

PROPOSED RULEMAKING

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461a AND 469a]

Private Testing and Certification Facilities

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. §§ 1320(b.1), 13A41(b.1), 13B02, 13C02 and 3302, proposes to amend Chapter 461a (relating to slot machine and table game device testing and control) and add Chapter 469a (relating to private testing and certification facilities) to read as set forth in Annex A.

Purpose of this Proposed Rulemaking

This proposed rulemaking is to provide standards for the registration of private testing and certification facilities in this Commonwealth.

Explanation

Chapter 461a is proposed to be amended to provide procedures for the testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment at private testing and certification facilities. Previously this chapter only applied to slot machines, table game devices and associated equipment. However, with the gaming expansion in the amendments to 4 Pa.C.S. §§ 1101—1904 (relating to Pennsylvania Race Horse and Development and Gaming Act) to include interactive gaming, sports wagering and video gaming, the addition of these forms of games and gaming equipment to the testing requirements was necessary.

Additional amendments are made to provide for the abbreviated review and approval process required by 4 Pa.C.S. §§ 1320(b.1) and 13A41(b.1) (relating to slot machine testing and certification standards; and table game device and associated equipment testing and certification standards). Under these provisions, the Board's Executive Director shall approve or deny a completed submission to the Office of Gaming Laboratory Operations within 30 days of the submission when the game or gaming device submitted for testing has been reviewed by a private testing and certification facility. If the Office of Gaming Laboratory Operations requires more time to complete the review of the report from the testing facility, or the submission is deemed not complete, the 30 days may be tolled.

Chapter 469a is proposed to be added to the Board's regulations. This chapter provides for the registration of a private testing and certification facility as a Registered Gaming Service Provider and sets forth the standard and requirements for registration. Proposed § 469a.1 (relating to private testing and certification facilities generally) sets forth the general provisions of use of a private testing and certification facility by a manufacturer or gaming-related gaming service provider. Proposed § 469a.2 (relating to registration of private testing and certification facilities) provides the licensing process for private testing and certification facilities, including application requirements for both the entity and individuals who own or are in a position of authority of the facility. Proposed § 469a.3 (relating to standards for private testing and certification facilities) establishes the stan-

dards that a private testing and certification facility must meet to be considered suitable for registration. Proposed § 469a.4 (relating to responsibilities of a private testing and certification facility) provides the responsibilities that a private testing and certification facility must fulfill during its term of registration with the Board. Lastly, proposed § 469a.5 (relating to registration term and renewal) sets forth the term and renewal of a registration.

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have a fiscal impact on the Board or other Commonwealth agencies. The licensing applications will be handled by existing Board staff, as will review of game or gaming device submissions.

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

Private sector. This proposed rulemaking will provide manufacturers and gaming-related gaming service providers the opportunity to have their products reviewed by private testing and certification facilities and seek abbreviated approval by the Board. The testing by private testing and certification facilities will likely require fees to be paid but will provide for an expedited approval process with the Board, allowing the product to be offered for play or implementation quicker.

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

Paperwork Requirements

The private testing and certification facility seeking registration will be required to file an application and supplement with the Board. Additionally, any game or gaming product that is submitted to the Office of Gaming Laboratory Operations must be accompanied by a testing report prepared by the private testing and certification facility, in addition to the other required submission documents.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Chad W. Zimmermann, Assistant Chief Counsel, Attention: Regulation # 125-240 Public Comment, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17101.

Contact Person

The contact person for questions about this proposed rulemaking is Chad W. Zimmermann, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 25, 2022, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate

Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.gamingcontrolboard.pa.gov.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to this proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

DENISE J. SMYLER,
Chairperson

Fiscal Note: 125-240. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINE, TABLE GAME DEVICE AND ASSOCIATED EQUIPMENT TESTING AND CONTROL; ACCOUNTING AND CONTROLS

CHAPTER 461a. Slot Machine [and], Table Game Device, Interactive Game, Sports Wagering Device, Video Game Terminal, and Associated Equipment Testing and Control

§ 461a.3. Testing and approval of games and gaming devices, generally.

(a) In accordance with sections 1320 [and], 13A41, 13B41 and 3701 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 games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment operated in this Commonwealth must be tested and approved in accordance with § 461a.4(g) [(relating to submission for testing and approval)], Chapters 810a, 1112a and 1407a.

(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 games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment submitted by manufacturers or gaming related gaming service providers or installed at a licensed facility or offered on an approved interactive gaming or interactive sports wagering web site or mobile application 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 games, table game device, interactive game, sports wagering device, video gaming terminal or all associated equipment to pay all costs of transportation, inspection and testing.

(e) Testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment may also be conducted at registered private testing and certifications facilities in accordance with sections 1320(b.1), 13A41(b.1), 13B02(a)(2) and 3701(e) of the act and Chapter 469a (relating to private testing and certification facilities), and a report of the testing shall be provided to the Board for abbreviated certification and approval.

(f) The Bureau of Gaming Laboratory Operations shall review the report from the registered private testing and certification facility, and prior to installation or use of a slot machine, table game, table game device, interactive game, sports wagering device or video gaming terminal and all associated equipment at a licensed facility, on an authorized interactive gaming or sports wagering web site or mobile application, or at a licensed truck stop establishment, shall report the findings to the Board's Executive Director for abbreviated certification and approval in accordance with § 461a.4 (relating to submission for testing and approval).

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

(a) A slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or all associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a [slot machine] licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested 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), interactive game systems, sports wagering systems or video gaming terminal systems, 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 games, table game devices, interactive games, sports wagering devices, video gaming terminals and all 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 and electronic wagering terminals).
 - (iii) Progressive table game systems as described in § 605a.7 (relating to progressive table games).
 - (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).
 - (vii) Electronic wagering terminals as described in § 605a.5.
 - (viii) Hybrid gaming tables as described in § 605a.9 (relating to hybrid gaming tables).

(13) Interactive games and interactive gaming platforms and systems.

(14) Sports wagering terminals and ticket redemption terminals.

(15) Video gaming terminals, including bill validators and ticket printers.

(16) Video gaming voucher redemption terminals.

(17) Video gaming terminal tracking and reporting systems.

(d) Slot machine prototypes, **table game prototypes**, table game device prototypes, **interactive game and platform prototypes**, **sports wagering device prototypes**, **video gaming terminal prototypes** and all 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, electronic wagering terminal 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, fully automated electronic gaming tables and electronic wagering terminals.

* * * * *

(g) When an applicant for, or holder of, a manufacturer license **to manufacture slot machines, table games, table game devices, interactive games, sports wa-**

gering devices, video gaming terminals and all associated equipment or a gaming related gaming service provider seeks Board approval of a slot machine prototype, **table game prototype**, table game device prototype, as described in subsection (c)(12), **interactive game and platform prototypes, sports wagering device prototype, video gaming terminal prototype**, associated equipment prototype, or any modification thereto, the manufacturer or gaming related gaming service provider shall submit to the Bureau of Gaming Laboratory Operations the following:

* * * * *

(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.

(11) In the case of slot machines, table games, table games devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or modifications thereto that have been tested by a registered private testing and certification facility, the manufacturer or gaming related gaming service provider shall direct the facility to provide to the Bureau of Gaming Laboratory Operations for review a detailed report from the registered private testing and certification facility regarding the scope of the testing and the results of the testing performed on the slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment or modification made thereto, in addition to all other items required in the specific submission checklist to be provided by the manufacturer or gaming related gaming service provider.

(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 **or after review of the report provided by the registered private testing and certification facility**, the Bureau of Gaming Laboratory Operations will report to the Board's Executive Director the results of its testing **and the results from the private testing and certification facility, if applicable**. Upon receipt of the Bureau of Gaming Laboratory Operations' report, the Board's Executive Director will **either**:

(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 otherwise offering for play equipment, device or software**, 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, table game device, interactive game, sports wagering device, video gaming terminal** or **any** associated equipment. [**A slot machine, table game device or associated equipment**] **Equipment, devices or software** installed in a licensed facility **or otherwise offered for play** 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 prototype, table game device prototype, interactive game or platform prototype, sports wagering device prototype, video gaming terminal prototype** or **any** 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, **the Bureau of Gaming Operations for inter-**

active gaming, the Office of Sports Wagering Operations or the Bureau of Casino Compliance for video gaming of any known or suspected defect or malfunction in any slot machine, **table game, table game device, interactive game, sports wagering device, video gaming terminal** or **any** associated equipment installed in its licensed facility **or on its interactive gaming website or mobile application**. 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, table game device, interactive game, sports wagering device, video gaming terminal** or **any** associated equipment.

(n) Concurrent with the initial receipt of slot machines, a slot machine licensee shall file a slot machine master list as required by § 463a.5 (relating to slot machine, electronic wagering terminal and fully automated electronic gaming table 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.

(p) The Executive Director shall approve, approve with conditions, reject the submitted prototype or modification or require additional testing or a trial period under subsection (h) within 30 days of the complete submission of a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment by a manufacturer or gaming related gaming service provider that has been submitted to the Board for abbreviated certification with a testing report from a registered private testing and certification facility. The following apply:

(i) A submission will not be considered complete if it does not contain all necessary documentation as required under subsection (g)(11).

(ii) If after the submission is made the Bureau of Gaming Laboratory Operations determines that a submission is incomplete, the manufacturer or gaming related gaming service provider will be given written notice of the deficiencies in the submission.

(iii) In the instance of an incomplete submission, the 30-day review for abbreviated certification will only begin when the manufacturer or gaming related gaming service provider provides the supplemental information to the Bureau of Gaming Laboratory Operations.

(q) If the Executive Director fails to approve, approve with conditions, reject the submitted prototype or modification or require additional testing or a trial period under subsection (h) within 30 days of the completed submission a slot machine, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment submitted to the Board for abbreviated certification, the abbreviated certification shall be deemed conditionally approved until the Executive Director renders a decision under subsection (i).

(r) If a manufacturer or gaming related gaming service provider has provided a complete submis-

sion to the Bureau of Gaming Laboratory Operations for abbreviated certification but the review of the submission cannot feasibly be completed within 30 days, the manufacturer or gaming related gaming service provider will receive written notice tolling the review of the submission until a time as a review of the submission can be completed.

(s) If during the 30-day review period in subsection (p), the Bureau of Gaming Laboratory Operations preliminarily determines that a complete submission of a slot machine, table game, interactive game, sports wagering device, video gaming terminal and all associated equipment contains an issue or insufficiency likely to negatively affect the integrity of gaming operations, the Bureau of Gaming Laboratory Operations, by written notice to the manufacturer or gaming related gaming service provider, will do all of the following:

(i) Specify the nature of the insufficiency.

(ii) Direct that the 30-day review period in subsection (p) be tolled and that any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment not be implemented until approved under subsection (q).

(Editor's Note: The following chapter is proposed to be added and is printed in regular type to enhance readability.)

CHAPTER 469a. PRIVATE TESTING AND CERTIFICATION FACILITIES

- Sec.
- 469a.1. Private testing and certification facilities generally.
- 469a.2. Registration of private testing and certification facilities.
- 469a.3. Standards for private testing and certification facilities.
- 469a.4. Responsibilities of a private testing and certification facility.
- 469a.5. Registration term and renewal.

§ 469a.1. Private testing and certification facilities generally.

(a) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers may submit products required to be tested under Chapter 461a (relating to slot machine and table game device testing and control) to a private testing and certification facility registered with the Board under this chapter.

(b) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service providers shall be responsible for any fees or costs imposed by the private testing and certification facility.

(c) Manufacturers of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming services providers shall be responsible for all costs incurred by the Board in reviewing the report issued by the private testing and certification facility and approving the slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal or any associated equipment.

(d) Slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment tested by a private testing and certification facility shall be consid-

ered under the abbreviated certification and approval process under § 461a.4 (relating to submission for testing and approval).

§ 469a.2. Registration of private testing and certification facilities.

(a) A private testing and certification facility seeking to test slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment for use in this Commonwealth shall register with the Board.

(b) A private testing and certification facility shall do all of the following:

(1) Submit a completed Gaming Service Provider Registration Form and Private Testing and Certification Facility supplement.

(2) Submit the nonrefundable application fee posted on the Board's web site, which includes the costs of all background investigation.

(3) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(4) Submit fingerprints of all of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the private testing and certification facility. For purposes of this subparagraph, "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.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more or the officers and directors of an entity who has a direct ownership or beneficial interest of 20% or more in the private testing and certification facility.

(c) A person who holds any direct or indirect ownership or beneficial interest in a private testing and certification facility or has the right to any profits or distributions directly or indirectly, from the private testing and certification facility may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(d) Each of the individuals required to submit fingerprints under subsections (b)(4) and (c) must be found qualified by the Board under § 437a.4 (relating to qualification of individuals and entities).

(e) A private testing and certification facility registration will not be issued until all fees and costs have been paid.

(f) The Board will maintain a list of registered private testing and certification facilities.

§ 469a.3. Standards for private testing and certification facilities.

(a) A private testing and certification facility shall meet all of the following requirements:

(1) Be independent from any manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or gaming related gaming service provider licensed by the Board.

(2) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement.

(3) Demonstrate it is technically competent in testing of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals, or all associated equipment in a manner acceptable to and verified by the Bureau of Gaming Laboratory Operations.

(b) A private testing and certification facility and its owners, managers, supervisory personnel and employees may not do any of the following:

(1) Have a financial or other interest, direct or otherwise, in a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals or all associated equipment or gaming related gaming service providers licensed by the Board.

(2) Participate, consult or otherwise be involved in the design, development, programming or manufacture of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals or all associated equipment.

(3) Have any other interest in or involvement with a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals or all associated equipment or gaming related gaming service providers that could cause the private testing and certification facility to act in a manner that is not impartial.

§ 469a.4. Responsibilities of a private testing and certification facility.

(a) A holder of a private testing and certification facility registration shall have a continuing duty to comply with the general requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(b) A private testing and certification facility shall notify the Board immediately if a manufacturer of slot machines, table games, table game devices, interactive games, sports wagering devices, video gaming terminals and all associated equipment or a gaming related gaming service provider licensed by the Board does any of the following:

(1) Attempts, directly or indirectly, to influence improperly a private testing and certification facility or its owners, managers, supervisory personnel or employees, in regard to a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminals or all associated equipment, that it, or another person or entity, has submitted for testing or certification for use in a licensed facility.

(2) Engages in any transaction with a private testing and certification facility that the manufacturer or gaming related gaming service provider is using, has used or intends to use to inspect or certify a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminals or all associated equipment for use in a licensed facility, in which the private testing and certification facility is required to participate, consult or otherwise be involved in the design, development, programming or manufacture of the items. This restriction does not limit a manufacturer or gaming related gaming service provider from engaging the private testing and certification facility to provide

consulting services, provided that the services do not directly or indirectly indicate, suggest or imply how to design, develop, program or manufacture these items.

(c) Private testing and certification facilities shall maintain copies of the results of any ISO/IEC 17025 audits or reviews and shall notify the Board in writing of the availability of the results within 15 days of when the results become available to the private testing and certification facility. These copies shall be provided to the Board on request.

(d) In the interest of preserving the integrity of gaming in the Commonwealth, a private testing and certification facility shall not implement or maintain any procedure or policy or take any action that would do any of the following:

(1) Inhibit or prevent a manufacturer or gaming related gaming service provider from submitting a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal, and all associated equipment, for testing and certification for use in any form of regulated gaming in the Commonwealth.

(2) Call into question or tend to erode the independence of the private testing and certification facility from any clients that use the services of the facility.

(e) A private testing facility shall maintain a version-controlled system of testing documentation and methodologies that the facility uses to provide certification and these materials shall be made available to the Board on request.

(f) The testing shall be conducted in accordance with Chapters 461a, 810a, 1112a and 1407a and all technical standards, policies and industry notices that the Board may implement or issue.

(g) A private testing and certification facility shall not use, rely on or otherwise refer to any testing, results or work product performed by another private testing and certification facility for any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment that has not previously been approved in writing by the Board.

(h) A private testing and certification facility shall implement and maintain a system of peer review to monitor the quality of the testing and certification procedures performed by the facility.

(i) A private testing and certification facility shall consult with the Board prior to testing, evaluating, analyzing, certifying, verifying or rendering opinions for or on behalf of the Board relating to any new technology or concept.

(j) A private testing and certification facility shall consult the Board on any questions relating to the testing and certification of any slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment.

(k) A private testing and certification facility shall keep confidential all information and data prepared or obtained as part of the testing and certification process.

(l) A private testing and certification facility shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software and other information entrusted to it as part of the testing and certification process.

(m) A private testing and certification facility shall maintain all test equipment in accordance with the manufacturer's specifications and recommendations and shall provide the Board with evidence on demand.

(n) A private testing and certification facility shall retain all submission and testing-related documentation. The records may be maintained in electronic form. The obligation to maintain these records continues even if the private testing and certification facility ceases to be registered with the Board or otherwise ceases its business operation. The private testing and certification facility may turn these records over to the Board in electronic form as an alternative to having to maintain the records after the facility is no longer registered or after the facility ceases business operation.

(o) The Board may conduct periodically an onsite evaluation and review of each private testing and certification facility to evaluate certification results and to verify continued compliance with all registration requirements and protocols.

(p) The Board may establish a system to evaluate the continued quality of the testing and certification performed by a private testing and certification facility which would be posted on the Board's web site.

(q) A private testing and certification facility, its employees, management and owners shall remain independent of any licensed manufacturer of slot machines, table games, table game devices, interactive games, sports wagering device, video gaming terminals and all associated equipment or gaming related gaming service provider.

(r) A private testing and certification facility employee who was employed by, or performed any work for, a manufacturer or gaming related gaming service provider licensed by the Board within 1 year prior to the person's date of employment with the private testing and certification facility may not inspect or certify a slot machine, table game, table game device, interactive game, sports wagering device, video gaming terminal and all associated equipment for use in a licensed facility, with which the person had any involvement whatsoever while employed by the manufacturer or gaming related gaming service provider.

(s) Failure to fully comply with any provision contained herein constitutes a violation and may result in Board-imposed administrative sanctions, up to and including revocation, against the individual or entity to whom the registration was issued.

§ 469a.5. Registration term and renewal.

(a) Private testing and certification facility registrations and renewals issued under this chapter will be valid for 5 years from the date of Board approval.

(b) Registered private testing and certification facilities shall submit to the Board a completed renewal application or form and renewal fee at least 6 months prior to the expiration of a registration.

[Pa.B. Doc. No. 22-556. Filed for public inspection April 15, 2022, 9:00 a.m.]