

RULES AND REGULATIONS

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CHS. 131 AND 135]

Preliminary Provisions; Definitions; Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 28, 2023, meeting amends §§ 131.2 and 135.41 (relating to definitions; and State game lands) to restrict the operation of boats propelled by electric motors on waterways owned or controlled by the Commission to slow, no-wake speed.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 52 Pa.B. 6870 (November 5, 2022).

1. Purpose and Authority

With the advancements being made to electric marine motors and the batteries that they use, the Commission has revisited its regulations relating use of these devices on waterways owned or controlled by the Commission. Today's electric motors are more powerful than the electric motors that existed when the regulations were created. The Commission's applicable boating regulations were originally created to limit conflict with other users and the impact that gasoline motors have on the environment through pollution, gasoline spills, erosion and related issues. However, these regulations never contemplated the use of the newer high horsepower (HP) electric motors that are now available. Current costs of the newer electric motors are relatively high (Example: 50 HP electric outboard motor is currently around \$8,500, plus a matching deep cycle battery costs of around \$5,000). The Commission anticipates that, while costs of this newer technology remain high today, these costs will eventually come down and the use and availability of these devices will become more prolific. In an effort to be proactive, the Commission amends §§ 131.2 and 135.41 to restrict the operation of boats propelled by electric motors on waterways owned or controlled by the Commission to slow, no-wake speed. The Fish and Boat Commission has recently adopted similar changes to their regulations on electric motors by limiting the operation of electric motors to slow, no-wake speeds.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations consistent with the purpose of this title for its use and protection as necessary to properly manage these lands or waters." The amendments to §§ 131.2 and 135.41 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 131.2 and 135.41 to restrict the operation of boats propelled by electric motors on waterways owned or controlled by the Commission to slow, no-wake speed.

3. Persons Affected

Persons wishing to use boats propelled by electric motors on waterways owned or controlled by the Commission will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 131 and 135, are amended by amending §§ 131.2 and 135.41 to read as set forth in Annex A, with ellipses referring to the text of the existing regulations.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-490 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Single projectile ammunition—A cartridge or shell ammunition that is loaded with a single projectile designed to remain intact upon discharge from a firearm.

Slow, no wake speed—The slowest possible speed of a motorboat required to maintain maneuverability so that the wake or wash created by the motorboat on the surface of the water is minimal.

Special firearms deer season—Any firearms deer season, except muzzleloader season, that precedes the regular firearms deer season.

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CHAPTER 135. LANDS AND BUILDINGS
Subchapter C. STATE GAME LANDS

§ 135.41. State game lands.

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(c) Additional prohibitions. In addition to the prohibitions contained in the act pertaining to State game lands and § 135.2, except with the written permission of the Director, it is unlawful to:

* * * * *

(7) Drive motor vehicles with or without attachments having a registered gross vehicle weight in excess of 12,000 pounds.

(8) Use a boat propelled by a motor or operate a boat in excess of slow, no wake speed. Boats propelled by electric motors are authorized for use on waterways when operated at slow, no-wake speed unless the waterway is otherwise posted closed to all boats or all boats propelled by a motor.

(9) Consume, possess or transport any alcohol, liquor, beer, malt or brewed alcoholic beverage.

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[Pa.B. Doc. No. 23-394. Filed for public inspection March 24, 2023, 9:00 a.m.]

Title 58—RECREATION
GAME COMMISSION
[58 PA. CODE CH. 141]
Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 28, 2023, meeting amends § 141.6 (relating to illegal devices) to allow the use of body gripping traps with a spread larger than 6 1/2" x 6 1/2" for river otters.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 52 Pa.B. 6871 (November 5, 2022).

1. Purpose and Authority

Section 141.6 formerly stated that "It is unlawful to . . .[u]se body gripping traps with a spread larger than 6 1/2" x 6 1/2" for a furbearer except beaver." While the Commission has permitted the use of body gripping traps for otter trapping since the creation of the season, use was limited up to the 6 1/2" x 6 1/2" maximum size. The Commission amends § 141.6 to allow the use of body gripping traps with a spread larger than 6 1/2" x 6 1/2" for river otters as well. The Commission has determined that there are no significant biological concerns with this change.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." The amendments to § 141.6 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 141.6 to allow the use of body gripping traps with a spread larger than 6 1/2" x 6 1/2" for river otters.

3. Persons Affected

Persons wishing to use body gripping traps with a spread larger than 6 1/2" x 6 1/2" to harvest an otter will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

- (1) Public notice of intention to adopt the administrative amendments adopted by this order has been given

under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.6 to read as set forth in Annex A, with ellipses referring to the text of the existing regulations.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-488 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.6. Illegal devices.

It is unlawful to:

* * * * *

(2) Use snares to take wildlife or furbearers except beavers may be taken with snares completely or partially submerged in water in a waterway or watercourse, marsh, pond or dam.

(3) Use body gripping traps with a spread larger than 6 1/2" x 6 1/2" for any furbearer, except beaver and otter.

(4) Use a cage or box trap capable of catching more than one furbearer at a time.

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[Pa.B. Doc. No. 23-395. Filed for public inspection March 24, 2023, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Furbearer Hunting-Trapping Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 28, 2023, meeting amends § 147.701 (relating to general) to create a universal reporting period of 48 hours for bobcat, fisher and otter harvests.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 52 Pa.B. 6872 (November 5, 2022).

1. Purpose and Authority

Section 147.701 formerly provided a 48-hour reporting period for any person taking a bobcat or fisher and a 24-hour reporting period for any person taking an otter. In 2015, the Commission originally established the shorter reporting window for the otter season to allow game wardens to inspect the carcass to confirm it was taken during the open season. Today, after the seventh year of otter trapping, the season has increased from only two open wildlife management units (WMU) and a 3-day season to five open WMUs and an 8-day season. With these expanding opportunities, the Commission's concerns with furtakers harvesting early and reporting during the season have diminished. Furthermore, reporting otter harvests within 48 hours of harvest is now considered acceptable, especially in light of the confusion shared by many furtakers that was caused by the differing reporting periods. The Commission amends § 147.701 to create a universal reporting period of 48 hours for bobcat, fisher and otter harvests. The amendments to § 147.701 will not take effect until the 2023-2024 license year. For the 2022-2023 license year, otter reporting will be taken by HuntFishPA, the same method used for reporting bobcat and fisher harvests and CITES tags will be mailed in a similar manner to bobcat CITES tags.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." The amendments to § 147.701 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends § 147.701 to create a universal reporting period of 48 hours for bobcat, fisher and otter harvests.

3. Persons Affected

Persons who have acquired an otter harvest permit within this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in any additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Jason L. DeCoskey, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.701 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-487 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter S. FURBEARER HUNTING-TRAPPING PERMITS

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of otter and fisher during the seasons established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

* * * * *

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat, fisher or otter shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a Convention on International Trade in Endangered Species (CITES) tag is attached, if applicable, or the animal is mounted, tanned, made into a commercial fur or prepared for consumption.

(ii) A permitted person taking a bobcat, fisher or otter shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director.

(iii) A CITES tag for a bobcat or otter taken under this permit will be provided by the Commission in the event that the bobcat, otter or any parts thereof are exported internationally or upon request of the permittee. The

CITES tag shall immediately be locked through the eyes of the pelt or, in the event of any other part, locked through and attached to the part. The CITES tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

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[Pa.B. Doc. No. 23-396. Filed for public inspection March 24, 2023, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 631b AND 635b]

Baccarat Side Wagers and Variations—Temporary Regulations; Spanish 21 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), adopts the temporary regulations in Chapters 631b and 635b (relating to Baccarat side wagers and variations—temporary regulations; and Spanish 21 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.

Explanation

The additions to Chapter 631b are Rising Phoenix Baccarat (a Baccarat variation), Golden Talons (a Baccarat side wager) and Harmony Progressive (a Baccarat side wager). Rising Phoenix Baccarat is a variation that can be offered either as commission or commission-free Baccarat and incorporates approximately 20 additional Bonus wagers that may be offered. Rising Phoenix is a Baccarat side wager offering, which shall win if the selected hand wins or ties with a natural, or wins by at least four points. The Harmony Progressive is a progressive side wager that wins based upon certain hands.

The addition to Chapter 635b is Player's Edge 21, a variation of Spanish 21. Player's Edge 21 increases favorability to players and offers additional side wager options. Player's Edge 21 is more favorable to players in that the Dealer must hit on a soft 17 and that a suited Dealer blackjack results in higher insurance wager payout odds. In terms of additional side wagers, Player's Edge 21 offers Match-Up and Match-Down wagers, which expand the Match-the-Dealer wager offered under Spanish 21. Additionally, Player's Edge 21 also offers the new Monster Match progressive side wager option, which win if the Player's and Dealer's initial two cards combine into certain four-card hands.

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—temporary regulations within the licensed facility, or both, 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 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 rulemaking 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 Robert Wood, Assistant Chief Counsel, Pennsylvania Gaming Control Board, 303 Walnut Street, 5th Floor, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation # 125-243.

Contact Person

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

Regulatory Review

Under 4 Pa.C.S. § 13A03, 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), referred to as the Commonwealth Documents Law (CDL) (45 P.S. §§ 1201—1205); the Regulatory Review Act (RRA) (71 P.S. §§ 745.1—745.14); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (CAA) (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. § 13A03, the temporary regulations are exempt from the requirements of the RRA,

sections 201—205 of the CDL and sections 204(b) and 301(10) of the CAA.

(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 631b and 635b, are amended by adding §§ 631b.8—631b.10 and 635b.2 to read as set forth in Annex A.

(2) The temporary regulations are effective March 25, 2023.

(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.

DENISE J. SMYLER,
Chairperson

Fiscal Note: 125-243. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

SUBPART K. TABLE GAMES

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

§ 631b.8. Rising Phoenix Baccarat.

(a) A certificate holder may offer to players a Baccarat game variation entitled Rising Phoenix Baccarat.

(b) The certificate holder shall specify in its Rules Submission whether it will offer Rising Phoenix Baccarat as a standard commission or a commission-free baccarat offering.

(c) Unless otherwise provided in this section, Rising Phoenix Baccarat shall be played consistent with Chapter 631a (relating to Baccarat) or § 631b.5 (relating to commission-free Baccarat).

(d) Rising Phoenix Baccarat shall be played on a table with those characteristics provided in § 631a.2(a), (b)(1)—(4), and (7) and (c)—(e) (relating to Baccarat table physical characteristics).

(e) In addition to the table characteristics provided in subsection (d), the Rising Phoenix Baccarat table shall include:

(1) If a certificate holder offers the Sun 7 wager, authorized under subsection (g)(4)(i), separate areas designated for the placement of the Sun 7 Bonus for each player.

(2) If a certificate holder offers the Moon 8 wager, authorized under subsection (g)(4)(ii), separate areas designated for the placement of the Moon 8 Bonus of each player.

(3) If a certificate holder offers any of the Bonus wagers, authorized under subsection (g)(4), separate areas designated for the placement of the Bonus wagers for each player.

(4) If a certificate holder offers the Harmony Progressive wager, authorized under § 631b.9 (relating to Golden Talons), separate areas designated for the placement of the Harmony Progressive for each player.

(f) Rising Phoenix Baccarat shall be played with six or eight decks of cards that are identical in appearance and two cover cards.

(g) The following are permissible wagers in the game of Rising Phoenix Baccarat:

(1) A wager on the Banker's hand which shall:

(i) Win if the Banker's hand has a point count higher than that of the Player's hand.

(ii) Lose if the Banker's hand has a point count lower than that of the Player's hand.

(iii) Tie and be returned to the player if the Banker's hand and the Player's hand have an equal point count.

(iv) Tie and be returned to the player if a certificate holder offers Rising Phoenix Baccarat as commission-free and a Banker's hand consisting of three cards with a point count of seven wins the round of play.

(2) A wager on the Player's hand which shall:

(i) Win if the Player's hand has a point count higher than that of the Banker's hand.

(ii) Lose if the Player's hand has a point count lower than that of the Banker's hand.

(iii) Tie and be returned to the player if the Player's hand and the Banker's hand have an equal point count.

(3) A tie wager which shall:

(i) Win if the Player's hand and the Banker's hand have an equal point count.

(ii) Lose if the Player's hand and the Banker's hand do not have an equal point count.

(4) Any of the following Bonus wagers:

(i) A Sun 7 wager, which shall win if the Banker's hand wins with three cards with a point count equaling 7.

(ii) A Moon 8 wager, which shall win if the Player's hand wins with three cards with a point count equaling 8.

(iii) A 9 over 7 wager, which shall win if either the Player or Banker hand wins with a point count of 9 over the losing hand with a point count of 7.

(iv) A 2-card 8 over a 2-card 1 wager, which shall win if either the Player or Banker hand wins with a 2-card hand with a point count of 8 over the losing 2-card hand with a point count of 1.

(v) A Player wins with a 3-card 6 wager, which shall win if the Player's hand wins with a point count of 6 consisting of 3 cards.

(vi) A Banker wins with a 1 or 2 wager, which shall win if the Banker's hand, regardless of the number of cards, wins with a point count equal to 1 or 2.

(vii) Player and Banker have an 8 or 9 wager, which shall win if the Player's hand and Banker's hand each have a point count of 8 or 9 regardless of whether the Player's or Banker's hand win or if they tie.

(viii) A 1 over 0 wager, which shall win if either the Banker's or Player's hand wins with a point count of 1 and the losing hand has a point count of 0.

(ix) A 3-card 6 over 3-card 3 wager, which shall win if either the Banker's or Player's hand wins with a 3-card hand with point count of 6 over a losing 3-card hand with a point count of 3.

(x) A 3-card 8 over 3-card 0 wager, which shall win if either the Banker's or Player's hand wins with a 3-card hand with a point count of 8 over a losing 3-card hand with a point count of 0.

(xi) A Banker win over a 2-card 7 wager, which shall win if the Banker's hand, regardless of the number of cards, wins over a 2-card Player's hand with a point count of 7.

(xii) A 3-card 9 over 3-card 6 wager, which shall win if the Banker's or Player's hand wins with a 3-card hand with a point count of 9 over a losing 3-card hand with a point count of 6.

(xiii) A 3-card 9 over 3-card 8 wager, which shall win if either the Banker's or Player's hand wins with a 3-card hand with a point count of 9 over a losing 3-card hand with a point count of 8.

(xiv) A Player wins with 3-card 8 over 3-card 0 wager, which shall win when the Player's hand wins with a 3-card hand with a point count of 8 over a losing Banker's hand consisting of 3 cards with a point count of 0.

(xv) A tie with 0 wager, which shall win if the Banker's and Player's hands, regardless of the number of cards in either hand, tie with a point count of 0.

(xvi) A tie with 1, 2 or 3 wager, which shall win if the Banker's and Player's hands, regardless of the number of cards in either hand, tie with a point count of 1, 2 or 3.

(xvii) A tie with 4, 5, 6 or 7 wager, which shall win if the Banker's and Player's hands, regardless of the number of cards in either hand, tie with a point count of 4, 5, 6 or 7.

(xviii) A tie with 8 or 9 wager, which shall win if the Banker's and Player's hands, regardless of the number of cards in either hand, tie with a point count of 8 or 9.

(xix) A Player Pair wager, which shall win if the Player's initial two cards match (that is, two 4's or two kings).

(xx) A Banker Pair wager, which shall win if the Banker's initial two cards match (that is, two 4's or two kings).

(5) The Golden Talons wager, offered in accordance with the provisions of § 631b.9.

(6) The Harmony Progressive wager, offered in accordance with the provisions of § 631b.10 (relating to Harmony Progressive).

(h) Payout odds and vigorish shall be handled as follows:

(1) Winning wagers made on the Player's hand, the Banker's hand or on a tie wager shall be paid consistent with § 631a.13(a)—(d) (relating to payout odds; vigorish).

(2) The Bonus wagers provided in subsection (g)(4) shall be paid in accordance with the following odds:

<i>Hand</i>	<i>Odds</i>
Sun 7	40 to 1
Moon 8	25 to 1
9 over 7	25 to 1

<i>Hand</i>	<i>Odds</i>
2-card 8 over 2-card 1	50 to 1
Player win with a 3-card 6	40 to 1
Banker win with 1 or 2	60 to 1
Player and Banker have an 8 or 9	20 to 1
1 over 0	90 to 1
3-card 6 over 3-card 3	150 to 1
3-card 8 over 3-card 0	130 to 1
Banker win over a 2-card 7	30 to 1
3-card 9 over 3-card 6	200 to 1
3-card 9 over 3-card 8	200 to 1
Player win with a 3-card 8 over 3-card 0	250 to 1
Tie with 0	150 to 1
Tie with 1, 2 or 3	70 to 1
Tie with 4, 5, 6 or 7	15 to 1
Tie with 8 or 9	40 to 1
Player pair (initial two cards)	11 to 1
Banker pair (initial two cards)	11 to 1

§ 631b.9. Golden Talons.

(a) The certificate holder may, if specified in its Rules Submission, offer to each player who has placed a Baccarat wager in accordance with § 631a.8(a) (relating to wagers), the operation of placing a Golden Talons wager.

(b) After placing a Baccarat wager, a player may place a Golden Talons wager prior to the dealer calling, “No more bets.”

(c) The dealer shall then deal the cards in accordance with § 631a.9(b)—(f) (relating to hands of player and banker; procedures for dealing initial two cards to each hand), and the round of play shall be played and completed in accordance to the house rules and the provisions of §§ 631a.10—631a.12 (relating to procedure for dealing a third card; rules for determining whether a third card shall be dealt; and announcement of result of round; payment and collection of wagers).

(d) After the round of play is completed and the announcement of the result is made, the dealer shall settle the Player’s Golden Talons wager while settling the Baccarat wagers and other optional wagers placed by each player.

(e) The Golden Talons wager may be placed on the Player’s hand or the Banker’s hand, or both, and shall win if:

- (1) The hand wagered upon wins by at least 4 points, or
- (2) The hand wagered upon is a natural win or a natural tie, or
- (3) The hand wagered upon wins or ties under the approved payable.

(f) The Golden Talons wager shall be paid out based upon one of the following paytables, which shall be specified in and approved as part of the certificate holder’s Rules Submission:

<i>Scenario</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>	<i>Paytable E</i>
Win by 9	30 to 1	20 to 1	30 to 1	20 to 1	30 to 1
Win by 8	10 to 1	10 to 1	12 to 1	8 to 1	10 to 1
Win by 7	6 to 1	5 to 1	5 to 1	7 to 1	4 to 1
Win by 6	4 to 1	4 to 1	3 to 1	4 to 1	4 to 1
Win by 5	2 to 1	2 to 1	3 to 1	3 to 1	2 to 1
Win by 4	1 to 1	1 to 1	1 to 1	1 to 1	2 to 1
Natural win	1 to 1	1 to 1	1 to 1	1 to 1	1 to 1
Natural tie	Push	2 to 1	Push	Push	Push

(g) A Golden Talons win with a natural will only pay the Natural Win odds of 1 to 1, not the higher odds related to wins by 4 or more.

§ 631b.10. Harmony Progressive.

(a) If the certificate holder offers Baccarat or Baccarat variations as described in Chapters 631a (relating to Baccarat) or 631b (relating to Baccarat side wagers and variations), the certificate holder may, if specified in its Rules Submission, offer to each player who has placed a Baccarat wager in accordance with § 631a.8(a) (relating to wagers), the option of placing a Harmony Progressive wager, a wager based on the combination of the player and banker hands.

(b) If the certificate holder offers the Harmony Progressive Baccarat wager, in addition to the requirements in § 631a.2 (relating to Baccarat table physical characteristics), the layout shall contain a separate area designated for the placement of the Harmony Progressive Baccarat wager for each player.

(c) After placing a Baccarat wager, as required in § 631a.8(a), and any other available optional wagers, a player may place a Harmony Progressive Baccarat wager at any time before the dealer calls, “No more bets.”

(d) If the certificate holder is offering the Harmony Progressive Baccarat wager, the Baccarat table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of the Harmony Progressive Baccarat wager. If the certificate holder is offering a Progressive Payout wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with the requirements in § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

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

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

(e) The dealer shall deal the cards in accordance with § 631a.9(b)—(f) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), and the round of play shall be played and completed in accordance with the house rules and provisions of §§ 631a.10—631a.12 (relating to procedure for dealing a third card; rules for determining whether a third card shall be dealt; and announcement of result of round; payment and collection of wagers).

(f) After the round of play is completed and the announcement of the result is made, the dealer shall settle the players’ Harmony Progressive Baccarat wagers while settling the Baccarat wagers and other optional wagers placed by each player.

(g) A Harmony Progressive Baccarat wager placed shall win and be paid out in accordance with one of the outcomes and odds prescribed in the paytables in subsection (i). The following outcomes, if part of the payable selected and approved as part of the Rules Submission by the certificate holder, may constitute a winning Harmony Progressive wager:

- (1) The Banker and the Player tie with a six-of-a-kind.
- (2) The Banker and the Player tie with four 8’s and only four cards were dealt.

(3) The Banker and the Player tie with four-of-a-kind and only four cards were dealt.

(4) The Banker and the Player tie with any combination of six 0-value cards.

(5) The Banker and the Player tie with point counts of 0.

(6) The Banker and the Player tie with a point count between 1 and 5.

(7) The Banker and the Player tie with a point count between 6 and 9.

(8) The Banker and the Player tie with hands consisting of all of the same color.

(9) The Banker and the Player tie regardless of hand composition.

(10) The Banker and the Player tie with a total of five cards between the two hands.

(11) The Banker and the Player tie with a total of six cards between the two hands.

(12) The Banker and the Player tie with a total of four cards between the two hands.

(h) Each Harmony Progressive Baccarat wager placed shall lose and be collected by the dealer if either the Banker’s or Player’s hand wins or one of the outcomes specified in subsection (g) does not occur.

(i) If a Harmony Progressive Baccarat wager wins, it shall be paid out based upon the following paytables:

<i>Outcome</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Six-of-a-kind	100% of Progressive	100% of Progressive	100% of Progressive
Four 8’s (4 cards dealt)	1,000 for 1	1,000 for 1	600 for 1
Four-of-a-kind (4 cards dealt)	300 for 1	200 for 1	300 for 1
Six 0-value cards	100 for 1	100 for 1	100 for 1
Tie with 0	20 for 1	20 for 1	20 for 1
Tie with 1—5	6 for 1	5 for 1	5 for 1
Tie with 6—9	3 for 1	3 for 1	5 for 1

<i>Outcome</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Six-of-a-kind	100% of Progressive	100% of Progressive	100% of Progressive
Four 8’s (4 cards dealt)	600 for 1	1,000 for 1	300 for 1
Four-of-a-kind (4 cards dealt)	300 for 1	300 for 1	300 for 1
Six 0-value cards	200 for 1	100 for 1	100 for 1
Tie (all cards same color)	20 for 1	20 for 1	20 for 1
Any tie	3 for 1	3 for 1	5 for 1

<i>Outcome</i>	<i>Paytable G</i>	<i>Paytable H</i>	<i>Paytable I</i>
Six-of-a-kind	100% of Progressive	100% of Progressive	100% of Progressive
Four 8’s (4 cards dealt)	600 for 1	1,000 for 1	300 for 1
Four-of-a-kind (4 cards dealt)	200 for 1	200 for 1	300 for 1
Six 0-value cards	100 for 1	50 for 1	50 for 1
5 card tie	10 for 1	8 for 1	10 for 1

<i>Outcome</i>	<i>Paytable G</i>	<i>Paytable H</i>	<i>Paytable I</i>
6 card tie	3 for 1	4 for 1	6 for 1
4 card tie	3 for 1	3 for 1	4 for 1

(j) The rate of progression (incrementation rate) and the reseed amounts (reserve incrementation rate) for the Harmony Progressive Baccarat wager must be based upon the following payable which corresponds to the selected payable from subsection (i):

	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Incrementation rate	15%	19%	15%
Reserve incrementation rate	3%	5%	3%

	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>
Incrementation rate	15%	19%	15%
Reserve incrementation rate	3%	5%	3%

	<i>Paytable G</i>	<i>Paytable H</i>	<i>Paytable I</i>
Incrementation rate	15%	19%	15%
Reserve incrementation rate	3%	5%	3%

CHAPTER 635b. SPANISH 21 SIDE WAGERS AND VARIATIONS—TEMPORARY REGULATIONS

§ 635b.2. Player’s Edge 21.

(a) A certificate holder may offer to players a game variation entitled Player’s Edge 21. Player’s Edge 21 shall be played consistent with Chapter 635a (relating to Spanish 21), unless otherwise provided in this section.

(b) In addition to the layout requirements of § 635a.2(b)(3) (relating to Spanish 21 table; card reader device; physical characteristics; inspections), the layout must include:

(1) Insurance pays 2 to 1 with non-suited dealer Blackjack and 5 to 1 with suited dealer Blackjack.

(2) Dealer shall draw to 16 and hit on a soft 17, or similar language approved by the Executive Director in accordance with § 601a.10(a) (relating to approval of table game layouts; signage and equipment).

(c) Player’s Edge 21 shall be played with five, six or eight decks of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 635a.4 (relating to opening of the table for gaming).

(d) Wagers in Player’s Edge 21 shall be handled as follows:

(1) Player’s Edge 21 wagers shall be made in accordance with § 635a.6 (relating to wagers).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules

Submissions), offer to each player who placed a Player’s Edge 21 wager in accordance with paragraph (1) the option of placing:

(i) A Match-Up wager that shall win if either of the player’s initial two cards match the rank of the dealer’s face up card.

(ii) A Match-Down wager that shall win if either of the player’s initial two cards match the rank of the dealer’s face down card.

(iii) A Monster Match wager.

(A) The Monster Match wager shall be offered as a progressive wager consistent with § 605a.7 (relating to progressive table games).

(B) A Monster Match wager shall win if the player’s first two cards combine with the dealer’s first two cards to create any of the following:

(I) A suited pair.

(II) Three of a kind.

(III) Three of a kind in which all three cards are of the same color.

(IV) Four of a kind.

(V) Four of a kind in which all four cards are of the same color.

(VI) Four of a kind in which all four cards are of the same suit.

(C) The Monster Match progressive pool’s incrementation shall adhere to one of the following tables, approved as part of the Table Games Rules Submission:

	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>
Initial seed	\$5,000	\$5,000	\$1,500	\$1,500	\$1,500
Reseed	Reserve	Reserve	\$1,500	\$1,500	\$1,500
Primary increment	22%	22%	17%	17%	17%
Reserve increment	1%	1%	n/a	n/a	n/a

(e) The procedure for dealing the cards; completion of each round of play shall be as follows:

(1) Player's Edge 21 shall follow the procedures prescribed in § 635a.7 (relating to procedure for dealing the cards; completion of each round of play) except:

(i) The process described in § 635a.7(f) shall be used for settling any Match-Up wagers made under subsection (d)(2)(i). Winning Match-Up wagers shall be paid under subsection (g)(4).

(ii) No player's cards shall be removed under § 635a.7(h)(1)(i) if the player has an outstanding Match-Down or Monster Match wager.

(iii) Upon revealing the dealer's hold card under the process described in § 635a.7(k), the Dealer shall proceed in the following order:

(A) Settle any Match-Down wagers consistent with the process described in § 635a.7(f). Winning Match-Down wagers shall be paid under subsection (g)(4).

(B) Settle any Monster Match wagers consistent with subsection (d)(2)(iii). Winning Monster Match wagers shall be paid under subsection (h).

(C) Deal any additionally required cards to the dealer's hand.

(iv) Dealer shall draw an additional card on a soft 17.

(f) Double Down wager and Rescue procedures shall be as follows:

(1) Except when a player has Blackjack, a player may elect to make a Double Down wager, which may not exceed the amount of their original Player's Edge 21 wager. A player may double down on two or more cards dealt to them or two or more cards of any split pair. One additional card shall be dealt to the hand for which the player has elected to double down. The additional card shall be dealt face up and placed sideways on the layout.

(2) Immediately after a Double Down wager, a player may re-double their existing Player's Edge 21 wager and receive an additional card (a Double-Double Down wager). The additional card shall be dealt face up and placed sideways on the layout.

(3) Immediately after a Double-Double Down wager, a player may again re-double their existing Player's Edge 21 wager with another Double-Double Down wager and receive an additional card. The additional card shall be dealt face up and placed sideways on the layout. The player may only double three times on each hand, for up to eight times the original Player's Edge 21 wager.

(4) If a dealer obtains Blackjack after a player makes a Double Down wager or one or more subsequent Double-

Down wagers, the dealer shall collect only the amount of the original Player's Edge 21 wager and may not collect the additional Double Down wager or the Double-Double Down wager.

(5) A winning Double Down wager and Double-Double Down wagers shall be paid in accordance with § 635a.12(a) (relating to payout odds). The additional payouts in § 635a.12(b) and (c) are not applicable to winning Double Down wagers.

(6) After the additional card required under paragraph (1) or (2) has been dealt to the hand, a player may "rescue" (take back) half of the hand's total wager and forfeit half of the hand's total wager, as long as the additional card does not result in the hand having a total point count in excess of 21.

(g) Winning hands shall be determined as follows:

(1) A player shall win the Player's Edge 21 wager if:

(i) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(ii) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(iii) The player has Blackjack, or the point count of the player's hand equals 21, regardless of the dealer's hand.

(2) Winning Player's Edge 21 wagers shall be paid according to § 635a.12(a), (b) and (d) except:

(i) A winning hand with the 6, 7, 8 of diamonds, not spades, shall be paid at odds of 3 to 1 under § 635a.12(b)(2).

(ii) A winning hand with the three cards consisting of three 7s of diamonds, not spades, shall be paid at odds of 3 to 1 under § 635a.12(b)(4).

(3) A 7-7-7-7 Super Bonus shall be awarded under § 635a.12(c)(1), (2) and (4).

(i) All other players at the table who placed a wager during that round of play when a 7-7-7-7 Super Bonus is awarded to another player shall also be paid either:

(A) An additional fixed payout of \$50.

(B) An additional fixed payout of \$100 if the player has a seven in their first two cards.

(4) Winning Match-Up and Match-Down wagers shall be paid under one of the following paytables, which the certificate holder has identified and had approved as part of the Rules Submission:

(i) A certificate holder may select one of the following paytables if five or six decks of cards are being used:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
2 suited matches	18 to 1	24 to 1	26 to 1
1 suited match and 1 unsuited match	13 to 1	15 to 1	16 to 1
1 suited match	9 to 1	12 to 1	13 to 1
2 unsuited matches	8 to 1	6 to 1	6 to 1
1 unsuited match	4 to 1	3 to 1	3 to 1

(ii) A certificate holder may select one of the following paytables if eight decks of cards are being used:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
2 suited matches	18 to 1	24 to 1
1 suited match and 1 unsuited match	13 to 1	15 to 1

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<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
1 suited match	9 to 1	12 to 1
2 unsuited matches	8 to 1	6 to 1
1 unsuited match	4 to 1	3 to 1

(h) Winning Monster Match wagers shall be paid under one of the following paytables, which the certificate holder has identified and had approved as part of the Rules Submission:

<i>Triggering Event</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four of a kind (suited)	100% of Progressive	100% of Progressive	100% of Progressive
Four of a kind (same color)	10% of Progressive	10% of Progressive	100% of Progressive
Four of a kind	200 for 1	200 for 1	200 for 1
Three of a kind (same color)	20 for 1	25 for 1	25 for 1
Three of a kind	12 for 1	10 for 1	12 for 1
Suited pair	3 for 1	2 for 1	3 for 1

<i>Triggering Event</i>	<i>Paytable D</i>	<i>Paytable E</i>
Four of a kind (suited)	100% of Progressive	100% of Progressive
Four of a kind (same color)	100% of Progressive	100% of Progressive
Four of a kind	200 for 1	200 for 1
Three of a kind (same color)	20 for 1	25 for 1
Three of a kind	10 for 1	10 for 1
Suited pair	2 for 1	2 for 1

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