e), 605a.4(b), 605a.7(b) and (c) and 604a.7(d)(3), IRRC requested that the final-form rulemaking contain procedures for the Bureau's testing and approval of electronic wagering systems, electronic gaming tables and progressive table game systems. A cross reference to the provisions for testing and approval in § 461a.4 (relating to submission for testing and approval) was added in these sections and is the same process currently used for the testing and approval of slot machines and associated equipment.

Instead of updating Chapter 461a in a future rulemaking to specifically include table game devices that are required to be submitted to the Bureau for testing and subsequent approval and to reduce confusion to the regulated community, the Board added amendments to Chapter 461a to the final-form rulemaking to include table game devices and gaming related services.

Amendments to Chapter 461a reflect that the Bureau, after completion of testing, reports its findings to the Board's Executive Director for approval. The Board previously delegated authority to the Executive Director to approve slot machines, table game device and gaming related services. Changing the references in Chapter 461a from the Board to the Executive Director codifies that delegation of authority.

Section 461a.4(c) addresses the six types of table game devices and associated equipment that are required to be submitted to the Bureau for testing. Additionally, the requirements for submission of gaming related services to the Bureau for testing was added in § 461a.4(g)(10).

Chapter 605a

In § 605a.2(d)(3)(ii), (6) and (7)(vii) and (viii), IRRC had questions regarding the Poker rake and Poker revenue and requested that a definition be added to the final-form rulemaking. The final-form rulemaking contains a cross reference to § 637a.17 (relating to Poker revenue) regarding Poker revenue and the collection of the Poker rake.

In § 605a.2(d)(7), which addresses the reports that the electronic wagering system must be capable of generating, IRRC requested specificity regarding who the reports are to be submitted to and what the certificate holder is required to do with the reports. For clarity, the final-form rulemaking requires that the system be capable of generating the reports in subsection (d)(7)(i)—(xii) but does not require that they be submitted to the Board or the Department of Revenue (Department). The information in subsection (d)(7)(i)—(xii) is used by the certificate holder in its revenue audit to determine the total win on the table, the hold percentage and the tax that is owed to the Commonwealth. Board staff and the Department may request these reports during an audit to verify meters or the total win on the machines and the taxes collected. The reports may also assist the certificate holder, Board staff and the Pennsylvania State Police in determining if there was theft or cheating in the play or the revenue count on the electronic gaming table.

In §§ 605a.4(g) and 605a.5(d)(12), which specify the meters that the electronic gaming table or fully auto-

mated electronic gaming table are required to have, IRRC was concerned that the catch-all provisions in §§ 605a.4(g)(8) and 605a.5(d)(12) did not provide the regulated community with a clear standard.

This catch-all language is consistent with the meter requirements in § 461a.7 (relating to slot machine minimum design standards) and was included because meters are the only way to ascertain the gross table game revenue on an electronic gaming table and therefore the tax owed to the Commonwealth. As technology rapidly changes in the gaming industry, the Bureau and the Department need a mechanism to require additional meters if the meters currently required are inadequate to determine gross table game revenue. Because it takes a minimum of 6 months to promulgate a regulation, use of the technical standards is the only way the Board can develop new standards for these new products in a timely manner.

The technical standards are not intended to be permanent rules. As a technology matures, it is the Board's intention to initiate proposed rulemakings which will bring the applicable technical standards into the body of the Board's regulations.

Technical standards are used extensively in other gaming jurisdictions for the same reason the Board is proposing to use them here, which is to promote rapid approval of new games, technology and equipment. Without technical standards, manufacturers would face long delays before they could offer their products in this Commonwealth. Additionally, certificate holders would not be able to offer the newest games or take advantage of new systems or equipment as quickly as their competitors in other states. In an industry as competitive as gaming, not using technical standards would result in loss of revenue to not only the licensees but also the Commonwealth.

Chapter 613a

In Chapter 613a, IRRC asked why the Board created the term "gaming related gaming service provider" instead of using the term "gaming service provider."

The Board created this class of gaming service provider because these entities and individuals provide new table games, side wagers and variations (gaming related services) but are not otherwise required to be licensed as a manufacturer or supplier. The monetary thresholds currently applicable to gaming service providers are impractical for gaming related gaming service providers since the annual lease amounts paid by the certificate holders would not necessitate, in most instances, the gaming related gaming service provider to be certified or even register with the Board. To protect the integrity of gaming, the Board determined that all gaming service providers that provide a gaming related service should be certified based on the nature of the product supplied to the certificate holder.

For clarity, the definitions of "gaming related gaming service provider" and a "gaming related service" were added in § 613a.1(a) (relating to definitions; general requirements). The language that was deleted from this section was incorporated into the definitions. The application requirement was then moved to subsection (b).

In § 613a.2(a) (relating to gaming related gaming service provider certification applications), IRRC asked why the certificate holder was required to submit the documentation and fee for the gaming related gaming service provider.

The requirement in the temporary and proposed regulations was similar to the sponsored gaming service pro-

vider application procedures which required that the application be submitted by a licensee that intended to utilize the good or service that the gaming service provider was supplying. The certificate holder did not pay the fee but only submitted the information on behalf of the gaming service provider.

When table games were implemented, to ensure that the Board prioritized its resources and focused on only those companies that offered a product that a certificate holder intended to use, gaming related gaming service provider applications were required to be submitted by the certificate holder that intended to use the gaming related service. This requirement is no longer necessary and was therefore eliminated in the final-form rulemaking.

Also in subsection (a)(1), IRRC recommended that the language allowing the Board to direct that a different number of applications be submitted be deleted in the final-form rulemaking. The language allowing the Board to direct an alternative number of applications was included in the proposed rulemaking because the Bureau of Licensing contemplated more online applications in the future which would eliminate the need for an original and one copy to be submitted in paper form. At this time, however, paper applications for gaming related gaming service providers are still required.

In § 613a.6 (relating to gaming related gaming service provider list), IRRC suggested that the final-form rulemaking state where the list of certified gaming related gaming service providers may be found. Language was added specifying that the list may be found on the Board's web site.

In § 613a.7 (relating to requirements for use of a gaming related gaming service provider), as suggested, the definition of a "gaming related service" was added in § 613a.1(a). In subsection (a)(1), similar to the procedures for the Bureau's testing and approval of electronic wagering systems in § 605a.2, gaming related gaming service providers will also submit their gaming related service to the Bureau for review and approval in accordance with § 461a.4(g)(10). As previously discussed, § 461a.4 was updated and included in this final-form rulemaking to specifically incorporate gaming related services in the submission and approval process.

In subsection (a)(4), the cross reference to the application fee for gaming related gaming service provider certification was included in the final-form rulemaking as suggested by IRRC.

In § 613a.8 (relating to permission to conduct business prior to certification), IRRC requested that the Board explain how the practice of authorizing an applicant to do business prior to certification protects the integrity of gaming.

Interim authorization was contemplated under 4 Pa.C.S. § 1317.2(e) (relating to gaming service provider). To be eligible for interim authorization, the gaming related gaming service provider shall submit its application which is initially reviewed by the Bureau of Licensing. Prior to being added to the authorization list, the gaming related gaming service provider undergoes a review for Federal and State tax clearance as well as an initial review of all individuals who are required to be qualified. Also, the certificate holder that intends to utilize the gaming related gaming service provider's goods or services is required to conduct due diligence on the gaming related gaming service provider and submit a statement with the application affirming that the certifi-

cate holder believes that the applicant meets the qualification requirements. Lastly, if the applicant's suitability is in question or the applicant no longer cooperates in the application or investigation process, the Bureau of Licensing will rescind interim authorization.

If a gaming related gaming service provider has received interim authorization and the Bureau of Investigations and Enforcement (BIE) discovers derogatory information relating to an applicant's suitability during the BIE's investigation, the gaming related gaming service provider's interim authorization may be immediately rescinded pending the Board's decision regarding the gaming related gaming service provider's application. All of the following procedures were designed to ensure the integrity of gaming pending the BIE's complete investigation.

If the Office of Enforcement Counsel recommends that the gaming related gaming service provider's application be denied, the gaming related service may no longer be utilized in the licensed facility after the date specified in the Bureau of Licensing's Notice of Rescission. This requirement was added in § 613a.8(b)(2).

As of September 2011, a total of six gaming related gaming service providers have applied for certification. Four are on the authorized list and two are pending but are not yet authorized to provide a gaming related service to a certificate holder.

Chapter 615a

IRRC had similar concerns regarding how the practice of issuing a conditional table game device license to a manufacturer or supplier adequately protects the integrity of gaming.

To be eligible for a conditional license, an applicant shall be a certified gaming service provider in this Commonwealth or be licensed in good standing in another gaming jurisdiction in the United States or Canada that the Board has determined has similar licensing standards that are as comprehensive and thorough and provide similar safeguards as those in 4 Pa.C.S. Part II. The Board has determined that several gaming jurisdictions have similar standards, including Ontario, New Jersey, Nevada, Mississippi and Louisiana. Additionally, like gaming related gaming service providers, the applicant shall pass an initial application review, undergo a review for Federal and State tax clearance as well as an initial criminal history review of all individuals who are required to be licensed. These safeguards ensure that the integrity of gaming is protected in this Commonwealth.

As of September 2011, there were nine table game device manufacturers and manufacturer designees that were awarded conditional licenses of which three have already been fully investigated and licensed by the Board. None of the conditional licenses have been revoked.

IRRC also requested that a definition of "table game device" be included in this chapter. A table game device is a statutorily defined term in 4 Pa.C.S. § 1103 (relating to definitions) and includes gaming tables, cards, dice, chips, shufflers, tiles, dominoes, wheels, drop boxes or any mechanical, electrical or computerized contrivance, terminal, machine or other device, apparatus, equipment or supplies used to conduct a table game. The statutory definition is included in Chapter 601a (relating to general table game provisions), which contains the definitions applicable to the chapters in Subpart K (relating to table games).

IRRC also requested that the final-form rulemaking contain some specificity regarding the fee the manufact-

urer, manufacturer designee or supplier is required to pay in accordance with § 615a.1(b). In the final-form rulemaking, reference to the application fee was added in subsection (b)(1) and the reference to the licensing fee, as posted on the Board's web site, was added in subsection (b)(5).

Additional Revisions

Throughout Chapter 605a, the language regarding the testing and approval process for electronic wagering systems was amended. The language in the proposed rulemaking stated that the Bureau tests and approves electronic wagering systems; however, while the Bureau does do the testing, the Board's Executive Director approves the systems for use. The updated language more accurately reflects current agency practice and is consistent with the process in § 461a.4.

In § 605a.1, the definitions of "electronic gaming table," "fully automated electronic gaming table" and "progressive table game system" were deleted from this final-form rulemaking. These terms are used several times throughout Subpart K and were moved to § 601a.1 (relating to definitions), which contains the general definitions applicable to Subpart K.

Proposed § 605a.2(a) required that if an electronic wagering system was utilized, wagering had to be done using that system. The Board recently approved a side wager in Blackjack which utilizes an electronic wagering system for the placement of that side wager; however, not all wagers at that Blackjack table require the use of the electronic wagering system. Language was therefore added allowing for wagers or only those wagers that are specified in the rules of the game to be made utilizing the electronic wagering system.

In §§ 605a.2(b) and 605a.4(b), key control was modified allowing the slots department to have control of the key that accesses the fully automated electronic gaming tables. This was updated to allow flexibility since the fully automated machines are similar to slot machines and are typically serviced by slot tech department employees not table game department employees.

In §§ 613a.2(c) and 613a.7(2), language was deleted and replaced with the definition of "gaming related service" as defined in § 613a.1(a).

In § 613a.8(a)(2), an incorrect reference was updated and the language regarding the certificate holder submitting the application was deleted. Language was added requiring that prior to a gaming related gaming service provider receiving authorization to conduct business with a certificate holder, the gaming related gaming service provider's application must pass a preliminary review.

Subsection (a)(3) was updated to reflect that it is not the Bureau of Licensing that makes a determination regarding suitability but is informed if an applicant's suitability may be at issue.

Subsection (a)(5) was added which requires that the gaming related gaming service provider successfully pass a preliminary review of its criminal history prior to receiving authorization to conduct business with a certificate holder. This added language is consistent with current agency practice.

For clarity, in Chapter 615a, the term "applicant" was changed to "conditional licensee" in several instances. Also, in § 615a.1(a), the phrase "prior to licensure" was deleted because a conditional license is a type of license so the phrase is not applicable.

Affected Parties

With respect to Chapter 605a, slot machine licensees that elect to become certificate holders and decide to install electronic or fully automated gaming tables will be required to comply with this chapter. Additionally, manufacturers of electronic or fully automated gaming tables will be required to submit their tables to the Bureau for testing and will have to meet the design requirements in this chapter.

The Board will experience increased regulatory demands to review the tables submitted by manufacturers and review the procedures and inspect the tables installed at licensed facilities.

Regarding Chapter 613a, individuals and entities that want to become gaming related gaming services providers will have to complete a certification application and pay the applicable fees. To date, the Board has received six applications for certification from gaming related gaming service providers. Applications the Board receives will be reviewed and investigated by existing agency staff.

Regarding Chapter 615a, certificate holders will benefit from this final-form rulemaking because they will have more sources from whom they may obtain table game devices in a shorter period of time. Additionally, applicants for table game device manufacturer, manufacturer designee or supplier licenses will benefit from being able to offer their products in this Commonwealth within a shorter period of time without jeopardizing the integrity of gaming.

The Board has experienced increased regulatory demands resulting from the implementation of table games, including the review of electronic and fully automated tables, gaming related services and the review of additional applications from gaming related gaming service providers, table game device manufacturers, manufacturer designees and suppliers.

Fiscal Impact

Commonwealth. The Bureau experienced increased costs regarding the review of electronic gaming tables and gaming related services that manufacturers and gaming related gaming service providers have elected to offer for sale in this Commonwealth. These costs, however, will be recovered directly from manufacturers or gaming related gaming service providers as required under 4 Pa.C.S. Part II. The Board also anticipates that additional demands will be placed on existing staff regarding the inspection of these tables when they are installed in a licensed facility. However, because most certificate holders are not using many of these tables at this time, the Board does not expect it will need to hire additional personnel to meet these demands.

Additionally, the Board experienced increased costs related to the review of the applications for gaming related gaming service provider certification and for conditional table game device licenses for manufacturers, manufacturer designees and suppliers. However, the increased costs did not exceed the initial additional supplemental funding of approximately \$2.1 million provided under Act 1.

Political subdivisions. This final-form rulemaking will not have a fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding mandated by Act 1.

Private sector. This final-form rulemaking will result in additional costs for certificate holders that elect to use electronic or fully automated electronic gaming tables

because these tables are more expensive. However, these costs would be offset by reduced labor costs and increased speed of play.

Manufacturers of electronic gaming tables and providers of gaming related services will have to reimburse the Bureau for the costs incurred by the Bureau to complete its technical review of these gaming tables. It is anticipated that the manufacturers and gaming related gaming service providers will recover the costs as part of the prices they charge for these tables.

Applicants for a table game device manufacturer, manufacturer designee or supplier license and gaming related gaming service provider certification will have to complete the applicable existing Board license or certification application forms and pay the associated application, investigation, licensing or certification fees. There will not be additional forms required or fees imposed in connection with the conditional licenses for manufacturers, manufacturer designees and suppliers.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will require manufacturers and gaming related gaming service providers to submit their equipment, manuals and other technical information regarding the particular gaming related service, electronic or fully automated gaming table that they submit to the Bureau for approval.

With respect to manufacturer, manufacturer designee, supplier and gaming related gaming service provider applicants, they will be required to file the normal applications and related materials for a license or certification.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 19, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 605, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on January 11, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on January 12, 2012, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of

July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 524.1—524.7, 528.1—528.9, 529.1 and 529.2, by amending §§ 461a.3, 461a.4 and 461a.26 and by adding §§ 605a.1—605a.7, 613a.1—613a.9 and 615a.1 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 626 (January 28, 2012).)

Fiscal Note: Fiscal Note 125-138 remains valid for the final adoption of the subject regulations.

Annex A

Title 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

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

§ 461a.3. Testing and approval generally.

(a) In accordance with sections 1320 and 13A41 of the act (relating to slot machine testing and certification standards; and table game device and associated equipment testing and certification standards), slot machines, table game devices and associated equipment operated in this Commonwealth must be tested and approved in accordance with § 461a.4(g) (relating to submission for testing and approval).

(b) The general cost of establishment and operation of the Board's testing facility shall be paid by each manufacturer licensee and gaming related gaming service provider on a quarterly basis based upon each manufacturer's or gaming related gaming service provider's proportion of the total number of products reviewed.

(c) The Board will require payment of all costs for the testing and approval of slot machines, table game devices and associated equipment submitted by manufacturers or gaming related gaming service providers or installed at a licensed facility based on the actual direct costs incurred by the Board.

(d) The Board will require a manufacturer licensee or gaming related gaming service provider seeking approval of a slot machine, table game device or associated equipment to pay all costs of transportation, inspection and testing.

§ 461a.4. Submission for testing and approval.

(a) A slot machine, table game device or associated equipment identified in subsection (c) (collectively re-

ferred 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 by the Bureau of Gaming Laboratory Operations and approved by the Board's Executive Director.

(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 or table game 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, table game devices and associated equipment that shall be submitted for testing and 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 related systems.

(12) Table game devices including:

(i) Electronic gaming tables as described in § 605a.4 (relating to electronic gaming tables).

(ii) Fully automated electronic gaming tables as described in § 605a.5 (relating to fully automated electronic gaming tables).

(iii) Progressive table game systems as described in § 605a.7 (relating to progressive table game systems).

(iv) Automated card shuffling devices as described in § 603a.17 (relating to dealing shoes; automated card shuffling devices).

(v) Electronic dealing shoes as described in § 603a.17.

(vi) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems).

(d) Slot machine prototypes, table game device prototypes and associated equipment prototypes, and modifications thereto, which are subject to testing and approval under this section will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with the act, this subpart and

technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any slot machine, fully automated electronic gaming table or modification thereto, the Bureau of Gaming Laboratory Operations 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 Bureau of Gaming Laboratory Operations may 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 require 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 to attest that the product was properly and completely tested by the manufacturer prior to its submission to the Bureau of Gaming Laboratory Operations.

(g) When an applicant for, or holder of, a manufacturer license seeks Board approval of a slot machine prototype, table game device prototype, as described in subsection (c)(12), associated equipment prototype, or any modification thereto, the manufacturer shall submit to the Bureau of Gaming Laboratory Operations the following:

(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 Bureau of Gaming Laboratory Operations 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 Bureau of Gaming Laboratory Operations and that the product, device or software complies with the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, 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 Bureau of Gaming Laboratory Operations.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. 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 or table game device 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 or electronic gaming table, on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the slot machine or table game device, 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 table game device, including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the slot machine or table game device for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site, 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 by means of 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 or table game device 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 or fully automated electronic gaming table 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 or fully automated electronic gaming tables.

(xx) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the slot machine or table game device.

(7) In the case of a modification to a slot machine or table game device 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 or table game device 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 or table game device 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 or fully automated electronic gaming table 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 or fully automated electronic gaming tables.

(v) Additional documentation requested by the Bureau of Gaming Laboratory Operations relating to the modification of the slot machine or table game device.

(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, table game device 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) All source code.

(xii) 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) 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 Bureau of Gaming Laboratory Operations to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. 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 related to the equipment or system being tested.

(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 Bureau of Gaming Laboratory Operations relating to the modification.

(10) In the case of gaming related services, as described in § 613a.1 (relating to definitions; general requirements), which are submitted by an applicant for or holder of a manufacturer license or gaming related gaming service provider certification:

(i) 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 the strategy.

(ii) A detailed description of the gaming related service including the rules of play and wagering that would be used for the new table game or feature.

(iii) The true odds, the payout odds and the house advantage for each wager.

(iv) A sketch or picture of the game layout, if any.

(v) Sketches or pictures of the equipment used to play the game.

(h) At the conclusion of testing of a prototype or modification by the Bureau of Gaming Laboratory Operations, but prior to a decision to approve a prototype or modification, the Board's Executive Director may require a trial period of scope and duration as he 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, licensed manufacturer designee, applicable licensed suppliers, gaming related gaming service provider and the slot machine licensee with specific terms and conditions as may be required by the Board's Executive Director, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board's Executive Director and compliance with technical standards on trial periods or the prototype or modification adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. The Board's Executive Director may authorize the receipt of compensation by a licensed manufacturer, licensed manufacturer designee, licensed supplier or gaming related gaming service provider during the trial period. The Board's Executive Director may order termination of the trial period if it determines that the licensed manufacturer, licensed manufacturer designee, applicable licensed suppliers, gaming related gaming service provider or the slot machine licensee conducting the trial period has not complied with the terms and conditions required by the Board's Executive Director or that the product is not performing as expected.

(i) At the conclusion of testing of a prototype or modification, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will:

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

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

(j) The Board's Executive Director approval of a prototype or modification does not constitute a guarantee of the prototype's or modification's safety.

(k) A slot machine licensee is prohibited from installing in its licensed facility a slot machine, table game device or associated equipment, or modification thereto, that is required to be tested unless the equipment, device or software has been approved by the Board's Executive Director. A slot machine licensee may not modify, alter or tamper with an approved slot machine, table game device

or associated equipment. A slot machine, table game device or associated equipment installed in a licensed facility in contravention of this requirement will be subject to seizure by the Board.

(l) Notwithstanding subsection (k), the Board's Executive Director may authorize installation of a modification to a slot machine prototype, table game device prototype or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer. 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.

(m) A slot machine licensee shall immediately notify the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility of any known or suspected defect or malfunction in any slot machine, table game device or associated equipment installed in its licensed facility. The slot machine licensee shall comply with instructions issued by the Bureau of Gaming Laboratory Operations with regard to the continued operation of the slot machine, table game device or associated equipment.

(n) Concurrent with the initial receipt of slot machines, a slot machine license shall file a slot machine master list as required by § 463a.5 (relating to slot machine master lists).

(o) 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.

§ 461a.26. Testing and software installation on the live gaming floor.

(a) Prior to the testing of slot machines, table game devices as described in § 461a.4(c)(12) (relating to submission for testing and approval), associated equipment and displays on a live gaming floor during a slot machine licensee's normal hours of operation, the slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include the following:

(1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the slot machine licensee's procedures for conducting the testing.

(2) The date, time and approximate duration of the testing.

(3) The model, slot machine location number and asset number of the slot machine or machines or table game device to be tested.

(4) The location within the licensed facility where the testing will occur.

(b) A slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance at least 72 hours prior to the installation of

any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of:

- (1) Automated gaming voucher and coupon redemption machines.
 - (2) Wide area progressive systems.
 - (3) Slot monitoring systems.
 - (4) Casino management systems.
 - (5) Player tracking systems.
 - (6) External bonusing systems.
 - (7) Cashless funds transfer systems.
 - (8) Server supported slot systems.
 - (9) Server based slot systems.
 - (10) Automated jackpot payout machines.
 - (11) Electronic gaming tables.
 - (12) Fully automated electronic gaming tables.
 - (13) Progressive table game systems.
 - (14) Electronic wagering systems.
- (c) The notification required under subsection (b) must include:
- (1) A description of the reasons for the new installation or change in previously approved software.
 - (2) A list of the current computer components, software identifications or versions that are to be modified or replaced.
 - (3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.
 - (4) The method to be used to complete the proposed installation.
 - (5) The date and time that the proposed modification will be installed and the estimated time for completion.
 - (6) The name, title and employer of the persons performing the installation.
 - (7) The plan to handle disruptions, if any, to the gaming floor.
 - (8) The approximate length of time the gaming floor or systems will be disrupted.
 - (9) Plans for system backup prior to any proposed installation.

Subpart K. TABLE GAMES
CHAPTER 524. (Reserved)

Sec.
524.1—524.7. (Reserved).

CHAPTER 528. (Reserved)

Sec.
528.1—528.9. (Reserved).

CHAPTER 529. (Reserved)

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529.1. (Reserved).
529.2. (Reserved).

CHAPTER 605a. ELECTRONIC GAMING TABLES

Sec.
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605a.5. Fully automated electronic gaming tables.

605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.
605a.7. Progressive table game systems.

§ 605a.1. Definitions.

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

Electronic wagering system—A computer or server and any related hardware, software or other device that permits wagering to be conducted at a gaming table.

Game account—The funds that are available to a player for use at an electronic gaming table.

§ 605a.2. Electronic wagering systems.

(a) A certificate holder may conduct electronic wagering at a gaming table in accordance with this chapter. Electronic wagering at a gaming table shall be conducted through the use of an electronic wagering system. If an electronic wagering system is in use at a gaming table, wagers placed at that gaming table, or only those wagers that are specified in the rules of the game, shall be made using the electronic wagering system.

(b) An electronic wagering system must be a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table.

(c) All aspects of an electronic wagering system, including the computer or server and any related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to use at any licensed facility in this Commonwealth.

(d) An electronic wagering system must:

(1) Credit funds to the game account of a player when a player buys in to a game at a particular gaming table and debit any remaining funds from the game account when a player cashes out of the game.

(2) Permit a player to wager from a game account, collect losing wagers from the game account and pay winning wagers by crediting the amount of the winnings and corresponding wager to the game account.

(3) In the game of Poker:

(i) Debit game accounts and increment pots for wagers placed, and distribute winning pots by crediting the game accounts of the winning players in the appropriate amounts.

(ii) Extract the rake from players or pots according to the rake procedures established in accordance with § 637a.17 (relating to Poker revenue) and debit the game accounts of players in the appropriate amounts.

(iii) Make each player's balance or table stakes visible to all players in the game.

(4) Depict the transactions described in paragraphs (1)—(3) through one or more electronic fund displays that are visible to each player and the dealer or boxperson.

(5) Disclose to each player at all times the current balance in the player's game account.

(6) Accurately report and audit the table game's win or loss or Poker revenue in accordance with § 637a.17.

(7) Be capable of generating reports setting forth, by gaming day, for each gaming table using the electronic wagering system:

- (i) The total amount deposited into the game account of each player.
- (ii) The total amount deposited into game accounts by all players.
- (iii) The total amount credited to the game account of each player in payment of winnings.
- (iv) The total amount credited to the game accounts of all players in payment of winnings.
- (v) The total amount collected from each player as losing wagers.
- (vi) The total amount collected from all players as losing wagers.
- (vii) For Poker, if applicable, the total amount deducted from the game account of each player for collection of Poker rake time charges in accordance with § 637a.17.
- (viii) For Poker, if applicable, the total amount collected from the accounts of all players for collection of Poker rake time charges in accordance with § 637a.17.
- (ix) For Poker, if applicable, the total amount collected from Poker pots for collection of Poker rake in accordance with § 637a.17.
- (x) The total amount withdrawn from game accounts by each player.
- (xi) The total amount withdrawn from game accounts by all players.
- (xii) The table game win or loss or Poker revenue.

(e) After installation, electronic wagering systems shall be inspected by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 prior to use at any licensed facility in this Commonwealth.

§ 605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.

(a) A player shall buy in to a table game using an electronic wagering system as follows:

- (1) If the gaming table is equipped with a bill validator, a player shall buy in to the game by either:
 - (i) Inserting currency or, if the table game is a fully automated electronic gaming table, a gaming voucher, into the bill validator. The electronic wagering system must credit an equivalent amount of funds into the game account of the player, which must be displayed on the electronic fund display.
 - (ii) Presenting currency or value chips to the dealer or boxperson if the table game is not a fully automated electronic gaming table.
- (2) If the gaming table is not equipped with a bill validator, a player shall buy in to the game by presenting currency or value chips to the dealer or boxperson.
- (3) When a player presents currency or value chips to a dealer or boxperson, the dealer or boxperson shall credit an equivalent amount of funds to the game account of the player, which shall be registered on the electronic fund display and acknowledged by the player.

(b) A player shall cash out of a table game using an electronic wagering system as follows:

(1) If the gaming table is a fully automated electronic gaming table, by receiving a gaming voucher equal in value to the balance in the game account of the player.

(2) If the gaming table is not a fully automated electronic gaming table, by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player.

(3) If the gaming table is not a fully automated electronic gaming table, after cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

§ 605a.4. Electronic gaming tables.

(a) An electronic gaming table must comply with the requirements in § 605a.2 (relating to electronic wagering systems).

(b) An electronic gaming table system must contain a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table. All aspects of an electronic gaming table system, including the computer or server and related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), for compliance with the requirements of this section, prior to use at any licensed facility in this Commonwealth.

(c) An electronic gaming table must have the capacity to allow the Bureau of Gaming Laboratory Operations to verify all relevant control software for authenticity.

(d) A certificate holder using an electronic gaming table system shall include in its internal controls, at a minimum:

- (1) Procedures to ensure the physical security of the computer or server and related hardware, software and other devices.
- (2) Procedures to ensure the integrity and security of all sensitive data and software.
- (3) Procedures to ensure that access to sensitive data and software is limited to appropriate personnel only.
- (4) Procedures to ensure the logging of the events and the availability of records to permit an effective audit of the conduct of the system and the reporting of revenue.

(e) An electronic gaming table must have the ability to authenticate the transmission of data between the various components of the electronic gaming table system.

(f) An electronic gaming table system must display a signal clearly visible to the surveillance department whenever a door or cabinet at an electronic gaming table is open, whenever there is a malfunction in the operation of the electronic gaming table system, or any component thereof, including whenever a printer or currency jam occurs.

(g) An electronic gaming table that is not a fully automated electronic gaming table must be equipped with the following meters, when applicable:

- (1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of 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 outcome, the amount of which is not capable of being paid by the electronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(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 electronic gaming table.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The electronic gaming table must also have a specific meter for each denomination.

(6) *Electronic gaming table paid progressive payout.* For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the electronic gaming table.

(7) *Attendant paid progressive payout.* For electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the electronic gaming table.

(8) *Additional meters.* Other meters required by technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 605a.5. Fully automated electronic gaming tables.

(a) A fully automated electronic gaming table must comply with the comprehensive protocol specifications required under section 1324 of the act (relating to protocol information) that are necessary to enable the fully automated electronic gaming table to communicate with the Department's central control computer system, for the purpose of transmitting auditing program information, real time information retrieval and fully automated table electronic game activation and disabling.

(b) A fully automated electronic gaming table must have installed software or hardware that distinguishes the fully automated electronic gaming table from a slot machine as defined by the act.

(c) A fully automated electronic gaming table must have the capability to accept currency or gaming vouchers and to issue a gaming voucher to a player for any winnings.

(d) A fully automated electronic gaming table must be equipped with the following meters, where applicable:

(1) *Coin in.* A meter that accumulates the total value of all wagers.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the fully automated electronic gaming table as a result of winning wagers. This meter may not record amounts awarded as the result of 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 outcome, the amount of which is not capable of being paid by the fully automated elec-

tronic gaming table. This meter may not record amounts awarded as the result of a progressive payout.

(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 fully automated electronic gaming table.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The fully automated electronic gaming table must also have a specific meter for each denomination.

(6) *Voucher in—cashable/value.* A meter that accumulates the total value of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(7) *Voucher in—cashable/count.* A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(8) *Voucher out—cashable/value.* A meter that accumulates the total value of cashable gaming vouchers issued by the fully automated electronic gaming table.

(9) *Voucher out—cashable/count.* A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table.

(10) *Fully automated electronic gaming table paid progressive payout.* For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the fully automated electronic gaming table.

(11) *Attendant paid progressive payout.* For fully automated electronic gaming tables offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the fully automated electronic gaming table.

(12) *Additional meters.* Other meters required by technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 605a.6. Integrated live Roulette wheels used on fully automated electronic gaming tables.

(a) A fully automated electronic gaming table with an integrated live Roulette wheel must randomize the method by which the outcome is determined. This includes, but is not limited to the speed at which the ball is ejected onto the wheel and the speed at which the wheel rotates.

(b) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of determining if the wheel meets a 95% confidence limit using a standard chi-squared test for goodness of fit. The calculation must be made based on the following criteria:

(1) Ten thousand outcomes have been generated.

(2) A new calculation must be made for each 10,000 subsequent outcomes.

(3) The calculation must consider only the most recent 10,000 outcomes.

(c) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of displaying a visual notification, clearable by an attendant, if at any time the live Roulette wheel has failed the chi-squared test for goodness of fit under subsection (b).

(d) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of disabling play in the event that the wheel has failed to meet

the 95% confidence limit for goodness of fit test required under subsection (b) for two consecutive testing periods. Attendant interaction shall be required before enabling the table for play.

(e) A fully automated electronic gaming table with an integrated live Roulette wheel must be capable of providing a report that shows the results of the last chi-squared test as well as the previous 9 chi-squared tests. The report must contain the following:

- (1) The time and date the test was performed.
- (2) The table ID or any comparable identifier.
- (3) The number of games used to perform the test.
- (4) The outcome of the test.

§ 605a.7. Progressive table game systems.

(a) Each progressive fully automated electronic gaming table, electronic gaming table or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which may increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table or electronic gaming table.

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by a fully automated electronic gaming table, electronic gaming table, or attendant.

(5) A key and keyed switch to reset the progressive meter or meters or other reset mechanism.

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

(b) A table game that offers a progressive jackpot may not be placed on the gaming floor until the certificate holder or, if applicable, the progressive system operator, has submitted the following to the Bureau of Gaming Laboratory Operations for review and approval, in accordance with § 461a.4 (relating to submission for testing and approval):

- (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 table games.
- (3) The proposed rate of progression for each progressive jackpot.
- (4) The proposed limit for the progressive jackpot, if any.

(c) A table game that offers either a new progressive jackpot or a modification of an existing progressive jackpot may not be made available for play by the public

until the table game has been tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4.

(d) 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 § 465a.2 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, upon approval in accordance with § 461a.4, been transferred to another progressive table game.

(4) The change is necessitated by a table game or meter malfunction, in which case, a written explanation shall be sent to the Bureau of Gaming Laboratory Operations.

CHAPTER 613a. GAMING RELATED GAMING SERVICE PROVIDERS

Sec.	
613a.1.	Definitions; general requirements.
613a.2.	Gaming related gaming service provider certification applications.
613a.3.	Qualification of individuals and entities.
613a.4.	Certification term and renewal.
613a.5.	Certified gaming related gaming service provider responsibilities.
613a.6.	Gaming related gaming service provider list.
613a.7.	Requirements for use of a gaming related gaming service provider.
613a.8.	Permission to conduct business prior to certification.
613a.9.	Certificate holders' duty to investigate.

§ 613a.1. Definitions; general requirements.

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

Gaming related gaming service provider—A gaming service provider that provides a gaming related service, is the owner of a patent or has a patent pending for a gaming related service.

Gaming related service—A new game, wager, game variation, side bet or similar innovation relating to a table game.

(b) *Certification.* A person seeking to provide a gaming related service to a certificate holder shall apply to the Board for certification as a gaming related gaming service provider.

§ 613a.2. Gaming related gaming service provider certification applications.

(a) A gaming related gaming service provider seeking certification shall submit:

- (1) An original and one copy of a Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form.
- (2) The nonrefundable application fee posted on the Board's web site at www.pgcb.pa.gov.

(3) Applications and release authorizations for each individual required to be qualified under § 613a.3 (relating to qualification of individuals and entities).

(4) A written statement from a certificate holder, stating that the certificate holder intends to do business with the gaming related gaming service provider for the purpose of utilizing a gaming related service.

(b) In addition to the materials required under subsection (a), an applicant for gaming related gaming service provider certification shall:

(1) Promptly provide information requested by the Board relating to its application and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A gaming related gaming service provider certification will not be issued until all fees and costs, including any Bureau of Gaming Laboratory Operations costs incurred in the review of the proposed gaming related service, have been paid.

§ 613a.3. Qualification of individuals and entities.

(a) The following individuals are required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. A certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification who solicits or will be soliciting business from, or has regular contact with, any representatives of a certificate holder.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall be required to file a Gaming Service Provider Certification Form—Private Holding Company with the Board and be found qualified by the Board.

(c) The following persons may be required to submit a Gaming Service Provider Certification Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(3) An employee of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

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

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Gaming Related Gaming Service Provider List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found qualified under this section if the gaming related gaming service provider has been certified.

§ 613a.4. Certification term and renewal.

(a) Gaming related gaming service provider certifications, and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) A certified gaming related gaming service provider shall submit to the Board a completed renewal application and fee, as posted on the Board's web site, at least 60 days prior to the expiration of a certification.

(c) A certification for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification that the Board has approved or denied the certification.

§ 613a.5. Certified gaming related gaming service provider responsibilities.

A holder of a gaming related gaming service provider certification shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a gaming related gaming service provider certification ineligible, unqualified or unsuitable to hold a certification under the standards and requirements of the act and of this part.

§ 613a.6. Gaming related gaming service provider list.

The Board will maintain and post on its web site a list of gaming related gaming service providers that are certified and have had their gaming related service reviewed by the Bureau of Gaming Laboratory Operations.

§ 613a.7. Requirements for use of a gaming related gaming service provider.

Prior to use of a gaming related service by a certificate holder the following must occur:

(1) The gaming related gaming service provider providing the gaming related service must submit its gaming related service to the Bureau of Gaming Laboratory

Operations for review in accordance with § 461a.4 (relating to submission for testing and approval).

(2) The gaming related gaming service provider shall pay all Bureau of Gaming Laboratory Operations costs incurred in the review of the proposed gaming related service.

(3) The certificate holder shall make a written request to the Board's Executive Director and receive written approval for use of the new gaming related service in accordance with § 601a.3 (relating to request to offer a new table game or new feature for an existing table game).

(4) The gaming related gaming service provider shall pay the certification fee required under § 613a.2(a)(2) (relating to gaming related gaming service provider certification applications) and will either receive written authorization from the Bureau of Licensing to conduct business prior to certification or be certified.

§ 613a.8. Permission to conduct business prior to certification.

(a) Notwithstanding § 613a.1 (relating to definitions; general requirements), the Bureau of Licensing may authorize an applicant for gaming related gaming service provider certification to conduct business with a certificate holder prior to the certification of the gaming related gaming service provider if the following criteria are met:

(1) A completed Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form has been filed in accordance with § 613a.2 (relating to gaming related gaming service provider certification applications) and passed a preliminary review.

(2) The certificate holder certifies that it has performed due diligence on the gaming related gaming service provider.

(3) The applicant for gaming related gaming service provider certification agrees, in writing, that the grant of permission to conduct business prior to certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted under this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(4) The gaming related gaming service provider and the certificate holder have satisfied the requirements in § 613a.7 (relating to requirements for use of a gaming related gaming service provider).

(5) The gaming related gaming service provider has passed a preliminary review of its criminal history.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for gaming related gaming service provider certification, the Bureau of Licensing may rescind the permission granted to the applicant for gaming related gaming service provider certification to conduct business with a certificate holder under subsection (a). If the permission is rescinded:

(1) The applicant for gaming related gaming service provider certification shall cease conducting business with the certificate holder by the date specified in the notice of the rescission under subsection (c).

(2) The certificate holder shall cease utilizing the gaming related service from the applicant for gaming related gaming service provider certification by the date specified in the notice of the rescission under subsection (c).

(c) The Bureau of Licensing will notify the applicant for gaming related gaming service provider certification and the certificate holder by registered mail that permission to conduct business with the certificate holder, as authorized under subsection (a), has been rescinded and that the certificate holder shall cease conducting business with the applicant for gaming related gaming service provider certification by the date specified in the notice.

§ 613a.9. Certificate holders' duty to investigate.

(a) A certificate holder shall investigate the background and qualifications of the applicants for gaming related gaming service provider certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A certificate holder shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming related gaming service provider certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A certificate holder shall have a duty to inform the Board of an action by an applicant for or holder of a gaming related gaming service provider certification which the certificate holder believes would constitute a violation of the act or this part.

CHAPTER 615a. CONDITIONAL TABLE GAME DEVICE LICENSES

Sec.
615a.1. Table game devices, conditional licenses.

§ 615a.1. Table game devices, conditional licenses.

(a) The Board may grant an applicant for a table game device manufacturer, manufacturer designee or supplier license a conditional license to conduct table game business in this Commonwealth.

(b) To be eligible to obtain a conditional table game device license, the applicant for a table game device manufacturer, manufacturer designee or supplier license shall:

(1) Submit a completed manufacturer, manufacturer designee or supplier license application, including the nonrefundable application fee as posted on the Board's web site at www.pgcb.pa.gov, and pass a preliminary review.

(2) Be certified as a gaming service provider in this Commonwealth or be licensed in good standing to manufacture or provide table game devices in another jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(3) Submit a written statement from a slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee that the slot machine licensee, manufacturer licensee, manufacturer designee licensee or supplier licensee intends to do business with the applicant for the purpose of purchasing, selling or marketing table game devices.

(4) Pass a preliminary review of the applicant's criminal history.

(5) Submit full payment of the licensing fee, as posted on the Board's web site, for the table game device manufacturer, manufacturer designee or supplier license prior to the issuance of the conditional license.

(c) An applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license shall provide monthly transaction reports to the Bureau of Licensing by the 20th calendar day of the following month during the period of conditional licensure. The monthly transaction reports must include:

- (1) The date table game devices were provided to a licensee.
- (2) A description of the table game devices provided.
- (3) The amount paid by the licensee for the table game devices.
- (4) A copy of the invoice for the table game devices.

(d) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for a table game device manufacturer, manufacturer designee or supplier license that has received a conditional license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the conditional licensee shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee by the Bureau of Licensing under subsection (e).

(e) When the Bureau of Licensing rescinds a conditional license, the Bureau of Licensing will notify the holder of the conditional license and all slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees by registered mail that:

- (1) Permission for the conditional licensee to conduct business under subsection (a) has been rescinded.
- (2) Slot machine licensees, manufacturer licensees, manufacturer designee licensees and supplier licensees shall cease conducting business with the conditional licensee by the date specified in the notice.
- (f) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct any new business in this Commonwealth and may only complete transactions that were commenced prior to the date specified in the notice of rescission.

[Pa.B. Doc. No. 12-1288. Filed for public inspection July 6, 2012, 9:00 a.m.]

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PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 549, 561, 633a AND 645a]

[Correction]

Table Game Rules for Blackjack and Pai Gow Poker

Typographical errors occurred in the ordering language and annex of the final-form rulemaking published at 42 Pa.B. 2922, 2925, 2944 (May 19, 2012). The chapter number of § 645a.14 was published incorrectly. The correct version of the ordering language and section heading is as follows, with ellipses referring to the existing text:

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

- (a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 549.1—549.24, 561.1—561.13,

561.13a—561.13d, 561.14 and 561.15 and by adding §§ 633a.1—633a.14 and 645a.1—645a.14 to read as set forth in Annex A.

* * * * *

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 645a. PAI GOW POKER

§ 645a.14. Irregularities; invalid roll of dice.

* * * * *

[Pa.B. Doc. No. 12-971. Filed for public inspection May 18, 2012, 9:00 a.m.]

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PENNSYLVANIA GAMING CONTROL BOARD
[58 PA. CODE CHS. 555, 563, 639a AND 647a]
Table Game Rules for Caribbean Stud Poker and Texas Hold 'Em Bonus Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), rescinds Chapters 555 and 563 and adds Chapters 639a and 647a (relating to Caribbean Stud Poker; and Texas Hold 'Em Bonus Poker) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 555 with the permanent regulations in Chapter 639a and the temporary regulations in Chapter 563 with the permanent regulations in Chapter 647a.

Explanation of Chapter 639a

Chapter 639a contains the rules governing the play of Caribbean Stud Poker. Section 639a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 639a.2 (relating to Caribbean Stud Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Caribbean Stud Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

Explanation of Chapter 647a

Chapter 647a contains the rules governing the play of Texas Hold 'Em Bonus Poker. Section 647a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 647a.2 (relating to Texas Hold 'Em Bonus Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Texas Hold 'Em Bonus Poker table for play; the shuffling of cards; the value and rank of the

cards; permissible wagers; dealing procedures; the payout odds for permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary rulemaking, the dealing procedure in § 647a.10 (relating to procedure for dealing the cards from an automated dealing shoe) for dealing the cards from an automated dealing shoe has been updated to accommodate the use of an automated dealing shoe that automatically reshuffles the cards.

Comment and Response Summary

Notice of proposed rulemaking was published at 41 Pa.B. 3975 (July 23, 2011). On September 21, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking. There were no other commentators on this final-form rulemaking.

General comments

IRRC commented that several of the sections in Caribbean Stud Poker and Texas Hold 'Em Bonus Poker require operators to obtain approval of equipment and table game layouts from the Bureau of Gaming Operations (BGO) or the Bureau of Casino Compliance (BCC). The proposed rulemaking, however, didn't specify how that approval was to be obtained. IRRC suggested adding the submission and approval process or a cross reference to where the process may be found.

In the final-form rulemaking, the Board amended the requirements to state that the operators submit information to the BGO for Executive Director approval. Additionally, throughout the final-form rulemaking, the cross reference to the submission and approval process in § 601a.10 (relating to approval of table game layouts, signage and equipment) was added.

House edge

IRRC requested more information regarding the house edge for Caribbean Stud Poker and Texas Hold 'Em Bonus Poker and asked that the Board compare it to other gaming jurisdictions.

Only one facility in this Commonwealth currently offers Caribbean Stud Poker. The basic house edge for the game is approximately 5.22%. The house edge for New Jersey from July to November 2011 ranged from -17.4% to 39.5%.

The house edge for Texas Hold 'Em Bonus Poker in this Commonwealth from July to November 2011 was between 12.63% and 38.72%. For the same time period, the house edge for New Jersey was between 12.3% and 52.0%.

Hand deal

Sections 639a.9(a)(1) and 647a.9(a)(1) (relating to procedures for dealing the cards from the hand; and procedure for dealing the cards from the hand) require that if cards are being dealt from the hand that an automated shuffling device be used. IRRC inquired whether the Board considered allowing a manual shuffle of the cards. This flexibility could assist in instances when the automated shuffler becomes inoperable.

This is a game protection issue. If an automated shuffling device is used, dealers do not have an opportunity to conduct false shuffles or stack the deck by placing high value cards in a specific area in the deck. Dealing the cards from a shoe ensures that cards are being dealt from the top of the deck to each patron based on seat position and not from another part of the deck. The Board believes that removing both of those protections by

allowing a dealer to both hand shuffle and hand deal creates an unnecessary risk of cheating.

Additionally, there are three different procedures in place for dealing the single deck of cards. If a dealer is dealing the cards from the hand and the shuffling device becomes inoperable, the dealer is not required to stop the games but can continue to deal provided that a dealing shoe is then used in accordance with § 639a.8, § 639a.10, § 647a.8 or § 647a.10.

Removal of cards

Section 639a.11(d) (relating to procedure for completion of each round of play) states that after wagers have been settled, the dealer shall remove the remaining cards from the table. IRRC inquired whether the integrity of gaming would be compromised by leaving the cards on the table until wagers are settled.

The language in this section is a catch all provision in the rulemakings regarding table games. The cards associated with forfeited wagers are immediately collected under § 639a.11(c). Additionally, operators typically collect the cards after each player's winning wagers have been settled provided that the cards of a player who has won 100% of the progressive meter must remain on the layout until the paperwork is completed. Subsection (d) is intended to ensure that cards that remain on the table are collected and placed in the discard rack. Subsection (d) was not intended to require that the cards remain until every player's wagers have been settled. Language was added clarifying that after wagers "of the player" have been settled, the cards shall be collected. The same language was added to Texas Hold 'Em Bonus Poker in § 647a.11(i) (relating to procedure for completion of each round of play).

Additional Revisions

In §§ 637a.1 and 647a.1, the definition of "round of play" was deleted from the final-form rulemaking. This definition is in § 601a.1 (relating to definitions), which contains the definitions applicable to Subpart K (relating to table games). The remaining revisions were made for clarity or consistency with other chapters on table game rules of play.

Affected Parties

Certificate holders that elect to offer the games of Caribbean Stud Poker and Texas Hold 'Em Bonus Poker will be required to comply with these requirements. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

Fiscal Impact

Commonwealth. The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this final-form rulemaking. These reviews will be conducted by existing BGO and BCC staff. The Board does not project that it will incur significant cost increases as a result of this final-form rulemaking.

Political subdivisions. The final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will

benefit from the local share funding mandated by the act of January 7, 2010 (P. L. 1, No. 1).

Private sector. This final-form rulemaking will result in additional costs for certificate holders that elect to offer Caribbean Stud Poker and Texas Hold 'Em Bonus Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

General public. The final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board's web site.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 7, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 3975, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 16, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 17, 2012, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 555.1—555.14 and 563.1—563.13

and by adding §§ 639.1—639.13 and 647.1—647.13 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 3182 (June 2, 2012).)

Fiscal Note: Fiscal Note 125-154 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 555. (Reserved)

Sec.

555.1—555.14. (Reserved).

CHAPTER 563. (Reserved)

Sec.

563.1—563.13. (Reserved).

CHAPTER 639a. CARIBBEAN STUD POKER

Sec.

- 639a.1. Definitions.
- 639a.2. Caribbean Stud Poker table physical characteristics.
- 639a.3. Cards; number of decks.
- 639a.4. Opening of the table for gaming.
- 639a.5. Shuffle and cut of the cards.
- 639a.6. Caribbean Stud Poker rankings.
- 639a.7. Wagers.
- 639a.8. Procedure for dealing the cards from a manual dealing shoe.
- 639a.9. Procedures for dealing the cards from the hand.
- 639a.10. Procedures for dealing the cards from an automated dealing shoe.
- 639a.11. Procedure for completion of each round of play.
- 639a.12. Payout odds; rate of progression.
- 639a.13. Irregularities.

§ 639a.1. Definitions.

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

Bet Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Fold—The withdrawal of a player from a round of play by not making a Bet Wager.

Hand—The five-card hand that is held by each player and the dealer after the cards are dealt.

Hole card—Any of the four cards dealt face down to the dealer.

Progressive Payout Hand—The term means either of the following:

(i) A player's five-card Poker hand with a rank of three-of-a-kind or better.

(ii) If included in the paytable selected by the certificate holder, a two pair or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

§ 639a.2. Caribbean Stud Poker table physical characteristics.

(a) Caribbean Stud Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Two separate betting areas designated for the placement of Ante and Bet Wagers for each player.
- (3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 639a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (4) If the certificate holder offers the optional Caribbean Stud Bonus Wager authorized under § 639a.7(d)(3), a separate area designated for the placement of the Caribbean Stud Bonus Wager for each player.
- (5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Caribbean Stud Poker table.
- (6) An inscription indicating that the Bet Wager will be returned if the dealer has less than an ace/king. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Caribbean Stud Poker table.
- (c) If a certificate holder offers a Progressive Payout Wager in accordance with § 639a.7(d)(2), the Caribbean Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."
- (d) Each Caribbean Stud Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 639a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Caribbean Stud Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Caribbean Stud Poker may be played with two decks of cards in accordance with the following requirements:

- (1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.
- (2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.
- (3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.
- (4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Caribbean Stud Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 639a.4. Opening of the table for gaming.

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 639a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

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

§ 639a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuf-

fling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Caribbean Stud Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 639a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

§ 639a.6. Caribbean Stud Poker rankings.

(a) The rank of the cards used in Caribbean Stud Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5, but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Caribbean Stud Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the

highest ranking straight flush and a 5, 4, 3, 2 and ace being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with an ace, king, queen, jack, 9 being the highest ranking flush and a 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and a 5, 4, 3, 2 and ace being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pair, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two hands that are of identical Poker hand rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 639a.7. Wagers.

(a) Wagers at Caribbean Stud Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers, except the Bet Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 639a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Caribbean Stud Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager, then a Bet Wager, in accordance with § 639a.11(b).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Caribbean Stud Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card Poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(e) A player may not wager on more than one player position at a Caribbean Stud Poker table.

§ 639a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers).

(2) One card face up to the area designated for the placement of the dealer's hand.

(3) A second card face down to each player directly on top of that player's first card.

(4) A second card face down to the area designated for the placement of the dealer's hand to the right of the dealer's first card.

(5) A third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card.

(e) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 639a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers).

(2) One card face up to an area designated for the placement of the dealer's hand.

(3) A second card face down to each player directly on top of that player's first card.

(4) A second card face down to the area designated for the placement of the dealer's hand to the right of the dealer's first card.

(5) A third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 639a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards and spread the cards face down on the layout so the top card of the stack is to the dealer's right and the bottom card is to the dealer's left. The dealer shall turn the bottom card of the stack (the card on the

dealer's far left) face up on the area designated for the placement of the dealer's cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 639a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Caribbean Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep the five cards in full view of the dealer at all times.

(3) After each player has made a decision regarding the Bet Wager as required under subsection (b), the player's cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager or Progressive Payout Wager but does not make a Bet Wager, the player shall forfeit all wagers.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's four hole cards and place the cards so as to form the highest possible ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the

dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking five-card Poker hand for each player.

(3) If the dealer's highest ranking five-card Poker hand:

(i) Is lower than an ace-king, the dealer shall return each player's Bet Wager and pay out the player's Ante Wager made by the player in accordance with the payout odds in § 639a.12(a) and (b) (relating to payout odds; rate of progression).

(ii) Is an ace-king or better, and the player's highest ranking five-card Poker hand:

(A) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante and Bet Wagers made by the player.

(B) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante and Bet Wagers made by the player in accordance with the payout odds in § 639a.12(a) and (b).

(C) Is equal in rank to the dealer's five-card hand, the dealer shall return the Ante and Bet Wagers made by the player.

(4) The dealer shall settle any Caribbean Stud Bonus Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 639a.12(c). A winning Caribbean Stud Bonus Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(5) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

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

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

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 639a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

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

§ 639a.12. Payout odds; rate of progression.

(a) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(b) A certificate holder shall pay winning Bet Wagers in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100 to 1
Straight flush	50 to 1
Four-of-a-kind	20 to 1
Full house	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
A pair or less	1 to 1

(c) If a certificate holder offers the Caribbean Stud Bonus Wager, the certificate holder shall pay each winning Caribbean Stud Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	100 to 1	100 to 1	100 to 1
Full house	50 to 1	50 to 1	50 to 1
Flush	40 to 1	40 to 1	40 to 1
Straight	25 to 1	25 to 1	20 to 1
Three-of-a-kind	7 to 1	6 to 1	6 to 1
Two pair	3 to 1	3 to 1	3 to 1
A pair of 10s or better	1 to 1	1 to 1	1 to 1

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

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	100% of meter	100% of meter	100% of meter
Straight flush	5,000 for 1	10% of meter	10% of meter
Four-of-a-kind	500 for 1	500 for 1	200 for 1
Full house	100 for 1	100 for 1	50 for 1
Flush	50 for 1	50 for 1	40 for 1
Straight	10 for 1	10 for 1	30 for 1
Three-of-a-kind	3 for 1	3 for 1	9 for 1
Two pair	2 for 1	2 for 1	N/A

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

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 639a.11(c)(5) (relating to procedure for completion of each round of play).

§ 639a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's hole cards are inadvertently exposed prior to each player having either folded or placed a Bet Wager as provided under § 639a.11 (relating to procedure for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER

Sec.

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§ 647a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Community card—A card which may be used by each player and the dealer to form the best possible five-card Poker hand.

Flop—The first three community cards dealt during a round of play.

Flop Wager—The second wager that a player shall make prior to the Flop being dealt to continue participation in the round of play.

Fold—The withdrawal of a player from a round of play by not making a Flop Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

River card—The fifth and final community card dealt during a round of play.

River Wager—The fourth wager that a player may place prior to the River card being dealt.

Turn card—The fourth community card dealt during a round of play.

Turn Wager—The third wager that a player may place prior to the Turn card being dealt.

§ 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.

(a) Texas Hold 'Em Bonus Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Four separate betting areas designated for the placement of Ante, Flop, Turn and River Wagers for each player.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If the certificate holder offers the optional Texas Hold 'Em Bonus Wager authorized under § 647a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Texas Hold 'Em Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

(7) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the player's winning hand is not a straight or better or a flush or better as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(ii) The payout limit per hand established by the certificate holder under § 647a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(8) If the information required under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

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

(d) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 647a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Texas Hold 'Em Bonus Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Texas Hold 'Em Bonus Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

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

(c) The decks of cards used in Texas Hold 'Em Bonus Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

§ 647a.4. Opening of the table for gaming.

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 647a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with

§ 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 647a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Texas Hold 'Em Bonus Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 647a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

§ 647a.6. Texas Hold 'Em Bonus Poker rankings.

(a) The rank of the cards used in Texas Hold 'Em Bonus Poker, in order of highest to lowest rank, shall be:

ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Texas Hold 'Em Bonus Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pair, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 647a.7. Wagers.

(a) Wagers at Texas Hold 'Em Bonus Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round

of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante and Texas Hold 'Em Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing an Ante Wager then a Flop, Turn and River Wager in accordance with § 647a.11(b), (d) and (f).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Texas Hold 'Em Bonus Wager that the player's first two cards will qualify for a payout in accordance with § 647a.12(b) (relating to payout odds; payout limitation). A Texas Hold 'Em Bonus Wager shall have no bearing on any other wager made by the player.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

§ 647a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (g) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 647a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) The dealer shall announce "no more bets" and then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine

if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 647a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 647a.11(c), (e) and (f).

§ 647a.11. Procedure for completion of each round of play.

(a) After the dealing procedures required under § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Texas Hold 'Em Bonus Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

(1) Places a Flop Wager, the wager shall be placed in the area designated for the Flop Wager.

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

(ii) Has not placed a Texas Hold 'Em Bonus Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

(c) After each player has either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager prior to the dealing of the Turn card. The player may either check and remain in the game or place a Turn Wager in an amount equal to the player's Ante Wager.

(e) Once all remaining players have either placed a Turn Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Turn card face up to the designated area for the community cards.

(f) After the Flop and Turn cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player if he wishes to place a River Wager prior to the dealing of the River card. The player may either check and remain in the game or place a River Wager in an amount equal to the player's Ante Wager.

(g) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then deal the River card face up to the designated area for the community cards.

(h) After the five community cards have been dealt, the dealer shall remove the cover card on top of the dealer's

cards and turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Flop Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Flop Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card Poker hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Flop, Turn and River Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Flop, Turn and River Wagers in accordance with the payout odds in § 647a.12 (relating to payout odds; payout limitation). The player's Ante Wager will be returned if the player's winning hand is not a straight or higher or a flush or higher as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Flop, Turn and River Wagers.

(3) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Texas Hold 'Em Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 647a.12(b).

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

§ 647a.12. Payout odds; payout limitation.

(a) A certificate holder shall pay each winning Ante, Flop, Turn and River Wager at odds of 1 to 1.

(b) A certificate holder shall pay each winning Texas Hold 'Em Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Ace-ace (dealer and player)	1,000 to 1	N/A
Ace-ace	30 to 1	30 to 1
Ace-king (same suit)	25 to 1	25 to 1
Ace-queen or ace-jack (same suit)	20 to 1	20 to 1
Ace-king (different suits)	15 to 1	15 to 1
King-king, queen-queen or jack-jack	10 to 1	10 to 1
Ace-queen or ace-jack (different suits)	5 to 1	5 to 1
A pair of 10-10 through 2-2	3 to 1	3 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), the maximum aggregate payout limit on all winning Ante, Flop, Turn, River and Texas Hold 'Em Bonus Wagers for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

§ 647a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer have received their initial two cards, any Texas Hold 'Em Bonus Wager shall be settled in accordance with the payout odds in § 647a.12(b) (relating to payout odds; payout limitation).

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

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the cards dealt to the dealer in Texas Hold 'Em Bonus Poker is inadvertently exposed prior to each player having either folded or placed a Flop, Turn or River Wager as provided for under § 647a.11 (relating to procedure for completion of each round of play), all hands shall be void and all Ante, Flop, Turn and River Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if a player has placed a Texas Hold 'Em Bonus Wager, the wager shall be settled in accordance with the payout odds in § 647a.12(b).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

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PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 557, 559, 565, 569, 641a, 643a, 649a AND 653a]

Table Game Rules for Four Card Poker, Let It Ride Poker, Three Card Poker and Ultimate Texas Hold 'Em Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), rescinds Chapters 557, 559, 565 and 569 and adds Chapters 641a, 643a, 649a and 653a to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

Under 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), the Board initially adopted temporary regulations in Chapters 557, 559, 565 and 569. With this final-form rulemaking, the Board is replacing the temporary regulations in Chapter 557 with the permanent regulations in Chapter 641a (relating to Four Card Poker), temporary regulations in Chapter 559 with the permanent regulations in Chapter 643a (relating to Let It Ride Poker), the temporary regulations in Chapter 565 with the permanent regulations in Chapter 649a (relating to Three Card Poker) and the temporary regulations in Chapter 569 with the permanent regulations in Chapter 653a (relating to Ultimate Texas Hold 'Em Poker).

Explanation of Chapter 641a

Chapter 641a contains the rules governing the play of Four Card Poker. Section 641a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 641a.2 (relating to Four Card Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Four Card Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Explanation of Chapter 643a

Chapter 643a contains the rules governing the play of Let It Ride Poker. Section 643a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 643a.2 (relating to Let It Ride Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Let It Ride Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, pay tables for the various wagers were updated in this final-form rulemaking to provide additional options for the operators.

Explanation of Chapter 649a

Chapter 649a contains the rules governing the play of Three Card Poker. Section 649a.1 (relating to definitions) contains the definitions of terms used throughout the

chapter. In § 649a.2 (relating to Three Card Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Three Card Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, pay tables for the various wagers were updated in this final-form rulemaking to provide additional options for the operators.

Explanation of Chapter 653a

Chapter 653a contains the rules governing the play of Ultimate Texas Hold 'Em Poker. Section 653a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 653a.2 (relating to Ultimate Texas Hold 'Em Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Ultimate Texas Hold 'Em Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary regulations, the dealing procedure in § 653a.10 (relating to procedures for dealing the cards from an automated dealing shoe) for dealing the cards from an automated dealing shoe has been updated to accommodate the use of an automated dealing shoe that automatically reshuffles the cards.

Comment and Response Summary

Notice of proposed rulemaking was published at 41 Pa.B. 3836 (July 16, 2011). During the comment period, the Board received comments from Mountainview Thoroughbred Racing Association (Hollywood). Additionally, on September 14, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the proposed rulemaking.

General Comments

IRRC commented that several of the sections require operators to obtain approval of equipment and table game layouts from the Bureau of Gaming Operations (BGO) or the Bureau of Casino Compliance (BCC). The proposed rulemaking, however, did not specify how that approval was to be obtained. IRRC suggested adding the submission and approval process or a cross reference to where the process may be found.

In the final-form rulemaking, the Board amended the requirements to state that the operators submit information to the BGO for Executive Director approval. Additionally, throughout the final-form rulemaking, cross references to the submission and approval process in § 601a.10 (relating to approval of table game layouts, signage and equipment) were added.

House Edge

IRRC requested more information regarding the house edge for all four table games in this final-form rulemaking and asked that the Board compare it to other gaming jurisdictions.

The house edge for Four Card Poker in this Commonwealth from July to November 2011 was between 13.5% and 32.9%. The house edge for New Jersey for the same time period was between 10.4% and 50.4%.

For Three Card Poker in this Commonwealth, the house edge was between 18.69% and 42.8%. In New Jersey for the months between July and November 2011, the house edge was between 7.2% and 42.5%.

The house edge for Let It Ride Poker in this Commonwealth from July to November 2011 was between 3.32% and 42.58%. The house edge for New Jersey for the same time period was between 3.9% and 32.6%.

Only three facilities in this Commonwealth currently offer Ultimate Texas Hold 'Em Poker. The basic house edge for the game is approximately 2.19%. The house edge for New Jersey from July to November 2011 was between 0.08% and 37.2%.

Changing of Cards

Sections 641a.3(c)(2), 643a.3(c)(2), 649a.3(c)(2) and 653a.3(c)(2) require that cards utilized in the play of the game be changed every 8 hours. Hollywood requested that the requirement be changed to every 12 hours. IRRC inquired whether the integrity of gaming would be compromised if the Board adopted the suggested revision.

Unlike Blackjack, all four table games in this final-form rulemaking are played with only one deck of cards which are used in every round of play. Additionally, the dealers can manually shuffle the cards and the players are permitted to touch the cards to set their hands. The Board believes that it is necessary to remove the cards after 8 hours of play due to wear and tear and to inspect them for marks, scratches, shaving and other indicia of cheating.

Inspection of Cards

Sections 641a.4, 643a.4, 649a.4 and 653a.4 require operators to spread the cards for inspection for the first player arriving at the table. Hollywood believes this step is unnecessary and wastes time as players infrequently inspect cards. The Board believes that allowing players to inspect the cards to ensure that all cards are present protects the integrity of the game.

Hand Deal

Sections 641a.9(a)(1), 643a.9(a)(1), 649a.9(a)(1) and 653a.9(a)(1) require that if cards are being dealt from the hand that an automated shuffling device be used. Hollywood believes that the procedures for shuffling and cutting the cards are sufficient for gaming protection. IRRC inquired whether the Board considered allowing a manual shuffle of the cards as the flexibility could assist in instances when the automated shuffler becomes inoperable.

The Board does not agree with Hollywood. This is a game protection issue on games played against the house. If an automated shuffling device is used, dealers do not have an opportunity to conduct false shuffles or stack the deck by placing high value cards in a specific area in the deck. Dealing the cards from a shoe ensures that cards are being dealt from the top of the deck to each patron based on seat position and not from another part of the deck. The Board believes that removing both of those protections by allowing a dealer to both hand shuffle and hand deal creates an unnecessary risk of cheating.

Additionally, there are three different procedures in place for dealing the single deck of cards. If a dealer is dealing the cards from the hand and the shuffling device

becomes inoperable, the dealer is not required to stop the games but can continue to deal provided that a dealing shoe is then used in accordance with § 641a.8, § 641a.10, § 643a.8, § 643a.10, § 649a.8, § 649a.10, § 653a.8 or § 653a.10.

Removal of Cards

Section 641a.11(d) (relating to procedures for completion of each round of play) states that after all wagers have been settled, the dealer shall remove all remaining cards from the table. Hollywood believes that leaving the cards on the table until all wagers are settled diminishes the integrity of the game. IRRRC requested that the Board explain why the provision was necessary.

The language in this section is a catch all provision in the rulemakings regarding table games. Operators typically collect all cards after each player's winning wagers have been settled provided that the cards of a player who has won 100% of the progressive meter must remain on the layout until all paperwork is completed. Subsection (d) is intended to ensure that any cards that remain on the table be collected and placed in the discard rack and was not intended to require that all cards remain until every player's wagers have been settled. Language was added clarifying that after all wagers "of the player" have been settled, the cards shall be collected. The same language was added to in § 643a.11(g), 649a.11(d) and 653a.11(k) (relating to procedures for completion of each round of play).

Chapter 643a. Let It Ride Poker

Section 643a.11(a)(3) (relating to procedures for completion of each round of play) requires that cards be placed on the designated area of the layout. Hollywood requested that the Board allow operators to require that the cards be placed under Bet 3, making it more difficult for players to cheat by switching cards. The Board agrees and has allowed operators to specify in their Rules Submissions where the cards of the player shall be placed.

In subsections (c) and (e), which require that the community card be placed on top of the remaining cards then moved and turned over, Hollywood commented that the extra step was unnecessary and requested that the Board amend allowing the community cards to be dealt next to each other. The Board agrees and has amended this section accordingly.

Additional Revisions

Additional revisions were made throughout this final-form rulemaking for clarity and consistency with other chapters on table games.

Chapter 643a. Let It Ride Poker

In Chapter 643a, the Progressive Payout Wager was added as an optional side wager. The related definitions were added in § 643a.1, the table layout requirements were added in § 643a.2(b)(7) and (d) and the rankings for the Progressive Payout Wager were added in § 643a.6(d) (relating to Let It Ride Poker rankings). The payout odds and amounts were added in § 643a.12(d) (relating to payout odds; payout limitation).

Subsection (c) was amended so operators are no longer required to utilize a table game system for the placement of the Five Card Bonus Wager, which was previously referred to in the proposed rulemaking as the Let It Ride Bonus Wager.

In § 643a.12(b), table A was corrected and tables D, E and F were added. Tables A, B and C in subsection (c) were corrected.

Chapter 649a. Three Card Poker

The Super Royal payout was added to the Six Card Bonus Wager and is included in the hands eligible for a payout in § 649a.6(d) (relating to Three Card Poker rankings). Table E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression) reflects the Super Royal Payout. Additionally, table D was also added in subsection (f).

Chapter 653a. Ultimate Texas Hold 'Em Poker

A table B was added to § 653a.12(b) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

Affected Parties

Certificate holders that elect to offer the games of Four Card Poker, Let It Ride Poker, Three Card Poker or Ultimate Texas Hold 'Em Poker will be required to comply with the requirements in this final-form rulemaking. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

Fiscal Impact

Commonwealth. The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this final-form rulemaking. These reviews will be conducted by existing BGO and BCC staff. The Board does not project that it will incur significant cost increases as a result of this final-form rulemaking.

Political subdivisions. This final-form rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Most municipalities and counties will benefit from the local share funding mandated by the act of January 7, 2010 (P. L. 1, No. 1).

Private sector. This final-form rulemaking will result in additional costs for certificate holders that elect to offer Four Card Poker, Let It Ride Poker, Three Card Poker or Ultimate Texas Hold 'Em Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

General public. This final-form rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

This final-form rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board's web site.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 14, 2011, the Board submitted a copy of the proposed rulemaking, published at 41 Pa.B. 3836, and a copy of the Regulatory Analysis Form to IRRC and to the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 16, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 17, 2012, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code, are amended by deleting §§ 557.1—557.13, 559.1—559.15, 565.1—565.11, 565.11a, 565.11b, 565.12, 565.13 and 569.1—569.13 and by adding §§ 641a.1—641a.13, 643a.1—643a.13, 649a.1—649a.13 and 653a.1—653a.13 to read as set forth in Annex A.

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 3182 (June 2, 2012).)

Fiscal Note: Fiscal Note 125-152 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart K. TABLE GAMES****CHAPTER 557. (Reserved)**

Sec.
557.1—557.13. (Reserved).

CHAPTER 559. (Reserved)

Sec.
559.1—559.15. (Reserved).

CHAPTER 565. (Reserved)

Sec.
565.1—565.11. (Reserved).
565.11a. (Reserved).
565.11b. (Reserved).
565.12. (Reserved).
565.13. (Reserved).

CHAPTER 569. (Reserved)

Sec.
569.1—569.13. (Reserved).

CHAPTER 641a. FOUR CARD POKER

Sec.
641a.1. Definitions.
641a.2. Four Card Poker table physical characteristics.
641a.3. Cards; number of decks.
641a.4. Opening of the table for gaming.
641a.5. Shuffle and cut of the cards.
641a.6. Four Card Poker rankings.
641a.7. Wagers.
641a.8. Procedures for dealing the cards from a manual dealing shoe.
641a.9. Procedures for dealing the cards from the hand.
641a.10. Procedures for dealing the cards from an automated dealing shoe.
641a.11. Procedures for completion of each round of play.
641a.12. Payout odds; Envy Bonus; rate of progression.
641a.13. Irregularities.

§ 641a.1. Definitions.

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

Aces Up Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of whether the player's hand outranks the dealer's hand.

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

Envy Bonus Qualifying Hand—A player's Four Card Poker hand with a rank of four-of-a-kind or better or a straight flush or better, as defined in § 641a.6(b) (relating to Four Card Poker rankings), depending on the payable selected by the certificate holder.

Hand—The Four Card Poker hand that is held by each player and the dealer after the cards are dealt.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player's Four Card Poker hand with a rank of three-of-a-kind or better as defined in § 641a.6(b).

§ 641a.2. Four Card Poker table physical characteristics.

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

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

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

(2) Three separate betting areas designated for the placement of Ante, Play and Aces Up Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 641a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Four Card Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 641a.7(d)(4), the Four Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

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

(e) Each Four Card Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 641a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Four Card Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Four Card Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Four Card Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 641a.4. Opening of the table for gaming.

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 641a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

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

§ 641a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover

card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Four Card Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 641a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

§ 641a.6. Four Card Poker rankings.

(a) The rank of the cards used in Four Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Four Card Poker, in order of highest to lowest rank, shall be:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(2) A straight flush, which is a hand consisting of four cards of the same suit in consecutive ranking, with an ace, king, queen and jack being the highest ranking straight flush and an ace, 2, 3 and 4 being the lowest ranking straight flush.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(4) A flush, which is a hand consisting of four cards of the same suit, regardless of rank.

(5) A straight, which is a hand consisting of four cards of more than one suit and of consecutive rank, with ace, king, queen and jack being the highest ranking straight and an ace, 2, 3 and 4 being the lowest ranking straight.

(6) Two pairs, which is a hand consisting of two pairs with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(7) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that

contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

§ 641a.7. Wagers.

(a) Wagers at Four Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 641a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

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

(1) A player may compete solely against the dealer’s Four Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 641a.11(b), in an amount from one to three times the amount of the player’s Ante Wager.

(2) A player may compete solely against a posted payable by placing an Aces Up Wager.

(3) A player may compete against both the dealer’s Four Card Poker hand and the posted payable by placing an Ante Wager and an Aces Up Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Four Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or an Aces Up Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player’s respective Progressive Payout Wager has been accepted.

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

§ 641a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be

placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 641a.7 (relating to wagers) and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The dealer’s sixth card shall be dealt face up. The dealer’s fifth and sixth cards shall be dealt consecutively.

(e) After five cards have been dealt to each player and six cards to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 641a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use

that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 641a.7 (relating to wagers) and to the dealer until each player who placed a wager has five cards and the dealer has six cards. All cards dealt to the players and the first five cards dealt to the dealer shall be dealt face down. The sixth card dealt to the dealer shall be dealt face up. The dealer’s fifth and sixth cards shall be dealt consecutively.

(c) After five cards have been dealt to each player and six cards have been dealt to the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 641a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 641a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive

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

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 641a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 641a.7. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards. When the automated dealing shoe dispenses the next sequence of five cards, the dealer shall remove the stack and spread the cards face down on the layout so that the top card of the stack is to the dealer's right and the bottom card is to the dealer's left. The dealer shall turn the bottom card of the stack (the card on the dealer's far left) face up on the dealer's hand. The dealer shall collect the remaining four cards of that stack and place the cards in the discard rack without revealing the cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 5 cards or the dealer has more or less than 6 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe that automatically reshuffles the cards, the dealer's six cards may be dispensed before the five cards are dispensed to each player.

§ 641a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 641a.8, § 641a.9 or § 641a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe)

have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Four Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(b) After each player has examined his cards and placed the cards face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount from one to three times the amount of the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

(1) Has placed an Ante Wager and an Aces Up Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but may not forfeit the Aces Up Wager.

(2) Has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but may not forfeit the eligibility to receive an Envy Bonus under § 641a.12(d) (relating to payout odds; Envy Bonus; rate of progression).

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his Ante Wager and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. The dealer shall then reveal the dealer's cards and select the four cards that form the highest possible ranking Four Card Poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and select the four cards that form the highest possible ranking Poker hand for each player.

(3) If a player's highest ranking Four Card Poker hand is ranked:

(i) Lower than the dealer's Four Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(ii) Higher than or equal to the dealer's Four Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 641a.12(a) and (b).

(4) After settling a player's Ante and Play Wagers, the dealer shall settle any Aces Up Wagers by determining whether the player's Four Card Poker hand qualifies for a payout in accordance with § 641a.12(c). A winning Aces Up Wager shall be paid irrespective of whether the player's Four Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the player's Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 641a.12(d). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 641a.12(d). A player making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Four Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

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

§ 641a.12. Payout odds; Envy Bonus; rate of progression.

- (a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.
- (b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in the following payable, regardless of whether the player's Four Card Poker hand outranks the dealer's hand:

<i>Hand</i>	<i>Paytable</i>
Four-of-a-kind	25 to 1
Straight flush	20 to 1
Three-of-a-kind	2 to 1

(c) A player placing an Aces Up Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	30 to 1	30 to 1	40 to 1
Three-of-a-kind	9 to 1	7 to 1	8 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	5 to 1	4 to 1
Two pair	2 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Four-of-a-kind	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	30 to 1	40 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Flush	6 to 1	6 to 1	5 to 1
Straight	4 to 1	4 to 1	4 to 1
Two pair	2 to 1	2 to 1	3 to 1
Pair of aces	1 to 1	1 to 1	1 to 1

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

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces	100% of meter	100% of meter
Four-of-a-kind	300 for 1	300 for 1
Straight flush	100 for 1	100 for 1
Three-of-a-kind	9 for 1	15 for 1

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

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$5,000 for payable A and \$1,000 for payable B.

(4) Winning Progressive Payout Hands shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 641a.11(c)(5) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to one of the following payouts, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2, for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four aces	\$100	\$100
Four-of-a-kind	\$10	\$25
Straight flush	\$5	N/A

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Paytable A Envy Bonus</i>	<i>Paytable B Envy Bonus</i>
Four aces	\$500	\$500
Four-of-a-kind	\$50	\$125
Straight Flush	\$25	N/A

§ 641a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance with § 641a.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 643a. LET IT RIDE POKER

Sec.

- 643a.1. Definitions.
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- 643a.10. Procedure for dealing the cards from an automated dealing shoe.
- 643a.11. Procedures for completion of each round of play.
- 643a.12. Payout odds; payout limitation.
- 643a.13. Irregularities.

§ 643a.1. Definitions.

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

Community card—A card which is used by all players to form a five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Wager when another player at the Let It Ride Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A mini-royal, as defined in § 643a.6(d) (relating to Let It Ride Poker rankings), formed using the three cards dealt to a player.

Hand—The five-card Poker hand formed for each player by combining the three cards dealt to the player and the two community cards.

Let It Ride—When a player does not withdraw a wager as permitted under § 643a.11(b) and (d) (relating to procedures for completion of each round of play).

Progressive Payout Hand—A player's three cards with a rank of a three-of-a-kind or better or a straight or better, as defined in § 643a.6(d), depending on the payable selected by the certificate holder.

§ 643a.2. Let It Ride Poker table physical characteristics.

(a) Let It Ride Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Three separate betting areas designated for the placement of the Let It Ride Poker Wagers required under § 643a.7(d) (relating to wagers) for each player.

(3) Separate areas designated for the placement of the cards of each player.

(4) A separate area designated for the placement of the community cards located directly in front of the table inventory container.

(5) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 643a.7(e), a separate area designated for the placement of the Five Card Bonus Wager for each player.

(6) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 643a.7(f), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(7) If the certificate holder offers the optional Progressive Payout Wager authorized under § 643a.7(g), a separate area designated for the placement of the Progressive Payout Wager for each player.

(8) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Let It Ride Poker table.

(9) An inscription indicating the payout limit per hand established by the certificate holder under § 643a.12(e) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Let It Ride Poker table.

(c) If a certificate holder offers the Five Card Bonus Wager in accordance with § 643a.7(e), the certificate holder may utilize a table game system, approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval), which includes:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Five Card Bonus Wager.

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

(d) If a certificate holder offers the Progressive Payout Wager in accordance with § 643a.7(g), the Let It Ride Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

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

(f) Each Let It Ride Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 643a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Let It Ride Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Let It Ride Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

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

(c) The decks of cards used in Let It Ride Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 643a.4. Opening of the table for gaming.

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 643a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

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

§ 643a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Let It Ride Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 643a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

§ 643a.6. Let It Ride Poker rankings.

(a) The rank of the cards used in Let It Ride Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the

foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2, 3). All suits shall be equal in rank.

(b) The permissible Poker hands at the game of Let It Ride Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) If the certificate holder offers the optional Three Card Bonus Wager under § 643a.7(f) (relating to wagers), the hands eligible for a payout shall be:

(1) A mini-royal, which is a straight flush of an ace, king and queen.

(2) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of consecutive rank, including an ace, 2 and 3.

(5) A flush, which is a hand consisting of three cards of the same suit, not in consecutive order.

(6) A pair, which is a hand consisting of two cards of the same rank.

(d) If the certificate holder offers the Progressive Payout Wager under § 643a.7(g), the following hands eligible for a payout are:

(1) A mini-royal, which is a hand consisting of an ace, king and queen of the same suit.

(2) A straight flush, which is a hand, other than a mini-royal, consisting of three cards of the same suit in consecutive rank.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of consecutive rank, including an ace, 2 and 3.

§ 643a.7. Wagers.

(a) Wagers at Let It Ride Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers at Let It Ride Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 643a.11(b) and (d) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play, a player shall place three equal but separate Let It Ride Poker Wagers designated as Bet Number 1, Bet Number 2 and Bet Number 3. Bet Number 1 and Bet Number 2 may subsequently be removed by the player in accordance with § 643a.11(b) and (d).

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Let It Ride Poker table the option to make an additional Five Card Bonus Wager that the player will have a five-card Poker hand with a rank of a pair of tens or better, two pair or better or three-of-a-kind or better, depending on the payable selected by the certificate holder in its Rules Submission under § 601a.2. After placing the three wagers required under subsection (d), a player may make an additional Five Card Bonus Wager by placing a value chip onto the designated betting area for that player. If the certificate holder is utilizing a table game system, each player shall be responsible for verifying that the player's respective Five Card Bonus Wager has been accepted.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Let It Ride Poker table the option to make an additional Three Card Bonus Wager that the three cards dealt to the player will have a rank of a pair or better. After placing the three wagers required under subsection (d), a player may make an additional Three Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(g) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Let It Ride Poker Wagers, a player may

make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(h) A Five Card Bonus Wager, Three Card Bonus Wager and Progressive Payout Wager do not have a bearing on any other wagers made by the player.

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

§ 643a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(1) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wager. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(2) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(e) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designed for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wagers. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers).

(2) One card face down to the area designated for the placement of the community cards.

(3) A second card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(4) A second card face down to the area designated for the placement of the community cards, which card shall be placed to the right of the first card dealt to this area.

(5) A third card face down to each player who placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d).

(c) After three cards have been dealt to each player and two cards have been dealt to the area designated for the placement of the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 643a.10. Procedure for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 643a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and:

(i) If the Five Card Bonus Wager is being offered utilizing a table game system, use the table game system to prevent the placement of any additional Five Card Bonus Wagers. If any Five Card Bonus Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the

number of Five Card Bonus Wagers accepted by the table game system. The dealer shall then place the value chips into the table inventory container.

(ii) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the three required Let It Ride Poker Wagers in accordance with § 643a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed the three required wagers in accordance with § 643a.7(d). The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the community cards and spread the stack within the designated area so that the top card is to the dealer's right and the bottom card is to the dealer's left. The dealer shall then remove the community card that is to his left and place that card in the discard rack without exposing the card.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 2 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe that automatically reshuffles the cards, the two community cards may be dispensed before the three cards are dispensed to each player.

§ 643a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 643a.8, § 643a.9 or § 643a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure

for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Let It Ride Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(3) After each player has made a decision regarding Bet Number 2 as required under subsection (d), the player's cards shall be placed face down on the appropriate area of the layout as specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table game Rules Submissions). The player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 1 or Let It Ride. If a player:

(1) Chooses to let Bet Number 1 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 1, the dealer shall move the value chips on the betting area designated for Bet Number 1 toward the player who shall then immediately remove the value chips from the betting area.

(c) After each player has made a decision regarding Bet Number 1, the dealer shall then turn the community card that is to the dealer's left face up and place it to the right of the remaining community card. The exposed card shall become the first community card.

(d) After the first community card is exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to withdraw Bet Number 2 or Let It Ride. This decision shall be made by each player regardless of the decision made concerning Bet Number 1. If a player:

(1) Chooses to let Bet Number 2 ride, that bet must remain on the designated betting area of the layout until the end of the round of play.

(2) Chooses to withdraw Bet Number 2, the dealer shall move the value chips on the betting area designated for Bet Number 2 toward the player who shall then immediately remove the value chips from the betting area.

(e) The dealer shall then turn the second community card face up on the table.

(f) After the second community card is turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the three cards of the player face up on the layout. The two community cards and the three cards dealt to the player shall form the five-card Poker hand of that player.

(2) The dealer shall examine the cards of the player and form the highest ranking five-card Poker hand for each player.

(3) The dealer shall first settle all Let It Ride Poker Wagers of that player by collecting losing wagers and paying winning wagers in accordance with § 643a.12(a) (relating to payout odds; payout limitation). After settling the player's Let It Ride Poker Wagers, the dealer shall settle any Five Card Bonus Wagers, Three Card Bonus Wagers or Progressive Payout Wagers as follows:

(i) If a player placed a Five Card Bonus Wager and the two community cards and the three cards dealt to the player form a five-card Poker hand of two pair or better, or if included in the payable selected by the certificate holder, a pair of tens, jacks, queens, kings or aces or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 643a.12(b).

(ii) If a player placed a Three Card Bonus Wager and the three cards dealt to the player form a three-card Poker hand of a pair or better as defined in § 643a.6(c) (relating to Let It Ride Poker rankings), the dealer shall pay the winning Three Card Bonus Wager in accordance with § 643a.12(c).

(iii) If a player placed a Progressive Payout Wager and the three cards dealt to the player form a three-of-a-kind or better, as defined in § 643a.6(c), or a straight or better, depending on the payable selected by the certificate holder, the dealer shall:

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

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

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

(D) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 643a.12(d)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

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

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

§ 643a.12. Payout odds; payout limitation.

(a) Subject to the payout limitation in subsection (d), a certificate holder shall pay out winning Let It Ride Poker Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	1,000 to 1	500 to 1
Straight flush	200 to 1	200 to 1
Four-of-a-kind	50 to 1	50 to 1
Full house	11 to 1	11 to 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Flush	8 to 1	8 to 1
Straight	5 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1
Two pair	2 to 1	2 to 1
Pair of tens, jack queens, kings or aces	1 to 1	1 to 1

(b) If a certificate holder offers the Five Card Bonus Wager, the certificate holder shall pay out winning Five Card Bonus Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	\$20,000	\$20,000	\$20,000
Straight flush	\$2,000	\$2,000	\$2,000
Four-of-a-kind	\$150	\$200	\$100
Full house	\$75	\$75	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$4	\$5	\$9
Two pair	\$3	\$4	\$6
Pair of tens, jacks, queens, kings or aces	\$2	\$1	\$0

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Royal flush	\$10,000	\$10,000	\$10,000
Straight flush	\$2,000	\$2,000	\$2,000
Four-of-a-kind	\$200	\$200	\$100
Full house	\$75	\$100	\$75
Flush	\$50	\$50	\$50
Straight	\$25	\$25	\$25
Three-of-a-kind	\$5	\$10	\$9
Two pair	\$4	\$6	\$6
Pair of tens, jacks, queens, kings or aces	\$1	\$0	\$0

(c) If a certificate holder offers the Three Card Bonus Wager, the certificate holder shall pay out winning Three Card Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Mini-royal	50 to 1	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

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

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Mini-royal, spades	100% of meter	100% of meter

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Mini-royal, hearts, diamonds, clubs	500 for 1	500 for 1
Straight flush	70 for 1	100 for 1
Three-of-a-kind	60 for 1	90 for 1
Straight	6 for 1	

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

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the certificate holder's Rules Submission and may not be less than \$1,000.

(4) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 643a.11(f)(3)(iii) (relating to procedures for completion of each round of play).

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

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Mini-royal, spades	\$100
Mini-royal, hearts, diamonds, clubs	\$25

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Mini-royal, spades	\$500
Mini-royal, hearts, diamonds, clubs	\$125

(e) Notwithstanding the payout odds in subsection (a), a certificate holder may establish in its Rules Submission under § 601a.2 a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum permissible wager, whichever is greater. Any maximum payout limit established by a certificate holder shall apply only to payouts of Let It Ride Poker Wagers placed under § 643a.7(d) (relating to wagers) but may not apply to payouts of Five Card Bonus Wagers placed under § 643a.7(e), Three Card Bonus Wagers placed under § 643a.7(f) or Progressive Payout Wagers placed under § 643a.7(g).

§ 643a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the community cards is inadvertently exposed prior to the dealer revealing the community cards in accordance with § 643a.11(c) and (e) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 649a. THREE CARD POKER

Sec.
 649a.1. Definitions.
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 649a.11. Procedures for completion of each round of play.
 649a.12. Payout odds; Envy Bonus; rate of progression.
 649a.13. Irregularities.

§ 649a.1. Definitions.

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

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

Envy Bonus Qualifying Hand—A player’s Three Card Poker hand of an ace, king and queen of the same suit.

Hand—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

Pair Plus Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player’s hand against the dealer’s hand.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player’s Three Card Poker hand with a rank of a three-of-a-kind or better, as defined in § 649a.6 (relating to Three Card Poker rankings), or a straight or better depending on the payable selected by the certificate holder.

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

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

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

- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designed for the placement of Ante, Play and Pair Plus Wagers for each player.
- (3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 649a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (4) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 649a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

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

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 649a.7(d)(4), the Three Card Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

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

(e) Each Three Card Poker table must have a discard rack securely attached to the top of the dealer’s side of the table.

§ 649a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Three Card Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Three Card Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Three Card Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 649a.4. Opening of the table for gaming.

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 649a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

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

§ 649a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Three Card Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 649a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

§ 649a.6. Three Card Poker rankings.

(a) The rank of the cards used in Three Card Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2 and 3 but may not be combined with any other sequence of cards (for example, king, ace and 2). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Three Card Poker, in order of highest to lowest rank, shall be:

(1) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking, with an ace, king and queen being the highest ranking straight flush and an ace, 2 and 3 being the lowest ranking straight flush.

(2) A three-of-a-kind, which is a hand consisting of three cards of the same rank with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(3) A straight, which is a hand consisting of three cards of more than one suit and of consecutive rank, with an ace, king and queen being the highest ranking straight and an ace, 2 and 3 being the lowest ranking straight.

(4) A flush, which is a hand consisting of three cards of the same suit, regardless of rank.

(5) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(d) If a certificate holder offers the optional Six Card Bonus Wager under § 649a.7(d)(5) (relating to wagers), the five-card Poker hands eligible for a payout are:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit.

(4) A full house, which is a hand consisting of three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

(8) A Super Royal, if the certificate holder selects payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), which is a six-card Poker hand consisting of an ace, king, queen, jack, 10 and 9 of the same suit.

§ 649a.7. Wagers.

(a) Wagers at Three Card Poker shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 649a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

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

(1) A player may compete solely against the dealer’s Three Card Poker hand by placing an Ante Wager then a Play Wager, in accordance with § 649a.11(b), in an amount equal to the player’s Ante Wager.

(2) A player may compete solely against a posted payable by placing a Pair Plus Wager.

(3) A player may compete against both the dealer’s Three Card Poker hand and the posted payable by placing an Ante Wager and a Pair Plus Wager in accordance with paragraphs (1) and (2).

(4) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Three Card Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player’s respective Progressive Payout Wager has been accepted.

(5) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Three Card Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the dealer and the three cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better. If the certificate holder has selected payable E in § 649a.12(f) (relating to payout odds; Envy Bonus; rate of progression), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout. After placing an Ante Wager or a Pair Plus Wager, or both, a player may make the additional Six Card Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing “no more bets.”

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

(1) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to or greater than the Pair Plus Wager.

(2) As a precondition to the placement of a Pair Plus Wager, the placement of an Ante Wager in an amount equal to at least 1/2 the Pair Plus Wager.

(3) The compulsory placement of an Ante Wager and a Pair Plus Wager, provided that one wager may be placed in an amount up to a maximum of five times the amount of the other wager without regard to which wager is the greater of the two.

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

§ 649a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wa-

gers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(e) After three cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.9. Procedures for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory con-

tainer, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who has placed a wager in accordance with § 649a.7 (relating to wagers) and to the dealer until each player who placed a wager and the dealer have three cards. All cards shall be dealt face down.

(c) After three cards have been dealt to each player and the dealer, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 649a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 649a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed a wager in accordance with § 649a.7 (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clock-

wise around the table, deliver a stack face down to each of the other players who has placed a wager in accordance with § 649a.7. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

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

(a) After the dealing procedures required under § 649a.8, § 649a.9 or § 649a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his three cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player:

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

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

(3) Has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus Wager, but does not make a Play Wager,

the player shall forfeit both the Ante Wager and the Pair Plus Wager but does not forfeit the Six Card Bonus Wager.

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

(1) The dealer shall turn the three cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking Three Card Poker hand for each player.

(3) If the dealer's highest ranking Three Card Poker hand:

(i) Is lower than a queen high, the dealer shall pay each player's Ante Wager and return the player's Play Wager.

(ii) Is a queen high or better, and the player's highest ranking Three Card Poker hand is ranked:

(A) Lower than the dealer's Three Card Poker hand, the dealer shall immediately collect the Ante and Play Wagers made by the player.

(B) Higher than the dealer's Three Card Poker hand, the dealer shall pay the Ante and Play Wagers and any Ante Bonus in accordance with the payout odds in § 649a.12(a) and (b).

(C) Equally with the dealer's Three Card Poker hand, the dealer shall return the player's Ante and Play Wagers.

(4) After settling the player's Ante and Play Wagers, the dealer shall settle any Pair Plus Wagers by determining whether the player's Three Card Poker hand qualifies for a payout in accordance with § 649a.12(d). A winning Pair Plus Wager shall be paid irrespective of whether the player's Three Card Poker hand outranks the dealer's hand.

(5) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

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

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

(iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 649a.12(e). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the

cards of that player must remain on the table until the necessary documentation has been completed.

(v) Pay any Envy Bonus won in accordance with § 649a.12(e). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(6) The dealer shall then settle the Six Card Bonus Wager, if offered by the certificate holder. A winning Six Card Bonus Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager. The dealer shall arrange the dealer's three cards and the player's three cards to form the highest ranking five-card Poker hand for each player. If a player has a three-of-a-kind or better, as described in § 649a.6(d) (relating to Three Card Poker rankings), the dealer shall pay the winning Six Card Bonus Wager in accordance with the payout odds in § 649a.12(f). If the certificate holder has selected payable E in § 649a.12(f), the three cards dealt to the dealer and the three cards dealt to the player shall be used to form a six-card Poker hand for purposes of the Super Royal payout.

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

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

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A player placing an Ante Wager and a Play Wager shall be paid a bonus on the Ante Wager, at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), regardless of whether the player's Three Card Poker hand outranks the dealer's hand:

Hand	Paytable A	Paytable B	Paytable C
Straight flush	5 to 1	5 to 1	4 to 1
Three-of-a-kind	4 to 1	3 to 1	3 to 1
Straight	1 to 1	1 to 1	1 to 1

(c) If a certificate holder offers the version of Three Card Poker as described in § 649a.7(e) (relating to wagers), a player placing an Ante Wager and Play Wager shall be paid an Ante Bonus at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Ace, king, queen of spades	50 to 1	50 to 1	50 to 1
Ace, king, queen of hearts, diamonds or clubs	5 to 1	50 to 1	10 to 1
Straight flush	4 to 1	8 to 1	6 to 1
Three-of-a-kind	3 to 1	6 to 1	3 to 1
Straight	1 to 1		

(d) A player placing a Pair Plus Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Straight flush	35 to 1	40 to 1	40 to 1
Three-of-a-kind	25 to 1	30 to 1	30 to 1
Straight	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1

Hand	Paytable D	Paytable E
Straight flush	40 to 1	40 to 1
Three-of-a-kind	30 to 1	25 to 1
Straight	6 to 1	6 to 1
Flush	4 to 1	4 to 1
Pair	1 to 1	1 to 1

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

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B
Ace, king and queen of spades	100% of meter	100% of meter
Ace, king and queen of hearts, diamonds or clubs	500 for 1	500 for 1
Straight flush	70 for 1	100 for 1
Three-of-a-kind	60 for 1	90 for 1
Straight	6 for 1	N/A

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

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and must be at least 14% for Paytable A and 20% for Paytable B. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$1,000.

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

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

\$1 Progressive Payout Wager

Hand	Envy Bonus
Ace, king and queen of spades	\$100
Ace, king and queen of hearts, diamonds or clubs	\$25

\$5 Progressive Payout Wager

Hand	Envy Bonus
Ace, king and queen of spades	\$500
Ace, king and queen of hearts, diamonds or clubs	\$125

(f) If a certificate holder offers the Six Card Bonus Wager, the certificate holder shall pay out winning Six Card Bonus Wagers at the amounts in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Royal flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	50 to 1	100 to 1	100 to 1
Full house	25 to 1	20 to 1	20 to 1
Flush	20 to 1	15 to 1	15 to 1
Straight	10 to 1	9 to 1	10 to 1
Three-of-a-kind	5 to 1	8 to 1	7 to 1

Hand	Paytable D	Paytable E
Super Royal of diamonds		\$1,000,000
Super Royal of hearts, spades or clubs		\$100,000
Royal flush	1,000 to 1	1,000 to 1
Straight flush	200 to 1	200 to 1
Four-of-a-kind	50 to 1	50 to 1
Full house	25 to 1	20 to 1
Flush	15 to 1	15 to 1
Straight	10 to 1	10 to 1
Three-of-a-kind	5 to 1	5 to 1

§ 649a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If a player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If one or more of the dealer's cards is inadvertently exposed prior to the dealer revealing his cards in accordance with § 649a.11(c) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 653a. ULTIMATE TEXAS HOLD 'EM POKER

- Sec. 653a.1. Definitions.
- 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.
- 653a.3. Cards; number of decks.
- 653a.4. Opening of the table for gaming.

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- 653a.8. Procedure for dealing the cards from a manual dealing shoe.
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- 653a.10. Procedures for dealing the cards from an automated dealing shoe.
- 653a.11. Procedures for completion of each round of play.
- 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.
- 653a.13. Irregularities.

§ 653a.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Check—Waiving the right to place a Play Wager but remaining in the round of play.

Community card—A card which may be used by all players and the dealer to form the best possible five-card Poker hand.

Envy Bonus—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

Envy Bonus Qualifying Hand—A player's five-card Poker hand with a rank of a straight flush or better as defined in § 653a.6(b) (relating to Ultimate Texas Hold 'Em Poker rankings).

Flop—The first three community cards dealt during a round of play.

Fold—The withdrawal of a player from a round of play by not making a Play Wager.

Hand—The five-card Poker hand formed from the two cards of the player or the dealer and any of the five community cards.

Play Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Progressive Payout Hand—A player's five-card Poker hand with a rank of three-of-a-kind or better as defined in § 653a.6(b).

Trips Wager—The wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player's hand against the dealer's hand.

§ 653a.2. Ultimate Texas Hold 'Em Poker table physical characteristics.

(a) Ultimate Texas Hold 'Em Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Four separate betting areas designated for the placement of Ante, Blind, Play and Trips Wagers for each player. The Blind Wager betting area must be located to the right of the Ante Wager betting area and separated by an "=" symbol.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If a certificate holder offers the optional Progressive Payout Wager authorized under § 653a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Ultimate Texas Hold 'Em Poker table.

(7) Inscriptions indicating the following:

(i) An Ante Wager will push if the dealer has less than a pair.

(ii) A Blind Wager will push if the player's winning hand is not a straight or better or a flush or better, depending on the payable selected by the certificate holder.

(iii) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager.

(iv) The payout limit per hand established by the certificate holder under § 653a.12(e) (relating to payout odds; Envy Bonus; rate of progression; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(8) If the information required under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 653a.7(d)(3), the Ultimate Texas Hold 'Em Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

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

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

(e) Each Ultimate Texas Hold 'Em Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 653a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Ultimate Texas Hold 'Em Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Ultimate Texas Hold 'Em Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

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

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Ultimate Texas Hold 'Em Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 653a.4. Opening of the table for gaming.

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

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

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 653a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

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

§ 653a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack.

The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at an Ultimate Texas Hold 'Em Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 653a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

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

§ 653a.6. Ultimate Texas Hold 'Em Poker rankings.

(a) The rank of the cards used in Ultimate Texas Hold 'Em Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Ultimate Texas Hold 'Em Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

§ 653a.7. Wagers.

(a) Wagers at Ultimate Texas Hold 'Em Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at an Ultimate Texas Hold 'Em Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Play Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 653a.11(b), (d) or (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager and a Blind Wager in equal amounts, then a Play Wager, in accordance with § 653a.11(b), (d) or (f).

(2) In addition to the Ante Wager and Blind Wager, a player may compete against a posted payable by placing a Trips Wager.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(e) A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

§ 653a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 653a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 653a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 653a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed the required wagers in accordance with § 653a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with § 653a.7(d)(1). The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the placement of the dealer’s cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 653a.9(a)(2) and (b) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 653a.11 (relating to procedures for completion of each round of play). After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 653a.11.

§ 653a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 653a.8, § 653a.9 or § 653a.10 (relating to procedure for dealing the cards from a manual shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Ultimate Texas Hold ‘Em Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player if he wishes to place a Play Wager prior to the dealing of the Flop. The player may either check or place a Play Wager in an amount equal to three or four times the amount of the player’s Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Checks, the player shall remain in the game and defer his decision to place a Play Wager until after the Flop is dealt.

(c) Once all players have either placed a Play Wager or checked, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player who has not already placed a Play Wager if he wishes to place a Play Wager prior to the dealing of the final two

community cards. The player may either check or place a Play Wager in an amount equal to two times the amount of the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Checks, the player shall remain in the game and defer his decision to place a Play Wager until after the next two community cards are dealt.

(e) Once all players have either placed a Play Wager or checked, the dealer shall burn the next card. The dealer shall then deal the next two cards in the deck face up to the designated area for the community cards.

(f) After the final two community cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who has not already placed a Play Wager whether he wishes to fold or place a Play Wager equal in amount to the player's Ante Wager. If a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager.

(2) Folds, the Ante and Blind Wagers of the player shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Trips Wager, the dealer shall place the cards of the player face down underneath the player's Trips Wager pending its resolution at the conclusion of the round of play.

(ii) Has not placed a Trips Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

(g) After each player has either folded or placed a Play Wager, the dealer shall remove the cover card and turn his two cards face up on the layout. The dealer shall then select five cards from the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand and announce the dealer's hand to the players.

(h) If the dealer's highest ranking five-card Poker hand:

(1) Is lower than a pair, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, return each player's Ante Wager and resolve the Blind and Play Wagers in accordance with paragraph (2).

(2) Is a pair or better, the dealer shall, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, turn the two cards of each player who has placed a Play Wager face up on the layout. The dealer shall select five cards from the player's two cards and the five community cards to form the highest ranking five-card Poker hand and shall announce the player's hand. The wagers of each player shall be resolved one player at a time regardless of outcome. If a player's five-card Poker hand:

(i) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Blind and Play Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Blind and Play Wagers made by the player in accordance with the payout odds in § 653a.12(a) and (b) (relating to payout odds; Envy Bonus; rate of progression; payout limitation). The player's Blind Wager shall be returned if the player's winning hand is not a straight or better or a flush or better depending on the payable selected by the certificate holder.

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Blind and Play Wagers.

(i) After settling a player's Ante, Blind and Play Wagers, the dealer shall settle any Trips Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with § 653a.12(c). A winning Trips Wager shall be paid irrespective of whether the player's five-card Poker hand outranks the dealer's hand.

(j) The dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

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

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

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

(4) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 653a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed.

(5) Pay any Envy Bonus won in accordance with § 653a.12(d). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

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

§ 653a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) A certificate holder shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

(b) A certificate holder shall pay the player's winning Blind Wager in accordance with the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>
Royal flush	500 to 1
Straight flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Straight	1 to 1
Less than a straight	Push

<i>Hand</i>	<i>Paytable B</i>
Royal flush	500 to 1
Straight flush	50 to 1
Four-of-a-kind	10 to 1
Full house	3 to 1
Flush	3 to 2
Less than a flush	Push

(c) A player placing a Trips Wager shall be paid at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Four-of-a-kind	30 to 1	30 to 1
Full house	9 to 1	8 to 1
Flush	7 to 1	6 to 1
Straight	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Royal flush	50 to 1	50 to 1
Straight flush	40 to 1	40 to 1
Four-of-a-kind	30 to 1	20 to 1
Full house	8 to 1	7 to 1
Flush	7 to 1	6 to 1
Straight	4 to 1	5 to 1
Three-of-a-kind	3 to 1	3 to 1

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

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal flush	100% of meter
Straight flush	10% of meter
Four-of-a-kind	300 for 1
Full house	50 for 1
Flush	40 for 1
Straight	30 for 1
Three-of-a-kind	9 for 1

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

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 653a.11(j) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands

based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$1,000
Straight flush	\$300

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Royal flush	\$5,000
Straight flush	\$1,500

(e) Notwithstanding the payout odds in subsections (a)—(c), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum amount shall be at least \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater. Any maximum payout limit established by the certificate holder shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under § 653a.7(d)(1) and (2) (relating to wagers) but does not apply to payouts for Progressive Payout Wagers placed under § 653a.7(d)(3).

§ 653a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any Trips Wager shall be settled in accordance with the payout odds in § 653a.12(c) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

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

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the dealer's cards is inadvertently exposed prior to each player having either folded or placed a Play Wager as provided for under § 653a.11 (relating to procedures for completion of each round of play), all hands shall be void, all Ante, Blind and Play Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if a player has placed a Trips Wager, the community cards shall be dealt and each Trips Wager shall be settled in accordance with the payout odds in § 653a.12(c).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

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