

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Crane Operators

The Commissioner of Professional and Occupational Affairs (Commissioner) hereby adds § 43b.28 (relating to schedule of civil penalties—crane operators) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of this final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 3108(a)(1) of 63 Pa.C.S. (relating to civil penalties), authorizes the Commissioner, after consultation with licensing boards within the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the respective acts or regulations of the licensing boards.

Background and Purpose

Section 3108(a)(1) of 63 Pa.C.S. authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. These citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudication and orders, and consent agreements. At the same time, licensees who receive a citation retain their due process right to a hearing prior to the imposition of judgment. The use of citations has increased steadily since 1996, when the program was first implemented, and has become an important part of the Bureau's enforcement efforts. Section 3108(b)(4) of 63 Pa.C.S. authorizes the Board, as a licensing board within the Bureau, to levy a civil penalty of not more than \$10,000 on any licensee or unlicensed person who violates any provision of the Crane Operator Licensure Act (act) (63 P.S. §§ 2400.101—2400.2102) or Board regulations. However, 63 Pa.C.S. § 3108(a)(1)(iii) limits the civil penalty levied by citation to no more than \$1,000 per violation.

Section 702(b) of the Crane Operator Licensure Act (63 P.S. § 2400.702(b)) authorizes the State Board of Crane Operators (Board) to levy a civil penalty of up to \$1,000 on a crane operator who violates a provision of the act, on an individual who operates a crane in violation of the act or on an individual who holds himself out as a crane operator without being properly licensed. Section 703(a)(3) of the act (63 P.S. § 2400.703(a)(3)) further authorizes the Board to suspend or revoke the license of a crane operator who has willfully or repeatedly violated any of the provisions of the act or the Board's regulations.

This is the first time that the Board will participate in the citation program under 63 Pa.C.S. § 3108(a)(1). The Commissioner and the Board believe that it is necessary to implement the civil penalties contained in this final-form rulemaking to act as a deterrent for violations of the statutory and regulatory requirements listed in the sched-

ule of civil penalties and to streamline the disciplinary process to be more efficient and cost effective.

The proposed rulemaking was published at 50 Pa.B. 5850 (October 24, 2020). The Commissioner entertained public comment for a period of 30 days, during which time the Commissioner did not receive any public comments. Following the close of the public comment period, the Commissioner received comments from the Independent Regulatory Review Commission (IRRC). The Commissioner received no comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protections and Licensure Committee (SCP/PLC). The following represents a summary of the comments received and the Commissioner's response.

Comments from IRRC

IRRC first questioned whether the Bureau and the Board considered qualifying the use of this civil penalty section for the offenses of operating a crane without a license or employing an unlicensed individual to operate a crane in those instances where the violation for either of these two offenses resulted in bodily harm or substantial property damage, and whether a civil penalty should even be available for consideration in those situations. IRRC further asked for an explanation of their rationale and how violations that result in bodily harm or extensive property damage will be treated, and to describe how the approach protects the public health and safety and deters violations of statutory and regulatory requirements.

The Commissioner and the Board, in response to the questions raised by IRRC, have reviewed this civil penalty section, and agree that these sections should be qualified and limited to those violations that do not involve any bodily injury or property damage. To prevent any confusion or possible subjective application in the determination as to what level of bodily injury or property damage would disqualify the ability to issue a citation for this violation, the Commissioner and the Board have decided to limit the use of a citation for a violation of these offenses to those instances where no bodily injury or property damage occur in conjunction with a violation of these offenses. The Commissioner and the Board believe this approach best protects the public health and safety by requiring that any violation of these sections involving bodily injury or property damage to be subject to formal prosecution. As such, these sections are revised accordingly.

IRRC noted that a license to operate a crane is valid only in conjunction with certification if the licensee maintains a current certification in the specialty for which the crane operator is certified. Depending on the specialty or the accrediting organization, certifications are valid for 2 years, 3 years or 5 years. As such, there may be times when a crane operator's certification will expire during the biennial licensing renewal period. IRRC further noted that section 502(b) of the act (63 P.S. § 2400.502(b)) and the Board's regulations in § 6.32(a)(2) (relating to renewal of license) require crane operators to have a current valid certification at all times, and that the Board requires licensees to submit evidence of certification renewal before their current certification expires and that a licensee who has failed to maintain certification or submit evidence of re-certification is subject to disciplinary action. Given these statutory and regulatory provisions, IRRC asked whether the Board considered and rejected establishing a civil penalty for failure to maintain certification or provide evidence of certification

renewal, and if so, to explain the reason and rationale for excluding these offenses from the schedule of civil penalties.

The Commissioner and the Board did not initially consider the inclusion of this violation in the schedule of civil penalties subject to the issuance of a citation. Based upon IRRC's comments and questions, the Board has now reconsidered its position and believes the inclusion of this violation in the schedule of civil penalties would be in the best interest of public health and safety, as it would quickly sanction a crane operator who has failed to maintain the certification evidencing the crane operator's skills and ability to operate a crane safely. As such, this violation is added to the schedule of civil penalties. The schedule for failing to maintain certification, or to submit documentation evidencing renewal of certification as required, will be subject to a \$1,000 civil penalty for a first offense. Subsequent offenses will be subject to formal action.

Finally, IRRC noted that the proposed schedule distinguishes between "operating a crane without a license" and "operating a crane on a lapsed or expired license." For clarity, IRRC recommend the Title/Description of the offense for "holding oneself out as being able to operate a crane or using the title "licensed crane operator" or the abbreviation "L.C.O." without a license" be revised to cover an individual with a lapsed or expired license who holds themselves out as authorized to operate a crane. The Commissioner and Board agree with this recommended revision and make the appropriate revision to this final-form rulemaking.

Fiscal Impact and Paperwork Requirements

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions, and will reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudication and orders for those violations subject to the 63 Pa.C.S. § 3108(a)(1) citation process. The only fiscal impact would be borne by those persons who violate the act or regulations of the Board and are subject to the civil penalties proposed by the new schedule. However, this impact could be avoided by simply complying with the act and regulations of the Board. Additionally, the impact would be incurred whether the Commissioner adopts this schedule of civil penalties or not, as currently all violations require formal disciplinary action.

Sunset Date

The Commissioner and the Board continually monitor the cost effectiveness of their regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 8, 2020, the Commissioner submitted a copy of the proposed rulemaking, published at 50 Pa.B. 5850, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Commissioner shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when requested. No public comments were received; however, in preparing the final-form regulation, the Commissioner and the Board considered comments

received from IRRC. On April 26, 2021, the Commissioner delivered the final-form rulemaking to IRRC and the Committees. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the HPLC and the SCP/PLC deemed the regulation approved on June 16, 2021. IRRC met on June 17, 2021, at which time the regulation was disapproved by a vote of 4-1. IRRC issued its disapproval order on July 8, 2021.

Under section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), on August 17, 2021, the Board delivered to IRRC, the HPLC and the SCP/PLC a revised final-form rulemaking and report in response to IRRC's disapproval order. Under section 7(c.1) of the Regulatory Review Act (71 P.S. § 745.7(c.1)), IRRC met on September 23, 2021, and approved the final-form rulemaking. Under section 7.1(d) of the Regulatory Review Act (71 P.S. § 745.7(d)), the final-form rulemaking was deemed approved by the committees on August 31, 2021.

Findings

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

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

(3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 50 Pa.B. 5850.

(4) This final-form rulemaking adopted by this order is necessary and appropriate for the administration of 63 Pa.C.S. § 3108 and the act.

Order

The Commissioner, acting under the authority of 63 Pa.C.S. § 3108, orders that:

(a) The regulations of the Commissioner at 49 Pa. Code are amended by adding § 43b.28 to read as set forth in Annex A.

(b) The Commissioner shall submit this final-form rulemaking to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Commissioner shall submit this final-form rulemaking to IRRC, the HPLC and the SCP/PLC as required by law.

(d) The Commissioner shall certify this final-form rulemaking and deposit them with the Legislative Reference Bureau as required by law.

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

K. KALONJI JOHNSON,
Commissioner

(Editor's Note: See 51 Pa.B. 6494 (October 9, 2021) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-7103 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Subchapter A. SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.28. Schedule of civil penalties—crane operators.

STATE BOARD OF CRANE OPERATORS

<i>Violation under 63 P.S.</i>	<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 2400.501(a)	§ 6.41(a)	Operating a crane without a license, provided that no bodily injury or property damage was involved.	1st Offense—\$750 Subsequent offenses—formal action
Section 2400.501(b)	§ 6.43(a)	Employing, allowing, directing, retaining or hiring an unlicensed individual or independent contractor to operate a crane, provided that no bodily injury or property damage was involved.	1st Offense—\$1,000 Subsequent offenses—formal action
Section 2400.501(e)	§ 6.41(a)	Holding oneself out as being able to operate a crane or using the title “licensed crane operator” or the abbreviation “L.C.O.” without a license or after a crane operator’s license has lapsed or expired.	1st Offense—\$500 2nd Offense—\$750 Subsequent offenses—formal action
	§ 6.31(a)	Operating a crane on a lapsed or expired (unregistered) license, provided that no bodily injury or property damage was involved.	1st Offense—Up to 24 months, \$50 per month not to exceed \$1,000; over 24 months—formal action 2nd Offense—Up to 12 months, \$100 per month not to exceed \$1,000; over 12 months—formal action Subsequent offenses—formal action
	§ 6.42(f)	Failing to notify the Board in writing within 10 days of the institution of criminal proceedings in a court case against the crane operator.	1st Offense—\$750 Subsequent offenses—formal action
Section 2400.502(b)	§ 6.32(a)(2)	Failing to maintain certification or to submit evidence of renewal of certification before the expiration date of certification.	1st offense—\$1,000 Subsequent offenses—formal action

[Pa.B. Doc. No. 21-1994. Filed for public inspection December 3, 2021, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 617b, 631b AND 633b]

Roulette Side Wagers and Variations; Baccarat Side Wagers and Variations; Blackjack Side Wagers and Variations; Temporary Regulations

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) (relating to regulatory authority) and § 13A03 (relating to temporary table game regulations), adds the temporary regulations in Chapters 617b, 631b and 633b (relating to Roulette side wagers and variations—temporary regulations; Baccarat side wagers and variations—temporary regulations; and Blackjack side wagers and variations—temporary regulations) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of this Temporary Rulemaking

This temporary rulemaking adds several new side wagers and variations to existing games available for play in this Commonwealth, as well as making a modification to a currently existing side wager in the Board's temporary regulations.

Explanation

Chapter 617b includes the modified version of Roulette entitled Lightning Roulette. Lightning Roulette allows a patron to potentially have a winning straight wager pay out at significantly increased odds. After the placement of all bets and prior to the spin of the wheel, a random number generator will select from 1 to 5 Lucky Numbers on the layout, and will assign each one an increased payout. If a player placed a straight wager on one of the Lucky Numbers and the ball ends up in that compartment, the player wins that increased payout amount as opposed to the traditional 35-to-1 payout.

The addition to Chapter 631b is the Majestic Match side wager. This wager wins if the player's hand or the banker's hand have either a Royal Match (suited King and Queen) or a Suited Match (two cards of the same suit) in the initial two cards dealt.

Additions and modifications to Chapter 633b include a change to the Buster Blackjack side wager and the new Upcard Lucky side wager. The modification to the Buster Blackjack side wager involves permitting the game to be played on a gaming table with four decks of cards and includes a payable for that instance. The Upcard Luck wager wins if the dealer's upcard is a 2 through 7 and the player's initial two cards total 9 through 11, 18 through 20 or are a Blackjack.

Fiscal Impact

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

Political subdivisions. This temporary rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. This temporary rulemaking will provide certificate holders with an additional table game option.

If a certificate holder decides to offer any of the side wagers or variations, or both—temporary regulations within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and purchase new equipment—specifically table layouts corresponding to the game and wagers offered. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

General public. This temporary rulemaking will not have a fiscal impact on the general public.

Paperwork Requirements

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

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin* and will expire 3 years from the date of publication.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Chad W. Zimmermann, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-239.

Contact Person

The contact person for questions about this temporary rulemaking is Chad W. Zimmermann, Assistant Chief Counsel at (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102—1208), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 3 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapters 617b, 631b and 633b, are amended by adding §§ 617b.3, 631b.7 and 633b.15 and amending § 633b.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(2) The temporary regulations are effective December 4, 2021.

(3) The temporary regulations will be posted on the Board’s web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

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

DAVID M. BARASCH,
Chairperson

Fiscal Note: 125-239. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

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

§ 617b.3. Lightning Roulette.

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

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

(c) A player may place a straight wager before each Roulette spin at any time before the croupier calls, “no more bets” in accordance with § 617a.3 or before any betting time has expired.

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

(e) If the Roulette ball comes to rest in one of the Lucky Numbers and a player has placed a straight wager

on that number, the player’s straight wager shall win and be paid based upon the increased payout displayed on the layout and listed in subsection (g).

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

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

- (i) 499 to 1.
- (ii) 399 to 1.
- (iii) 349 to 1.
- (iv) 299 to 1.
- (v) 249 to 1.
- (vi) 199 to 1.
- (vii) 149 to 1.
- (viii) 99 to 1.
- (ix) 49 to 1.

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

§ 631b.7. Majestic Match wager.

(a) The layout for a Baccarat table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and if the certificate holder offers the Majestic Match wager authorized under subsection (b), the layout shall contain separate areas designated for the placement of the Majestic Match wager on the Player’s Hand and the Banker’s Hand for each player.

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

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

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

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

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

<i>Majestic Match</i>	
<i>Outcome</i>	<i>Payback</i>
Royal Match (Suited KQ)	25 to 1
Suited Match (Any Other Suited)	2.5 to 1

(e) For purposes of the Majestic Match wager, the following words and terms have the following meanings:

(1) *Royal Match*—The initial two cards dealt to the player or banker that are a King and Queen of the same suit.

(2) *Suited Match*—The initial two cards dealt to the player or banker that are of the same suit but are not a King and Queen.

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

§ 633b.13. Buster Blackjack wager.

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

* * * * *

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

* * * * *

<i>Four Deck Shoe</i>	
<i>Dealer Busts with</i>	<i>Paytable</i>
8 or more cards	250 to 1
7 cards	50 to 1
6 cards	15 to 1
5 cards	4 to 1
4 cards	2 to 1
3 cards	2 to 1

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§ 633b.15. Upcard Luck wager.

(a) A certificate holder may offer players the option to place an Upcard Luck wager that the dealer's upcard will be a 2 through 7 and that the player's two cards will total either 9 through 11, hard and soft 18 through 20 or will be a Blackjack.

(b) The Upcard Luck wager may be played on a Blackjack table that utilizes four, six or eight decks of cards.

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

(d) If specified in its Rules Submission required under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack wager in accordance with § 633a.6(d) (relating to wagers), the option of placing Upcard Blackjack wager in any amount that does not exceed the player's Blackjack wager.

(e) After placing a Blackjack wager, as required in § 633a.6(d), and any optional wagers including the Upcard Luck Blackjack wager, the dealer shall announce "No more bets."

(f) The dealer shall then deal the cards in accordance with § 633a.7 (a)—(g). Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt, the dealer shall settle any Upcard Blackjack wagers as follows:

(1) If the dealer's upcard is not a 2 through 7, the dealer shall collect the player's losing Upcard Luck wager.

(2) If the dealer's upcard is a 2 through 7 but the total of the player's two cards is 2 through 8 or 12 through 17, the dealer shall collect the player's losing Upcard Luck wager.

(3) If the dealer's upcard is 2 through 7 and the total of the player's two cards is 9 through 11 or 18 through 20, or if the player has Blackjack, the dealer shall pay the player's winning Upcard Luck wager in accordance with subsection (g).

(g) The certificate holder shall pay out winning Upcard Luck wagers at the odds in the following payout tables specified by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Outcome (with Dealer Upcard 2—7)</i>	<i>Payback</i>
Ace Spades and Jack Spades	80 to 1
Blackjack	8 to 1
9, 10 or 11	4 to 1
18, 19 or 20 (including soft totals)	3 to 1

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