

RULES AND REGULATIONS

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 521, 523 AND 537]

Table Game General Provisions, Equipment and Craps and Mini-Craps

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1), (2) and (5) (relating to regulatory authority), adopts temporary regulations in Chapters 521, 523 and 537 (relating to general provisions; table game equipment; and Craps and Mini-Craps) 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 the Temporary Rulemaking

This temporary rulemaking adds additional definitions, contains standards for gaming chips and plaques, dice, Sic Bo shakers, cards, dealing shoes and automated card shuffling devices and Pai Gow tiles. It also makes one minor amendment to Chapter 537.

Explanation of Chapters 521, 523 and 537

In Chapter 521, definitions of the terms "assistant table games shift manager," "pit manager," "Poker shift manager" and "table games shift manager" have been added to § 521.1 (relating to definitions).

A new Chapter 523 is being added which contains standards and procedures related to the equipment that is necessary to conduct table games. Section 523.1 adds definitions for a number of terms used in this chapter.

Section 523.2 (relating to gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional non-gaming chips) sets forth the general design requirements for gaming chips and the process for the review of the designs by the Bureau of Gaming Operations.

Sections 523.3, 523.4, 523.6 and 523.7 establish the detailed specifications which each of these types of chips must meet.

Sections 523.5 and 523.8 (relating to nonvalue chips; permitted uses, inventory and impressment; and additional sets of gaming chips) address the use of nonvalue chips and related inventory requirements and the requirements for back-up sets of gaming chips.

Section 523.9 (relating to gaming plaques; issuance and use, denominations and physical characteristics) contains requirements for plaque design and use, which are similar to the provisions in this chapter related to gaming chips.

Sections 523.10 and 523.11 (relating to exchange and redemption of gaming chips and plaques; and receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques) specify the procedures that are to be followed for the redemption of gaming chips and plaques and all of the requirements for the receipt, storage, distribution, inventory and destruction of gaming chips and plaques.

Sections 532.12, 523.13, 523.15, 523.16 and 523.18 set forth the requirements for dice, cards and Pai Gow tiles respectively, in a format that is similar to the format used for the requirements for gaming chips.

Sections 523.14 and 523.17 (related to Sic Bo shaker security procedures; and dealing shoes; automated card shuffling devices) establish the minimum requirements for Sic Bo dice shakers, card dealing shoes and automated card shufflers.

Additionally, one minor revision has been made to § 537.7 (relating to dice retention and selection) to require the sets of dice used for Craps and Mini-Craps to consist of five dice instead of "at least" five dice to make this requirement consistent with the requirements pertaining to dice in Chapter 523.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to purchase equipment which complies with the standards contained in this rulemaking. Manufacturers of these items will have to meet the specifications set forth in this rulemaking for their products that are offered for sale in this Commonwealth.

The Board will experience increased regulatory demands resulting from this rulemaking associated with the testing, review and approval of the equipment covered by this rulemaking.

Fiscal Impact

Commonwealth

The Board expects that it will experience increased costs related to the testing, review and approval of the equipment covered by this rulemaking used to conduct table games and the review of the internal controls governing the storage and use of this equipment. Because the Board is just starting to receive petitions from slot machine licensees seeking permission to conduct table games, the exact extent of these additional costs are not known. However, the Board does not expect these increased costs to exceed the additional funding provided to the Board under Act 1.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to purchase equipment which meets the standards contained in this rulemaking to conduct the table games they elect to offer. While these costs will be significant, they will be offset by the revenues generated from the table games.

General Public

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

Paperwork Requirements

This rulemaking will require certificate holders to develop internal controls and inventory systems governing the use of this equipment.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations 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 Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-116.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

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. §§ 1201—1208), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P. S. §§ 745.1—745.12); 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 shall expire 2 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 521, 523 and 537, are amended by amending §§ 521.1 and 537.7 and adding §§ 523.1—523.18 to read as set forth in Annex A.

(2) The temporary regulations are effective April 24, 2010.

(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.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-116. No. fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 521. GENERAL PROVISIONS

§ 521.1. Definitions.

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

Assistant table games shift manager—An employee of a certificate holder whose primary function is to supervise all of the table games in a licensed facility and who may be authorized to act as the table games shift manager in his absence.

Automated card shuffling device—A software compatible mechanical or electronic contrivance that automatically randomizes playing cards, either continuously or on command, to be utilized for table gaming activity.

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Pit manager—An employee of a certificate holder whose primary function is to supervise all of the table games in one or more gaming pits.

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Poker shift manager—An employee of a certificate holder whose primary function is to supervise all of the Poker tables in a Poker room.

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Table games shift manager—An employee of a certificate holder whose primary function is to supervise all of the table game operations in a licensed facility during a shift.

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CHAPTER 523. TABLE GAME EQUIPMENT

- Sec.
- 523.1. Definitions.
- 523.2. Gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional nongaming chips.
- 523.3. Value chips; denominations and physical characteristics.
- 523.4. Nonvalue chips; physical characteristics.
- 523.5. Nonvalue chips; permitted uses, inventory and impressment.
- 523.6. Tournament chips.
- 523.7. Poker rake chips.
- 523.8. Additional sets of gaming chips.
- 523.9. Gaming plaques; issuance and use, denominations and physical characteristics.
- 523.10. Exchange and redemption of gaming chips and plaques.
- 523.11. Receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques.
- 523.12. Dice; physical characteristics.
- 523.13. Dice; receipt, storage, inspections and removal from use.
- 523.14. Sic Bo shaker security procedures.
- 523.15. Cards; physical characteristics.
- 523.16. Cards; receipt, storage, inspections and removal from use.
- 523.17. Dealing shoes; automated card shuffling devices.
- 523.18. Pai Gow tiles; receipt, storage, inspections and removal from use.

§ 523.1. Definitions.

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

Chip runner—An employee of a certificate holder whose job duties include transporting cash to the Poker room cage or the Poker cashier window at the main cage for dealers or patrons of the Poker room to be exchanged for value chips.

Edge—The surface of a gaming chip across which its thickness can be measured in a perpendicular line from one face to the other.

Edge spot—An identifying characteristic used on the edge of each value chip issued by a certificate holder.

Face—Each of the two surfaces of a gaming chip across which the diameter of the gaming chip can be measured.

Nonvalue chip—A gaming chip which does not contain a denomination on either face which is used for wagering at the game of Roulette.

Primary color—The predominant color used on a value chip.

Secondary color—Any color, other than that value chip's primary color, on the face or edge of the value chip that is used as a contrast to the value chip's primary color.

Tournament chip—A gaming chip used for wagering in a table game tournament or Poker tournament.

Value chip—A gaming chip which contains a denomination on each face.

§ 523.2. Gaming chips; physical characteristics applicable to all gaming chips, issuance and use, promotional nongaming chips.

(a) Each gaming chip issued by a certificate holder must be in the form of a disk.

(b) A gaming chip may not be issued by a certificate holder or utilized in a licensed facility until:

(1) The design specifications of the proposed gaming chip are submitted to and approved by the Bureau of Gaming Operations. The design specifications submitted to the Bureau of Gaming Operations must include a detailed schematic depicting the actual size and, as appropriate, location of the following:

(i) Each face, including any indentations or impressions.

(ii) The edge.

(iii) Any colors, words, designs, graphics or security measures contained on the gaming chip.

(2) A sample of each denomination of gaming chip, manufactured in accordance with its approved design specifications, made available to the Bureau of Gaming Operations for its inspection and approval at the certificate holder's licensed facility.

(c) Each gaming chip issued by a certificate holder shall be designed and manufactured with sufficient graphics or other security measures, including, at a minimum, those items specifically required to appear on the face or edge of a gaming chip under this section and § 523.3 (relating to value chips; denominations and physical characteristics), to prevent, to the greatest extent possible, the counterfeiting of the gaming chip.

(d) A certificate holder may not issue, use or allow a patron to use in its licensed facility any gaming chip that it knows, or reasonably should know, is materially different from the sample of that gaming chip approved by the Bureau of Gaming Operations under this section.

(e) A certificate holder or other person licensed by the Board may not manufacture for, sell to, distribute to or use in any licensed facility outside of this Commonwealth, any gaming chips having the same edge spot and design specifications as those approved for use in a licensed facility in this Commonwealth.

(f) A certificate holder may issue promotional nongaming chips that are prohibited from use in gaming in any licensed facility. The physical characteristics of promotional nongaming chips must be sufficiently distinguishable from approved design specifications of any gaming chip issued by any certificate holder in this Commonwealth to reasonably ensure that the promotional nongaming chips will not be confused with authorized gaming chips. At a minimum, promotional nongaming chips must:

(1) Be unique in terms of size or color.

(2) Have no edge designs used on any gaming chips.

(3) Bear the name of the certificate holder issuing the promotional nongaming chips and language on both faces stating that the promotional nongaming chips have no redeemable value.

§ 523.3. Value chips; denominations and physical characteristics.

(a) Certificate holders may issue and use value chips in denominations of \$1, \$2.50, \$5, \$25, \$100, \$500, \$1,000 and \$5,000 and other denominations approved by the Bureau of Gaming Operations.

(b) The primary color used for each denomination of a value chip must be in accordance with the colors specified in subsection (c). A primary color may not be used as a secondary color on a value chip of another denomination where its use on the edge is reasonably likely to cause confusion as to the chip's denomination when the edge alone is visible.

(c) Each gaming chip manufacturer shall submit sample color disks to the Bureau of Gaming Operations that identify all primary and secondary colors to be used for the manufacture of gaming chips for certificate holders in this Commonwealth. Once a gaming chip manufacturer has received approval for a primary or secondary color, those colors shall be consistently manufactured in accordance with the approved samples. For a primary color to be approved for use, it must visually appear, when viewed either in daylight or under incandescent light, to comply with the following colors:

(1) \$1—White.

(2) \$2.50—Pink.

(3) \$5—Red.

(4) \$25—Green.

(5) \$100—Black.

(6) \$500—Purple.

(7) \$1,000—Fire Orange.

(8) \$5,000—Gray.

(d) Each value chip issued by a certificate holder must contain identifying characteristics that may appear in any location at least once on each face of the gaming chip and are applied in a manner which ensures that each identifying characteristic is clearly visible and remains a permanent part of the gaming chip. These characteristics must be visible to surveillance employees using the licensed facility's surveillance system and, at a minimum, include:

(1) The denomination of the value chip, expressed in numbers.

(2) The name, logo, or other approved identification of the certificate holder issuing the value chip.

(3) The letters "PA" and the name of the city in which the licensed facility is located.

(4) The primary color of the value chip.

(e) In addition to the characteristics specified in subsection (d), each value chip in a denomination of \$25 or more must contain a design or other identifying characteristic that is unique to the gaming chip manufacturer. Upon approval of a particular design or characteristic by the Bureau of Gaming Operations, the gaming chip manufacturer shall thereafter have the exclusive right to use that design or characteristic on any denomination of value chip. The approved unique design or characteristic may be used on all chips manufactured for use in this Commonwealth and may only be changed upon a showing by the gaming chip manufacturer that, despite the change, each value chip in a denomination of \$25 or more must nonetheless be readily identifiable as having been produced by that manufacturer.

(f) Each value chip issued by a certificate holder must contain an edge spot, which:

(1) Is applied in a manner which ensures that the edge spot:

(i) Is clearly visible on the edge and, to the extent required by the Bureau of Gaming Operations, on each face of the value chip.

(ii) Remains a permanent part of the value chip.

(2) Is created by using both:

(i) The primary color of the chip.

(ii) One or more secondary colors.

(3) Includes a design, pattern or other feature that a natural person with adequate training could readily use to identify, when viewed through the surveillance system of the certificate holder, the denomination of the particular value chip when placed in a stack of gaming chips, in the table inventory or in any other location where only the edge of the value chip is visible; provided, however, that the design, pattern or feature created by the primary and secondary colors required under paragraph (2) is sufficient by itself to satisfy the requirements of this paragraph if approved for that purpose by the Bureau of Gaming Operations.

(g) When determining the secondary colors to be used to make the edge spot on a particular denomination of value chip, a certificate holder shall, unless otherwise approved by the Bureau of Gaming Operations, use only those secondary colors that are reasonably likely to differentiate the certificate holder's value chip from the same denomination of value chip issued by any other certificate holder.

(h) If an approved value chip uses a single secondary color, no other certificate holder may use a similar secondary color as the sole secondary color on the same denomination of value chip unless it is used in a different pattern or design approved by the Bureau of Gaming Operations under subsection (f)(3).

(i) If an approved value chip uses a combination of two or more secondary colors, no other certificate holder may use that identical combination of secondary colors on the same denomination of value chip unless it is used in a different pattern or design approved by the Bureau of Gaming Operations under subsection (f)(3).

(j) Any value chip issued by a certificate holder in the denomination of:

(1) Less than \$500, must have a uniform diameter of 1 and 9/16ths inches.

(2) \$500, must have a uniform diameter of 1 and 9/16ths inches or one and 11/16ths inches.

(3) \$1,000 or more must have a uniform diameter of 1 and 11/16ths inches.

(k) Each value chip with a denomination below \$25 must contain at least one anticounterfeiting measure and each value chip with a denomination of \$25 or more must contain at least three anticounterfeiting measures in addition to those items specifically required to appear on the face or edge of a value chip by this section.

§ 523.4. Nonvalue chips; physical characteristics.

(a) Each nonvalue chip utilized in a licensed facility shall be issued solely for the purpose of gaming at Roulette.

(b) Each nonvalue chip issued by a certificate holder must contain identifying characteristics that may appear in any location at least once on each face of the gaming chip and applied in a manner which ensures that each characteristic is clearly visible and remains a permanent part of the gaming chip. The characteristics required under paragraphs (1) and (2) shall be applied in a manner to be visible to surveillance employees using the licensed facility's surveillance system. The identifying characteristics of a nonvalue chip, at a minimum, must include:

(1) The name, logo or other approved identification of the certificate holder issuing the nonvalue chip.

(2) A unique design, insert or symbol that will permit a set of nonvalue chips being used at a particular gaming table to be distinguished from the nonvalue chips being used at every other gaming table in the licensed facility.

(3) The word "Roulette."

(4) Color and design combinations, approved by the Bureau of Gaming Operations, so as to readily distinguish the nonvalue chips of each player at a particular gaming table from:

(i) The nonvalue chips of every other player at the same gaming table.

(ii) The value chips issued by any certificate holder.

(c) Each nonvalue chip issued by a certificate holder must contain an edge spot, which:

(1) Is applied in a manner which ensures that the edge spot:

(i) Is clearly visible on the edge and, to the extent required by the Bureau of Gaming Operations, on each face of the nonvalue chip.

(ii) Remains a permanent part of the nonvalue chip.

(2) Is created by using the colors approved for the face of the particular nonvalue chip under subsection (b)(4) in combination with one or more other colors that provide a contrast with the color on the face of the nonvalue chip and that enable the nonvalue chip to be distinguished from the nonvalue chips issued by any other certificate holder.

(3) Include a design, pattern or other feature approved by the Bureau of Gaming Operations that a natural person with adequate training could readily use to identify, when viewing the nonvalue chip through the surveillance system of the certificate holder, the player to whom the nonvalue chip has been assigned when the nonvalue chip is placed in a stack of gaming chips or in any other location where only the edge of the nonvalue chip is visible; provided, however, that the design, pattern or

feature created by the colors required under paragraph (2) is sufficient by itself to satisfy the requirements of this paragraph if approved for that purpose by the Bureau of Gaming Operations.

§ 523.5 Nonvalue chips; permitted uses, inventory and impressment.

(a) Each nonvalue chip shall be assigned to a particular Roulette table and be issued and used for gaming at that table only. All nonvalue chips utilized at a particular Roulette table must have the same design, insert or symbol as required under § 523.4(b)(2) (relating to nonvalue chips; physical characteristics). A certificate holder or any employee thereof may not allow a patron to remove a nonvalue chip from the Roulette table at which it was issued.

(b) A patron at a Roulette table may not be issued or permitted to game with nonvalue chips that are identical in color and design to any nonvalue chip issued to any other patron at the same table. When a patron purchases nonvalue chips, a nonvalue chip of the same color and design shall be placed in a slot or receptacle attached to the outer rim of the roulette wheel or in another device or location approved by the Bureau of Gaming Operations. At that time, a marker button denoting the value of a stack of 20 nonvalue chips of the same color and design shall be placed in the slot, receptacle or other device. For example, a marker button with 100 imprinted on it would be placed in the receptacle to designate that, during the patron's play on that occasion, the nonvalue chips of that color and design are each worth \$5.

(c) An impressment of the nonvalue chips assigned to each Roulette table shall be completed at least once every 30 days. The certificate holder shall record the results of the impressment in the chip inventory ledger required under § 523.11 (relating to receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques) and perform the impressment as follows:

(1) A floorperson or above shall complete a Nonvalue Chip Impressment Form to record missing or excess chips and deliver the form and any excess chips to the main bank or chip bank.

(2) Upon receipt of the Nonvalue Chip Impressment Form, a main bank cashier or chip bank cashier shall, if appropriate, immediately prepare any chips needed to impress the table.

(3) The floorperson or above shall then, if applicable, deliver the nonvalue chips needed to restore the impress to the appropriate Roulette table.

(d) The completed Nonvalue Chip Impressment Form shall be maintained by the accounting department and contain, at a minimum, the following:

- (1) The date and time of preparation.
- (2) The design schematic of the chip including its primary color and the applicable table number.
- (3) The signature of the floorperson or above who completes the Nonvalue Chip Impressment Form and the impressment for the table.
- (4) The signature of the main bank cashier or chip bank cashier who reviewed the Nonvalue Chip Impressment Form and, if necessary, issued the chips to restore the impressment.

(e) Each certificate holder shall record in the chip inventory ledger required under § 523.11 and submit to the Bureau of Gaming Operations, a monthly summary of

the nonvalue chip inventory for each Roulette table. This monthly summary must include, at a minimum, the following information for each nonvalue chip color and design:

- (1) The balance on hand at the beginning of the month.
- (2) The number of nonvalue chips distributed to the Roulette table during the month.
- (3) The number of nonvalue chips returned to inventory during the month.
- (4) The balance on hand at the end of the month.

§ 523.6. Tournament chips.

(a) If a certificate holder conducts table game tournaments, the tournaments shall be conducted using tournament chips.

(b) The identifying characteristics of a tournament chip, at a minimum, must include:

- (1) The name, logo or other approved identification of the certificate holder using the tournament chip.
- (2) The word "Tournament."
- (3) The denomination of the chip.
- (4) The phrase "No Cash Value."
- (5) Color or design combinations, approved by the Bureau of Gaming Operations, to readily distinguish the tournament chips from:

(i) The nonvalue chips used for the play of Roulette at the licensed facility.

(ii) The value chips issued by any certificate holder.

(iii) Poker room rake chips.

(c) Tournament chips shall be stored in a secure area approved by the Bureau of Gaming Operations.

(d) An inventory of all tournament chips to be used in a tournament shall be conducted by the certificate holder prior to the start and after the completion of each tournament. A copy of the inventory report shall be submitted to the Bureau of Gaming Operations no later than 2 days following the conclusion of the tournament.

§ 523.7. Poker rake chips.

(a) To facilitate the collection of the rake, a certificate holder may use Poker rake chips in the Poker room.

(b) Poker rake chips shall only be used by dealers and may only be substituted for value chips that have been collected as part of the rake prior to the rake being placed in the drop box.

(c) Unused Poker rake chips shall be kept by the dealer in the table inventory container.

(d) The denominations that may be used for Poker rake chips are \$2, \$3 or \$4.

(e) The identifying characteristics of a Poker rake chip, at a minimum, must include:

- (1) The name, logo or other approved identification of the certificate holder.
- (2) The words "Poker Rake Chip."
- (3) One of the following denominations: "\$2," "\$3" or "\$4."

(4) Color or design combinations, approved by the Bureau of Gaming Operations, to readily distinguish the Poker rake chips from:

(i) The nonvalue chips used for the play of Roulette at the licensed facility.

(ii) The tournament chips used for tournament play at the licensed facility.

(iii) The value chips issued by any certificate holder.

§ 523.8. Additional sets of gaming chips.

(a) Within 120 days of the commencement of table games at a licensed facility, the certificate holder shall also have at least one approved set of value gaming chips that may be used as a back-up for the \$25, \$100 and \$500 value gaming chips in active use. Each back-up set of value chips maintained for use by a certificate holder must have secondary colors that are different from the secondary colors of the value chips in active use. All back-up sets of value chips must conform to the color and design requirements in this chapter.

(b) Each certificate holder shall have a reserve set of nonvalue chips for each color utilized in the licensed facility with a design insert or symbol different from the nonvalue chips comprising the primary set. All back-up sets of nonvalue chips must conform to the color and design requirements contained in this chapter.

(c) A certificate holder shall notify the Bureau of Gaming Operations within 24 hours of the discovery of counterfeit chips.

(d) The certificate holder shall remove a set of gaming chips in use from active play whenever:

(1) It is believed the licensed facility is taking on multiple counterfeit chips valued at \$25 or more.

(2) Any other impropriety or defect in the utilization of a set of chips makes removal of the chips in active use necessary.

(3) The Board or its Executive Director directs that a set of chips be removed from active use.

(e) An approved back-up set of value chips or a reserve set of nonvalue chips shall be placed into active play whenever an active set is removed.

(f) Whenever a set of chips in active use is removed from play, the certificate holder shall immediately notify the Bureau of Gaming Operations of the removal and the reasons for the removal.

(g) Each set of gaming chips that the Bureau of Gaming Operations approves for use by a certificate holder shall receive a unique and permanent alphabetical designation. This designation shall be assigned by the certificate holder during the design schematic approval process and be used for all inventory procedures required under § 523.11 (relating to receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques).

§ 523.9. Gaming plaques; issuance and use, denominations and physical characteristics.

(a) Gaming plaques issued by a certificate holder must be a solid, one-piece object constructed entirely of plastic or other substance approved by the Bureau of Gaming Operations and have no more than six, and at least two, smooth, plane surfaces. At least two of the plane surfaces, each to be known as a face, must be opposite and parallel to each other and identical in shape, which must be either a square, rectangle or ellipse. Other surfaces of a gaming plaque shall be known collectively as the edge.

(b) Gaming plaques may not be issued by a certificate holder or utilized in a licensed facility unless:

(1) The design specifications of the proposed gaming plaque are submitted to and approved by the Bureau of Gaming Operations. The submission must include a detailed schematic depicting the actual size and, as appropriate, location of the following:

(i) Each face.

(ii) The edge.

(iii) Any colors, words, designs, graphics or security measures contained on the gaming plaque including the minimum identifying characteristics in subsection (f).

(2) A sample gaming plaque of each denomination to be used, manufactured in accordance with its approved design specifications, is made available to the Bureau of Gaming Operation for its inspection and approval at the certificate holder's licensed facility.

(3) A system of internal procedures and administrative and accounting controls, governing the distribution, redemption, receipt and inventory of gaming plaques, by serial number, is submitted and approved as part of the certificate holder's internal controls.

(c) The face of a square gaming plaque must have a surface area of at least 9 square inches. The face of a rectangular or elliptical gaming plaque must be no smaller than 3 inches in length by 2 inches in width. In the case of an elliptical gaming plaque, the length and width of the plaque shall be measured at its axes.

(d) A gaming plaque issued by a certificate holder shall be designed and manufactured with sufficient graphics or other security measures to prevent, to the greatest extent possible, the counterfeiting of the gaming plaque.

(e) A certificate holder may issue and use gaming plaques in denominations of \$5,000 or \$10,000 and other denominations approved by the Bureau of Gaming Operations. Each gaming plaque of a specific denomination utilized by a certificate holder must be in a shape and of a size, approved by the Bureau of Gaming Operations, which is identical to the shape and size of all other gaming plaques of that denomination issued by the certificate holder. The size and shape of each denomination of gaming plaque issued by a certificate holder must be readily distinguishable from the size and shape of every other denomination of gaming plaque issued by the certificate holder.

(f) Each gaming plaque issued by a certificate holder must contain identifying characteristics which appear at least once on each face of the gaming plaque and be applied in a manner which ensures that each characteristic is clearly visible to surveillance employees using the licensed facility's surveillance system and remains a permanent part of the gaming plaque. These characteristics, at a minimum, include:

(1) The denomination of the gaming plaque, expressed in numbers of at least 3/8 inch in height.

(2) The name, logo or other approved identification of the certificate holder issuing the gaming plaque.

(3) A unique serial number.

(g) A certificate holder may not issue, use or allow a patron to use in its licensed facility any gaming plaque that it knows, or reasonably should know, is materially different from the sample of that gaming plaque approved by the Bureau of Gaming Operations.

§ 523.10. Exchange and redemption of gaming chips and plaques.

(a) Wagering on table games in a licensed facility shall be conducted with gaming chips or plaques.

(b) Value chips previously issued by a certificate holder, which are not in active use by that certificate holder, may not be used for wagering or any other purpose in a licensed facility and shall only be redeemed at the cashiers' cage or Poker room cage as provided in subsection (h).

(c) Gaming chips or plaques shall be issued to a patron only at the request of the patron and may not be given as change in any transaction other than a gaming transaction. Gaming chips and plaques shall be issued to patrons by:

- (1) Dealers at a banking or nonbanking table game.
- (2) The Poker room cage or the Poker window cashier at the main cage.
- (3) Chip runners to patrons seated at a poker table at which a game is in progress.

(d) Gaming plaques and value chips shall only be redeemed by patrons at the cashiers' cage or Poker room cage.

(e) Except as provided in subsections (k) and (l) and as otherwise may be specifically approved by the Board, each certificate holder shall redeem its gaming chips and plaques only from patrons and may not knowingly redeem gaming chips and plaques from any nonpatron source.

(f) Nonvalue chips shall be presented for redemption only at the Roulette table from which they were issued and may not be redeemed or exchanged at any other location within a licensed facility. When nonvalue chips are presented for redemption, the dealer shall accept them in exchange for an equivalent amount of value chips which may then be used by the patron in gaming or redeemed in the same manner as any other value chip.

(g) A certificate holder shall have the discretion to permit, limit or prohibit the use of value chips in gaming at Roulette in accordance with its Rules Submission submitted under § 521.2 (relating to table games Rules Submission); provided however, that when value chips are in use at Roulette, it shall be the responsibility of the certificate holder and its employees to keep accurate account of the wagers being made with value chips so that the wagers made by one player are not confused with the wagers made by another player at the table.

(h) Each gaming chip and plaque is solely evidence of a debt that the issuing certificate holder owes to the person legally in possession of the gaming chip or plaque, and shall remain the property of the issuing certificate holder. A certificate holder shall have the right at any time to demand that a person in possession of a gaming chip or plaque surrender the gaming chip or plaque for redemption in accordance with subsection (i).

(i) A certificate holder shall redeem promptly its own genuine gaming chips and gaming plaques presented by a patron in person, unless the gaming chips or plaques were obtained or are being used unlawfully. A certificate holder shall redeem its value chips or gaming plaques by:

- (1) Exchanging the value chips or gaming plaques for an equivalent amount of cash.
- (2) Upon request by a patron, exchanging the value chips or gaming plaques for a check issued by the certificate holder in the amount of the value chips or gaming plaques surrendered and dated the day of the redemption.

(j) Notwithstanding subsection (i), if a patron requests by mail to redeem value chips in any amount, a certificate holder may effectuate the redemption in accordance

with internal controls approved by the Board which, at a minimum, must detail procedures for the issuance of a check from the certificate holder and the transfer of the surrendered value chips to the chip bank in a transaction fully supported by proper documentation.

(k) A certificate holder shall accept, exchange, use or redeem only gaming chips or plaques that the certificate holder has issued and may not knowingly accept, exchange, use or redeem gaming chips or plaques, or objects purporting to be gaming chips or plaques, that have been issued by any other certificate holder, except that a certificate holder may accept and redeem:

(1) Gaming chips or plaques issued by another certificate holder from a patron upon the patron's representation that the gaming chips or plaques had been purchased or received as payment in a gaming transaction from an employee of the certificate holder working on the premises of the certificate holder.

(2) Gaming chips issued by any other certificate holder from one of the certificate holder's employees who is authorized to receive gratuities, upon the employee's representation that the chips were received as gratuities in the normal course of the employee's duties while on the premises of the certificate holder.

(l) Employees of a certificate holder who are authorized to receive gaming chips as personal gratuities may redeem the gaming chips at the cashiers' cage or at another secure location in the licensed facility as approved by the Board. Gaming chips redeemed by employees at a noncage employee redemption site shall be exchanged on a daily basis with the cashiers' cage in accordance with procedures approved by the Board.

(m) A certificate holder shall redeem promptly its own genuine value chips and gaming plaques presented to it by any other legally operated certificate holder upon the representation that the value chips and gaming plaques were received or accepted unknowingly, inadvertently or in error or were redeemed in accordance with subsection (k). Each certificate holder shall submit to the Board for approval as part of the certificate holder's internal controls a system for the exchange, with other legally operated certificate holders, of value chips and gaming plaques that:

(1) Are in the certificate holder's possession and that have been issued by any other legally operated certificate holder.

(2) It has issued and that are presented to it for redemption by any other legally operated certificate holder.

(n) Each certificate holder shall post, in a prominent place on the front of the cashiers' cage, any satellite cage and the Poker room cage, a sign that reads as follows:

"Gaming chips or plaques issued by another licensed facility may not be used, exchanged or redeemed in this licensed facility."

§ 523.11. Receipt of gaming chips or plaques from a manufacturer or supplier; inventory, security, storage and destruction of chips and plaques.

(a) When gaming chips or plaques are received from a manufacturer or supplier, the chips or plaques shall be unloaded under the supervision of at least two people, one of whom shall be a supervisor from the finance department and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The chips or plaques shall then be opened and checked by at least two

people, one of whom shall be a supervisor from the finance department and one employee from the security department. Any deviation between the invoice accompanying the gaming chips and plaques and the actual chips or plaques received or any defects found in the chips or plaques shall be reported promptly to the Bureau of Gaming Operations.

(b) After checking the gaming chips or plaques received, the certificate holder shall record, in a chip inventory ledger, the assigned alphabetical designation, the denomination of the value chips and gaming plaques received, the number of each denomination, and when applicable the serial numbers, of the value chips and gaming plaques received, the number and description of all nonvalue chips received, the date of the receipt and the signatures of the individuals who checked the chips and plaques. If the gaming chips are not to be put into active use, the ledger must also identify the storage location.

(c) Gaming chips or plaques not in active use shall be stored in one of the following:

(1) A vault located in the main bank or other restricted storage area approved by the Bureau of Gaming Operations.

(2) Locked cabinets in the cashiers' cage.

(d) Gaming chips or plaques may not be stored in the same storage area as dice, cards, Pai Gow tiles or any other gaming equipment.

(e) Whenever any gaming chips or plaques are taken from or returned to an approved storage area, at least two individuals, one of whom shall be a supervisor from the finance department and one employee from the security department, shall be present, and the following information shall be recorded in the chip inventory ledger together with the date and signatures of the individuals involved:

(1) The alphabetical designation and if applicable, any numeric designation.

(2) The number, and when applicable, the serial numbers and dollar amount for each denomination of value chip or gaming plaque removed or returned.

(3) The number and description of the nonvalue chips removed or returned.

(4) The specific storage area being entered.

(5) The reason for the entry into the storage area.

(f) At the end of each gaming day, a certificate holder shall compute and record the unredeemed liability for each denomination of value chips and gaming plaques. At least once every 30 days, each certificate holder shall inventory all sets of value chips and gaming plaques in its possession and record the result of the inventory in the chip inventory ledger. The procedures to be utilized to compute the unredeemed liability and to inventory value chips and gaming plaques shall be submitted as part of the certificate holder's internal controls to the Board for approval. A physical inventory of value chips and gaming plaques not in active use shall only be required annually if the inventory procedures incorporate the sealing of the locked compartment containing the value chips and gaming plaques not in active use.

(g) Prior to the destruction of gaming chips and plaques, the certificate holder shall notify the Bureau of Gaming Operations, in writing, of the date and the location at which the destruction will be performed, the denomination, number, and when applicable, the serial

numbers and amount of value chips and plaques to be destroyed, the description and number of nonvalue chips to be destroyed and a detailed explanation of the method of destruction. Unless otherwise authorized by the Bureau of Gaming Operations, the destruction of gaming chips and plaques shall be carried out in the presence of at least two employees of the certificate holder, one of whom shall be from the finance department of the certificate holder and one of whom shall be from any other mandatory department of the certificate holder. The denomination, number, and when applicable, the serial numbers and amount of value chips and plaques or, in the case of nonvalue chips, the description and number destroyed shall be recorded in the chip inventory ledger together with the signatures of the individuals carrying out the destruction, and the date on which the destruction took place. The certificate holder shall also maintain a written log of the names and license, permit or registration numbers of the employees involved in each destruction, as well as the names and addresses of nonemployees involved.

(h) A certificate holder shall ensure that at all times there is adequate security, as approved by the Bureau of Gaming Operations, for all gaming chips and plaques in the certificate holder's possession.

§ 523.12. Dice; physical characteristics.

(a) Except as otherwise provided in subsection (b), each die used in the play of table games must:

(1) Be formed in the shape of a perfect cube and of a size no smaller than 0.750 of an inch on each side nor any larger than 0.775 of an inch on each side.

(2) Be transparent and made exclusively of cellulose except for the spots, name or logo of the certificate holder and serial number or letters contained thereon.

(3) Have the surface of each of its sides perfectly flat and the spots contained in each side flush with the area surrounding them.

(4) Have all edges and corners perfectly square and forming 90° angles.

(5) Have the texture and finish of each side exactly identical to the texture and finish of all other sides.

(6) Have its weight equally distributed throughout the cube with no side of the cube heavier or lighter than any other side of the cube.

(7) Have the six sides bearing white circular spots from one to six respectively with the diameter of each spot equal to the diameter of every other spot on the die.

(8) Have spots arranged so that:

(i) The side containing one spot is directly opposite the side containing six spots.

(ii) The side containing two spots is directly opposite the side containing five spots.

(iii) The side containing three spots is directly opposite the side containing four spots.

(9) Each spot shall be placed on the die by drilling into the surface of the cube and filling the drilled out portion with a compound which is equal in weight to the weight of the cellulose drilled out and which forms a permanent bond with the cellulose cube, and extend into the cube exactly the same distance as every other spot extends into the cube to an accuracy tolerance of .0004 of an inch.

(10) Have imprinted or impressed thereon a serial number or letters and the name or logo of the certificate holder in whose licensed facility the die is being used.

(b) Dice used in the table game of Pai Gow must comply with subsection (a) except as follows:

(1) Each die must be formed in the shape of a perfect cube and of a size no smaller than .637 of an inch on each side nor any larger than .643 of an inch on each side.

(2) Instead of the name or logo of the certificate holder, a certificate holder may, with the approval of the Bureau of Gaming Operations, have an identifying mark imprinted or impressed on each die.

(3) The spots on each die do not have to be equal in diameter.

§ 523.13. Dice; receipt, storage, inspections and removal from use.

(a) When dice for use in a licensed facility are received from a manufacturer or supplier, the dice shall, immediately following receipt, be unloaded under the supervision of at least two people, one of whom shall be an assistant table games shift manager or above and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The boxes of dice shall then be inspected by an assistant table games shift manager or above and one employee from the security department to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at this time to assure that the dice contained therein conform to the requirements of this chapter and there is no evidence of tampering. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a storage area, the location and physical characteristics of which shall be approved by the Bureau of Gaming Operations.

(b) Dice which are to be distributed to gaming pits or tables for use in gaming shall be distributed from the approved storage area.

(c) The approved storage area must have two separate locks. The security department shall maintain one key and the table games department shall maintain the other key. No person employed by the table games department below an assistant table games shift manager in the organization hierarchy may have access to the table games department key.

(d) Immediately prior to the commencement of each gaming day and at other times as may be necessary, an assistant table games shift manager or above, in the presence of a security department employee, shall remove the appropriate number of dice for that gaming day from the approved storage area.

(e) Envelopes and containers used in this section for dice preinspected at the pit stand or in the approved storage area and for those collected by the security department must be transparent.

(1) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering is evident.

(2) The envelopes or containers and seals used shall be approved by the Bureau of Gaming Operations.

(f) Dice shall be inspected and distributed to the gaming tables in accordance with one of the following applicable alternatives:

(1) *Alternative No. 1.*

(i) The assistant table games shift manager or above and the security department employee who removed the

dice from the approved storage area shall distribute sufficient dice directly to the pit manager or above in each pit, or place them in a locked compartment in the pit stand, the keys to which shall be in the possession of the pit manager or above.

(ii) Immediately upon opening a table for gaming, the pit manager or above shall distribute a set of dice to the table. At the time of receipt, a boxperson at each Craps table and the floorperson at each Pai Gow, Sic Bo or Mini-Craps table, in order to ensure that the dice are in a condition to assure fair play and otherwise conform to the requirements of this chapter, shall, in the presence of the dealer, inspect the dice given to him with a micrometer or other instrument approved by the Bureau of Gaming Operations which performs the same function, a balancing caliper, a steel set square and a magnet. These instruments shall be kept in a compartment at each Craps table or pit stand and shall be at all times readily available for use by the casino compliance representatives or other Board employees upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system and by any persons in the immediate vicinity of the table.

(iii) Following the inspection required by subparagraph (ii):

(A) For Craps, the boxperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming.

(B) For Mini-Craps, the floorperson shall, in the presence of a dealer, place the dice in a cup on the table for use in gaming.

(C) For Sic Bo, the floorperson shall, in the presence of the dealer, place the required number of dice into the shaker and seal or lock the shaker. The floorperson shall then secure the Sic Bo shaker to the table in the presence of the dealer who observed the inspection.

(D) For Pai Gow, the floorperson shall, in the presence of the dealer, place the dice in the Pai Gow shaker.

(iv) The pit manager or above shall place extra dice for the dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above. No dice taken from the pit stand reserve may be used for actual gaming until the dice have been inspected in accordance with subparagraph (ii).

(2) *Alternative No. 2.*

(i) The assistant table games shift manager or above and the security department employee who removed the dice from the approved storage area shall distribute the dice directly to the following certificate holder's employees who will perform the inspection in each pit:

(A) For Craps and Mini-Craps, a boxperson or floorperson in the presence of another boxperson or floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of a Craps or Mini-Craps game.

(B) For Sic Bo and Pai Gow, a floorperson, in the presence of another floorperson, both of whom are assigned the responsibility of supervising the operation and conduct of Sic Bo or Pai Gow games.

(C) For storage of the dice for the dice reserve in the pit stand, to the pit manager or above.

(ii) To ensure that the dice are in a condition to assure fair play and otherwise conform to the requirements of

this chapter, the dice shall be inspected by one of the individuals listed in subparagraph (i)(A) or (B) with a micrometer or other instrument approved by the Bureau of Gaming Operations which performs the same function, a balancing caliper, a steel set square and a magnet. These instruments shall be kept at the pit stand and shall be at all times readily available for use by the casino compliance representatives or other Board employees upon request. The inspection shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system and by any persons in the immediate vicinity of the pit stand.

(iii) After completion of the inspection, the dice shall be distributed as follows:

(A) For Craps and Mini-Craps, the boxperson or floorperson who inspected the dice shall, in the presence of the other boxperson or floorperson who observed the inspection, distribute the dice to the boxperson assigned at each Craps table or to the floorperson assigned at each Mini-Craps table. The Craps boxperson or the Mini-Craps floorperson shall, in the presence of the dealer, place the dice in a cup on the table for use in gaming.

(B) For Sic Bo, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, place the required number of dice into the shaker and seal or lock the shaker. The floorperson shall then secure the Sic Bo shaker to the table in the presence of the other floorperson who observed the inspection.

(C) For Pai Gow, the floorperson who inspected the dice shall, in the presence of the other floorperson who observed the inspection, distribute the dice directly to the dealer at each Pai Gow table. The dealer shall immediately place the dice in the Pai Gow shaker.

(iv) The pit manager or above shall place extra sets of dice for the dice reserve in the pit stand, as follows:

(A) Dice in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit manager or above.

(B) Except as otherwise provided in subparagraph (v), dice taken from the reserve in the pit stand shall be reinspected by a floorperson or above in the presence of another floorperson or above in accordance with the inspection procedures in subparagraph (ii), prior to their use for actual gaming.

(v) Previously inspected reserve dice may be used for gaming without being reinspected if the dice are maintained in a locked compartment in the pit stand in accordance with the following procedures:

(A) For Craps and Mini-Craps, a set of five dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and contains the signatures of those responsible for the inspection shall be attached to the envelope or container.

(B) For Sic Bo, three dice, after being inspected, shall be placed in a sealed envelope or container or sealed or locked in a Sic Bo shaker. A label or seal that identifies the date of inspection and contains the signatures of those responsible for the inspection shall, respectively, be attached to each envelope or container or placed over the area that allows access to open the Sic Bo shaker.

(C) For Pai Gow, a set of three dice, after being inspected, shall be placed in a sealed envelope or container. A label that identifies the date of inspection and

contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

(3) *Alternative No. 3.*

(i) The inspection of dice for all table games shall take place in the approved storage area, in the presence of a floorperson or above, the assistant table games shift manager or above and a security department employee.

(ii) Prior to starting the inspection of the dice, notice shall be provided to the certificate holder's surveillance department.

(iii) The dice shall be inspected by the floorperson or above, the assistant table games shift manager or above or both of these individuals, with a micrometer or any other instrument approved by the Bureau of Gaming Operations which performs the same function, a balancing caliper, a steel set square and a magnet to ensure that the dice are in a condition to assure fair play and otherwise conform to the act and this part. These instruments shall be maintained in the approved storage area and shall be at all times readily available for use by the casino compliance representatives or other Board employees upon request.

(iv) After completion of the inspection, the persons performing the inspection shall seal the dice as follows:

(A) For Craps and Mini-Craps, after each set of five dice are inspected, the dice shall be placed in a sealed envelope or container. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

(B) For Sic Bo, after each set of dice are inspected, three dice shall be sealed or locked in a manual shaker. A seal that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall then be placed over the area that allows access to open the shaker.

(C) For Pai Gow, after each set of three dice are inspected, the dice shall be placed in a sealed envelope, container or shaker. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope, container or shaker.

(D) Reserve dice may be placed in individual sealed envelopes or containers. A label that identifies the date of the inspection and contains the signatures of those responsible for the inspection shall be attached to each envelope or container.

(v) At the beginning of each gaming day and at other times as may be necessary, an assistant table games shift manager or above and a security department employee shall distribute the dice as follows:

(A) For Craps and Mini-Craps, the sealed envelopes or containers of dice shall be distributed to a pit manager or above in each Craps or Mini-Craps pit or placed in a locked compartment in the pit stand by an assistant table games shift manager or above. When the sealed dice are distributed to a Craps or Mini-Craps table, a boxperson at a Craps table or a floorperson at a Mini-Craps table, after assuring the seals are intact and free from tampering, shall open the sealed envelope or container, in the presence of a dealer, and place the dice in a cup on the table for use in gaming.

(B) For Sic Bo, the sealed manual shakers shall be distributed to the pit manager or above supervising the game or placed in a locked compartment in the pit stand.

The pit manager or above, after assuring the seal on the shaker is intact and free from tampering shall then secure the manual Sic Bo shaker to the table in a manner approved by the Bureau of Gaming Operations.

(C) For Pai Gow, the sealed envelope or container shall be distributed to a pit manager or above in a Pai Gow pit or placed in a locked compartment in the pit stand. When the sealed dice are distributed to the Pai Gow table by the pit manager or above, a floorperson, after assuring the seal and envelopes or containers are intact and free from tampering, shall open the sealed envelope or container, in the presence of the dealer, and place the dice in the Pai Gow shaker.

(vi) When an envelope or container or seal is damaged, broken or shows indication of tampering, the dice in the envelope, container or shaker may not be used for gaming activity unless the dice are reinspected in accordance with paragraph (1) or (2).

(vii) The pit manager or above shall place extra dice for the dice reserve in the pit stand. Dice in the pit stand shall be placed in a locked compartment, keys to which shall be in the possession of the pit manager or above.

(viii) A micrometer or another instrument approved by the Bureau of Gaming Operations which performs the same function, a balancing caliper, a steel set square and a magnet shall also be maintained in a locked compartment in each pit stand. These instruments shall be at all times readily available for use by the casino compliance representatives or other Board employees upon request.

(ix) The inspection of dice in the approved storage area in accordance with this alternative shall be performed on a flat surface which allows the dice inspection to be observed through the slot machine licensee's surveillance system.

(g) A certificate holder shall remove any dice at any time of the gaming day and file a Dice Discrepancy Report as required under subsection (h) if there is any indication of tampering, flaws or other defects that might affect the integrity or fairness of the game, or at the request of a casino compliance representative.

(h) At the end of each gaming day or at other times as may be necessary, a floorperson or above, other than the individual who originally inspected the dice, shall visually inspect each die that was used for play for evidence of tampering. Evidence of tampering discovered at this time or at any other time shall be immediately reported to the casino compliance representatives by the completion and delivery of a two-part Dice Discrepancy Report and the dice.

(1) Dice showing evidence of tampering shall be placed in a sealed envelope or container.

(i) A label shall be attached to each envelope or container which identifies the table number, date and time the dice were removed and shall be signed by the person assigned to directly operate and conduct the game at that table and the floorperson assigned the responsibility for supervising the operation and conduct of the game.

(ii) A floorperson or above or a security department employee responsible for delivering the dice to the casino compliance representatives shall also sign the label.

(iii) The casino compliance representative receiving the dice shall sign the original and duplicate copy of the Dice Discrepancy Report and retain the original copy. The duplicate copy shall be returned to the pit and main-

tained in a secure place within the pit until collection by a security department employee.

(2) Other dice that were used for play shall be put into envelopes or containers at the end of the gaming day.

(i) A label shall be attached to each envelope or container which identifies the table number, date and time the dice were removed and shall be signed by the person assigned to directly operate and conduct the game at that table and the floorperson assigned the responsibility for supervising the operation and conduct of the game.

(ii) The envelope or container shall be appropriately sealed and maintained within the pit until collection by a security department employee.

(i) Reserve dice in the locked compartment in a pit stand at the end of the gaming day may be:

(1) Collected and transported to the security department for cancellation or destruction.

(2) Returned to the approved storage area.

(3) Retained in the locked compartment in the pit stand.

(j) Reserve dice in the locked compartment in a pit stand at the end of the gaming day that are to be destroyed or cancelled shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the pit stand where the reserve dice were being stored, the date and time the dice were placed in the envelope or container and is signed by the pit manager or above.

(k) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, designated by the certificate holder and approved by the Bureau of Gaming Operations, and at other times as may be necessary, a security department employee shall collect and sign all envelopes or containers of used dice and reserve dice that are to be destroyed or cancelled and transport the dice to the security department for cancellation or destruction. The security department employee shall also collect duplicate copies of Dice Discrepancy Reports, if any.

(l) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the certificate holder and approved by the Bureau of Gaming Operations, and at other times as may be necessary, an assistant table games shift manager or above may collect all reserve dice in a locked compartment in a pit stand. If collected, reserve dice shall be returned to the approved storage area; provided, however, that dice which have not been inspected and sealed in accordance with subsection (f)(3) shall, prior to use for actual gaming, be inspected in accordance with subsection (f)(1) or (2).

(m) If the reserve dice are not collected, all dice in the dice reserve shall be reinspected in accordance with one of the alternatives in subsection (f) prior to their use for gaming, except for those dice maintained in a locked compartment in accordance with subsection (f)(2)(v) or (3)(iv).

(n) Certificate holders shall submit to the Bureau of Gaming Operations for approval internal control procedures for:

(1) A dice inventory system which includes, at a minimum, records of the following:

- (i) The balance of dice on hand.
 - (ii) The dice removed from storage.
 - (iii) The dice returned to storage or received from a manufacturer or supplier.
 - (iv) The date of each transaction.
 - (v) The signatures of the individuals involved.
- (2) A reconciliation on a daily basis of the dice distributed, the dice destroyed and cancelled, the dice returned to the approved storage area and, if any, the reserve dice in a locked compartment in a pit stand.
- (3) A physical inventory of all dice at least once every 3 months.
- (i) This inventory shall be performed by an individual with no incompatible functions and be verified to the balance of dice on hand required under paragraph (1)(i).
 - (ii) Discrepancies shall immediately be reported to the Bureau of Gaming Operations.
 - (o) Destruction and cancellation of dice, other than those retained for Board inspection, shall be completed within 72 hours of collection.
- (1) Cancellation must occur by drilling a circular hole of at least 1/4 inch in diameter through the center of the die.
 - (2) Destruction must occur by shredding.
 - (3) The destruction and cancellation of dice must take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the physical characteristics of which shall be approved by the Bureau of Gaming Operations.

§ 523.14. Sic Bo shaker security procedures.

- (a) Manual Sic Bo shakers which have been filled with dice in accordance with § 523.13(f)(3)(iv)(B) (relating to dice; receipt, storage, inspections and removal from use) may only be stored in a locked compartment in the approved storage area. Manual Sic Bo shakers which have not been filled with dice may be stored in a locked compartment in a pit stand. An automated Sic Bo dice shaker which has been filled with dice must be secured to the Sic Bo table at all times. An automated Sic Bo dice shaker which has not been filled with dice may be stored in a locked compartment in a pit stand.
- (b) At the end of each gaming day a pit manager or above shall inspect all Sic Bo shakers that have been placed in use for gaming for evidence of tampering. Evidence of tampering discovered at this time shall be immediately reported to the casino compliance representatives. At a minimum, the reports must include:
- (1) The date and time when the tampering was discovered.
 - (2) The name and license or permit number of the individual discovering the tampering.
 - (3) The table number where the Sic Bo shaker was used.
 - (4) The name and license or permit number of the person assigned to directly operate and conduct the game at the Sic Bo table and the supervisor assigned the responsibility for supervising the operation and conduct of the game at the Sic Bo table.

§ 523.15. Cards; physical characteristics.

- (a) Cards used to play table games authorized under this subpart, must be in decks of 52 cards with each card

identical in size and shape to every other card in the deck. Nothing in this section prohibits a manufacturer from manufacturing decks of cards with one or more jokers contained therein; provided, however, that the jokers may not be used by the certificate holder in the play of any game unless authorized by the rules of the game.

- (b) Each deck must be composed of cards in four suits: diamonds, spades, clubs and hearts.

- (c) Each suit shall be composed of 13 cards: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, 2. The face of the ace, king, queen, jack and 10 may contain an additional marking, as approved by the Bureau of Gaming Operations, which will permit a dealer, prior to exposing his hole card at the game of Blackjack, to determine if the value of the hole card gives the dealer a Blackjack.

- (d) The backs of each card in a deck must be identical and no card may contain any marking, symbol or design that will enable a person to know the identity of any element printed on the face of the card or that will in any way differentiate the back of the card from any other card in the deck.

- (e) The backs of all cards in a deck shall be designed to diminish as far as possible the ability of any person to place concealed markings thereon.

- (f) The design to be placed on the backs of cards used by certificate holders must contain the name or logo of the certificate holder and shall be submitted to the Bureau of Gaming Operations for approval prior to use of the design on cards in gaming activity.

- (g) Each deck of cards shall be packaged separately or in a set containing the number of decks authorized in this subpart and selected by a certificate holder for use in a particular table game. Each package of cards shall be sealed in a manner approved by the Bureau of Gaming Operations to provide evidence of any tampering with the package. If multiple decks of cards are packaged and sealed in a set, the package must have a label that indicates or contains a window that reveals an adequate description of the contents of the package, including:

- (1) The name of the certificate holder for which the cards were manufactured.
- (2) The type of cards.
- (3) The colors of the backs of the cards.
- (4) The date that the cards were manufactured.
- (5) The total number of cards in the set.
- (h) No deck of cards packaged and sealed in a set may be separated from the set for independent use at a table game.

- (i) The cards used by a certificate holder for Poker must be:

- (1) Visually distinguishable from the cards used by that certificate holder to play other table games.
- (2) Made of plastic.

- (j) Each certificate holder which elects to offer the game of Poker shall be required to have and use on a daily basis at least six visually distinguishable card backings for the cards to be used at the game of Poker. These card backings may be distinguished by different logos, different colors or different design patterns.

§ 523.16. Cards; receipt, storage, inspections and removal from use.

- (a) When decks of cards are received for use in a licensed facility from a manufacturer or supplier, the

cards shall, immediately following receipt, be unloaded under the supervision of at least two people, one of whom shall be an assistant table games shift manager or above and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The boxes of decks of cards shall then be inspected by an assistant table games shift manager or above and one employee from the security department to assure that the seals on each box are intact, unbroken and free from tampering. Boxes that do not satisfy these criteria shall be inspected at this time to assure that the decks of cards contained therein conform to the requirements of this chapter and there is no evidence of tampering. Boxes satisfying these criteria, together with boxes having unbroken, intact and untampered seals shall then be placed for storage in a storage area, the location and physical characteristics of which shall be approved by the Bureau of Gaming Operations. A certificate holder may have separate cabinets or storage areas for decks of cards to be used at the game of Poker; provided, however, the location and physical characteristics of the cabinets or separate storage areas shall be approved by the Bureau of Gaming Operations.

(b) Approved storage areas shall have two separate locks. The security department shall maintain one key and the table games department shall maintain the other key. No person employed by the table games department below an assistant table games shift manager in the organizational hierarchy may have access to the table games department key for the approved storage areas and, if the certificate holder has a separate Poker storage area, no person below a Poker shift manager in the organizational hierarchy may have access to the table games department key to the Poker storage area.

(c) Except as provided in subsection (g), immediately prior to the commencement of each gaming day and at other times as may be necessary, an assistant table games shift manager or above, in the presence of a security department employee, shall remove the appropriate number of decks of cards for that gaming day from the approved storage area. The assistant table games shift manager or above and the security department employee who removed the decks shall distribute sufficient decks to the pit managers or above and, if applicable, to the Poker shift manager. The number of decks distributed must include extra decks that shall be placed in the pit stand for the card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the pit managers or above or the Poker shift manager or above.

(d) If the decks are to be inspected at open gaming tables in accordance with subsection (h), the pit manager or above shall distribute the decks to the dealer at each table or the Poker shift manager shall transport the decks to the dealer at each Poker table either directly by the Poker shift manager or through the floorperson assigned to supervise the dealer. The distribution of the decks to the Poker tables must comply with § 553.3 (relating to cards; number of decks).

(e) If the decks are to be preinspected and reshuffled at a closed gaming table as permitted under subsection (u), the pit manager or above or Poker shift manager shall deliver the decks to the dealer and the floorperson or above at the closed gaming table where the preinspection and reshuffling shall be performed.

(f) If the decks have already been preinspected, reshuffled, sealed in containers and placed in the card storage area as permitted under subsection (u)(8)(ii) or (v), the assistant table games shift manager or above and a security department employee shall transport the number of sealed containers of cards needed for that gaming day to the gaming pits where the cards will be utilized and lock the containers in the pit stand. A record of the removal of the sealed containers of cards from the approved storage area and the distribution of sealed containers to the gaming pits shall be maintained by the security department in a manner approved by the Bureau of Gaming Operations.

(g) If the decks of cards to be used for Poker for that gaming day are removed from the Poker storage area, the Poker shift manager or above and a security department employee shall, prior to the commencement of each gaming day and at other times as may be necessary, remove the appropriate number of decks from the Poker storage area and distribute the decks in accordance with subsection (d), (e) or (f). The number of decks distributed must include extra decks that shall be placed in the pit stand for the card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the Poker shift manager or above.

(h) Except for decks of cards that are preinspected and reshuffled in accordance with subsection (u) or (v), each deck of cards shall be inspected by a dealer and the inspection verified by a floorperson or above prior to the use of the cards on a gaming table. The purpose of the inspection is to assure that the cards specified under § 523.15 (relating to cards; physical characteristics) are actually contained in the deck and that the back of each card is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game. At a minimum, the card inspection at an open gaming table must require:

(1) Each deck of cards to be sorted into sequence and into suit to verify that all cards are present.

(2) A visual inspection of the back of each card.

(i) If, after inspecting the cards in accordance with subsection (h), the dealer finds that a card is unsuitable for use, a card is missing from the deck or an extra card is found, the following procedures shall be observed:

(1) A pit manager or above or a Poker shift manager shall bring a replacement deck of cards from the card reserve in the pit stand.

(2) The unsuitable deck shall be placed in a sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and floorperson assigned to that table or above.

(3) The pit manager or above or a Poker shift manager shall maintain the envelope or container in a secure place within the pit until collection by a security department employee.

(j) Envelopes and containers used to hold or transport cards collected by security must be:

(1) Transparent.

(2) Designed or constructed with seals so that any tampering is evident.

(3) Approved by the Bureau of Gaming Operations.

(k) If any cards in a deck are damaged during the course of play, the dealer shall immediately notify a floorperson or above. The floorperson or above shall bring

a new deck of cards to replace the deck with the damaged card or cards from the pit stand.

(1) The damaged deck of cards shall be placed in a sealed envelope, identified by table number, date and time and signed by the dealer and the individual who brought the replacement deck of cards to the table.

(2) The Poker shift manager or pit manager or above shall maintain the envelopes or containers of the damaged cards in a secure place within the pit until collection by a security department employee.

(1) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the certificate holder in the certificate holder's internal controls, and at other times as may be required by this subpart, a floorperson or above shall collect all used decks of cards required to be removed from play.

(1) The decks of cards collected shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which identifies the table number, date and time the decks of cards were collected and shall be signed by the dealer and floorperson assigned to the table.

(2) The Poker shift manager or pit manager or above shall maintain the envelopes or containers in a secure place within the pit until collection by a security department employee.

(m) A certificate holder shall remove any deck of cards at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of a casino compliance representative or other Board employee.

(n) Extra decks or packaged sets of multiple decks in the card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container that contains the number of decks or packaged sets of multiple decks, as applicable, included therein, the date and time the decks were placed in the envelope or container and the signature of the floorperson or above for decks used for Poker and the pit manager or above for decks used for all other games.

(o) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the certificate holder in its internal controls, and at other times as may be necessary, a security department employee shall collect and sign all envelopes or containers with damaged decks of cards, decks of cards required to be removed that gaming day, and all extra decks in the card reserve with broken seals and shall return the envelopes or containers to the security department.

(p) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the certificate holder in its internal controls, and at other times as may be necessary, an assistant table games shift manager or above may collect all extra decks with intact seals in the card reserve. If the certificate holder maintains a separate storage area for Poker cards, a Poker shift manager or above may collect all extra decks in the card reserve for the game of Poker. If collected, all sealed decks shall either be cancelled, destroyed or returned to the storage area.

(q) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the security department, the cards shall be inspected for

tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(1) For cards used in Blackjack, Spanish 21, Baccarat, Midibaccarat or Minibaccarat, the certificate holder shall inspect either:

(i) All decks used during the day.

(ii) A sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample have been submitted to and approved by the Bureau of Gaming Operations.

(2) The certificate holder shall also inspect:

(i) Any decks of cards which the Board requested the certificate holder to remove for the purpose of inspection.

(ii) Any decks of cards the certificate holder removed for indication of tampering.

(iii) All cards used for all banked table games other than the games listed in paragraph (1).

(iv) All cards used for Poker.

(3) The procedures for inspecting all decks required to be inspected under this subsection must, at a minimum, include:

(i) The sorting of cards sequentially by suit or utilizing a machine approved by the Bureau of Gaming Operations capable of reading the cards to determine whether any deck contains missing or additional cards.

(ii) The inspection of the backs with an ultra-violet light.

(iii) The inspection of the sides of the cards for crimps, bends, cuts or shaving.

(iv) The inspection of the front and back of all plastic cards for consistent shading and coloring.

(4) If, during the inspection procedures required for cards used in Poker, one or more of the cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a two-part Card Discrepancy Report shall be completed in accordance with paragraph (8).

(5) Upon completion of the inspection procedures required in paragraph (2), each deck of cards used in Poker which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the approved or Poker storage area for subsequent use. The certificate holder shall develop internal control procedures for returning the repackaged cards to the storage area.

(6) An individual performing an inspection shall complete a work order form which details the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(7) The certificate holder shall submit the training procedures for the employees performing the inspections required under this subsection in its internal controls.

(8) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered during an inspection, or at any other time, shall be immediately reported to the casino compliance representatives by the completion and delivery of a two-part Card Discrepancy Report.

(i) The report must include the decks of cards which are the subject of the report.

(ii) The decks of cards shall be retained by the casino compliance representatives for further inspection.

(iii) The casino compliance representative receiving the cards shall sign the original and duplicate copy of the Card Discrepancy Report and retain the original. The duplicate copy shall be retained by the certificate holder.

(r) Certificate holders shall submit to the Bureau of Gaming Operations for approval internal control procedures for:

(1) A card inventory system, which includes, at a minimum, the records of the following:

(i) The balance of decks of cards on hand.

(ii) The decks of cards removed from storage.

(iii) The decks of cards returned to storage or received from a manufacturer or supplier.

(iv) The date of each transaction.

(v) The signatures of the individuals involved.

(2) A reconciliation, on a daily basis, of the decks of cards distributed, destroyed and cancelled, returned to the storage area, and, if any, the decks of cards in the card reserve.

(3) A physical inventory of all decks of cards at least once every 3 months.

(i) This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of decks of cards on hand required in paragraph (1)(i).

(ii) Discrepancies shall immediately be reported to the Bureau of Gaming Operations.

(s) Decks of cards in an envelope or container that are inspected as required under subsection (q) and found to be without any indication of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play, with the exception of plastic cards used at Poker which are of sufficient quality for reuse, shall be destroyed or cancelled within 72 hours of collection. Cards submitted to the Board shall be destroyed or cancelled within 72 hours of release from the Board.

(1) Destruction of cards must be by shredding.

(2) Cancellation of cards must be by drilling a circular hole of at least 1/4 of an inch in diameter through the center of each card in the deck.

(3) The destruction and cancellation of cards must take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the physical characteristics of which shall be approved by the Bureau of Gaming Operations.

(t) If a deck of plastic cards has been reused 12 or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required under subsection (q)(3), before the deck shall be reused at a Poker table, the deck shall be inspected by a Poker shift manager or floorperson. A satisfactory inspection shall be documented by the Poker shift manager or floorperson. If the Poker shift manager or floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time the deck was placed in the envelope or container and shall be signed by the Poker shift manager or

floorperson. At the end of the gaming day or at other times as may be necessary, the envelope or container shall be collected by a security department employee and be returned to the security department for destruction or cancellation in accordance with subsection (s).

(u) If a certificate holder elects to preinspect and reshuffle cards at a closed gaming table prior to the delivery of the cards to an open gaming table, the procedures in this subsection shall be performed by a dealer and supervised by a floorperson or above with no concurrent supervisory responsibility for open gaming tables. A schedule of the proposed time and location for the preinspection and reshuffling shall be provided to the casino compliance representatives at least 24 hours prior to commencement of the process. The procedures required under paragraphs (1)—(7) shall be recorded by the surveillance department and each recording shall be retained by the certificate holder at least 7 days.

(1) Upon receipt of the decks of cards in accordance with subsection (e), the dealer shall perform the procedures in paragraphs (2)—(7) independently for each batch of cards that will be sealed in a container in accordance with paragraph (7), with the number of decks of cards in each batch being equal to the number of decks of cards required for the table game in which the decks are intended to be used.

(2) The dealer shall visually inspect the back of each card to assure that it is not flawed, scratched or marked in any way that might compromise the integrity or fairness of the game.

(3) The dealer shall then, either by hand or by using a machine approved by the Bureau of Gaming Laboratory Operations, inspect the front of each card to ensure that all cards are present and that there are no extra cards in the deck.

(4) If, after inspecting the cards, a card is determined to be unsuitable for use, or the deck is missing a card or an extra card is found, the following procedures shall be observed:

(i) The deck containing the unsuitable, missing or extra card shall be placed in a sealed envelope or container which shall be identified by table number, date, and time the deck of cards was placed in the envelope or container and signed by the dealer and floorperson or above performing the preinspection and reshuffle.

(ii) The sealed envelope or container containing the deck containing the unsuitable, missing or extra card shall be maintained by the floorperson or above until collection by a security department employee at the conclusion of the preinspection and reshuffling procedure.

(5) The dealer shall then shuffle the cards by hand or by using an automated card shuffling device.

(6) Upon completion of the preinspection and reshuffling process of the cards in the batch, the dealer and floorperson or above shall complete a two-part Preshuffled/Preinspected Form or other documentation approved by the Bureau of Gaming Operations, which, at a minimum, includes:

(i) The time and date the Preshuffled/Preinspected Form was prepared.

(ii) The number of decks in the batch.

(iii) The table games at which the cards will be utilized.

(iv) The signature of the dealer who preinspected and reshuffled the cards, certifying that the cards were preinspected and reshuffled in accordance with this subsection.

(v) The signature of the floorperson or above who witnessed and verified the preinspection and reshuffling.

(vi) The time, date and gaming table to which the sealed container of cards is subsequently delivered.

(vii) The signature of the floorperson or above who delivers the sealed container of cards to the gaming table in accordance with paragraph (9).

(7) The dealer shall then place the preinspected and reshuffled batch of cards, together with the Preshuffled/Preinspected Form or other documentation, in a clear container that conforms to the requirements of subsection (j) and seal the container with a prenumbered label unique to the container. Procedures for the maintenance and security of unused seals, and the distribution, return and reconciliation of seals used on containers holding preinspected and reshuffled cards shall be included in the certificate holder's internal controls.

(8) The sealed containers of cards shall be transported by either:

(i) A pit manager or above or Poker shift manager to the gaming pit of the gaming tables where the cards will be utilized and locked in the pit stand in accordance with subsection (c).

(ii) An assistant table games shift manager or above and a security department employee to the approved storage area or Poker storage area where the cards shall be placed back into the card inventory and segregated from cards that have not been preinspected and reshuffled. A record of the transport of the sealed containers of cards to the approved storage area shall be maintained by the security department in a manner approved by the Bureau of Gaming Operations.

(9) When the preinspected and reshuffled cards are needed for play, each container of cards shall be delivered by a floorperson or above to an open gaming table. Upon delivery, the floorperson or above shall unseal the container, place the decks of cards on the gaming table in front of the dealer, complete and sign the Preshuffled/Preinspected Form, drop the original Preshuffled/Preinspected Form in a locked box in the gaming pit and forward the copy of the Preshuffled/Preinspected Form to the security department.

(10) The dealer at the gaming table shall then cut the cards in the manner prescribed by the rules governing the particular table game.

(v) A certificate holder may use preinspected and reshuffled decks or batches of decks obtained from a licensed manufacturer or supplier in the same manner as decks or batches of decks that are preinspected and reshuffled under subsection (u) if the licensed manufacturer or supplier has been approved to provide preinspected and reshuffled decks or batches of decks by the Bureau of Gaming Operations.

§ 523.17. Dealing shoes; automated card shuffling devices.

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

Base plate—The interior shelf of the dealing shoe on which the cards rest.

Face plate—The front wall of the dealing shoe against which the next card to be dealt rests and which typically contains a cutout.

(b) Each manual or automated dealing shoe shall be designed and constructed to maintain the integrity of the game at which the shoe is used and includes, at a minimum, the following features:

(1) At least the first 4 inches of the base plate must be white.

(2) The sides of the shoe below the base plate must:

(i) Be transparent, have a transparent sealed cutout or be otherwise constructed to prevent any object from being placed into or removed from the portion of the dealing shoe below the base plate.

(ii) Permit the inspection of this portion of the shoe.

(3) A stop underneath the top of the face plate that precludes the next card to be dealt from being moved upwards for more than 1/8 inch distance.

(c) For a dealing shoe used in Blackjack, the dealing shoe, in addition to meeting the requirements of subsection (b), must have a mark on the side of the shoe that enables the dealer, after aligning the stack of cards against the shoe in accordance with § 549.6(e) (relating to shuffle and cut of the cards), to insert the cover card in the stack so that approximately one quarter of the stack is behind the cover card.

(d) For a dealing shoe used in Minibaccarat, Midibaccarat or Baccarat, the dealing shoe, in addition to meeting the requirements of subsection (b), must also meet the following specifications:

(1) Have a removable lid that is opaque from the point where it meets the face plate to a point at least 4 inches from the face plate.

(2) The sides and back above the base plate must be opaque.

(3) Have a device within the shoe, which when engaged, prevents the cards from moving backward in the shoe.

(e) A Pai Gow poker dealing shoe, in addition to meeting the requirements of subsection (b), may also contain a device approved by the Bureau of Gaming Operations on the front of the face plate that precludes the players from viewing the next card to be dealt.

(f) An automated card shuffling device may be utilized, in addition to a manual or automated dealing shoe, if the automated card shuffling device has been approved by the Bureau of Gaming Laboratory Operations and the procedures for shuffling and dealing the cards using the automated card shuffling device are submitted and approved as part of the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions).

(g) An automated shuffling device must meet a 95% confidence level using a standard chi-squared test for goodness of fit.

(h) An automated card shuffling device may not provide any information that can be used to aid in the projecting of the outcome of a game, tracking of the cards played and cards remaining to be played, analyzing the probability of the occurrence of an event relating to a game, or analyzing the strategy for playing or betting to be used in a game.

(i) Dealing shoes and automated card shuffling devices in the licensed facility shall be inspected at the beginning of each gaming day by the floorperson assigned to the table prior to cards being placed in them. The purpose of this inspection shall be to assure that there has been no tampering with the shoe or automated card shuffling device.

(j) For gaming tables at which a manual dealing shoe is utilized, the shoe shall be located on the side of the gaming table to the left of the dealer, and the discard rack shall be located on the side of the gaming table to the right of the dealer. For gaming tables at which either an automated card shuffling device or an automated dealing shoe is utilized, the location of the automated card shuffling device or automated dealing shoe shall be approved by the Bureau of Gaming Operations, and the discard rack shall be on the side of the gaming table opposite the automated card shuffling device or automated dealing shoe.

§ 523.18. Pai Gow tiles; receipt, storage, inspections and removal from use.

(a) When sets of tiles to be used at Pai Gow are received from a manufacturer or supplier, the tiles must, immediately following receipt, be unloaded under the supervision of at least two people, one of whom shall be an assistant table games shift manager or above and one employee from the security department, and transported to a secure area which is covered by the slot machine licensee's surveillance system. The boxes of tiles shall then be inspected by the assistant table games shift manager or above and one employee from the security department to assure that the seals on each package are intact, unbroken and free from tampering. Packages that do not satisfy these criteria shall be inspected at this time to assure that the tiles conform to the requirements of this chapter and there is no evidence of tampering. Packages satisfying these criteria, together with packages having unbroken, intact and untampered seals shall then be placed for storage in a storage area, the location and physical characteristics of which shall be approved by the Bureau of Gaming Operations.

(b) Sets of tiles which are to be distributed to gaming pits or tables for use in gaming shall be distributed from the approved storage area.

(c) The approved storage area must have two separate locks. The security department shall maintain one key and the table games department shall maintain the other key. No person employed by the table games department below an assistant table games shift manager in the organization hierarchy may have access to the table games department key.

(d) Immediately prior to the commencement of each gaming day and at other times as may be necessary, an assistant table games shift manager or above, in the presence of a security department employee, shall remove the appropriate number of sets of tiles for that gaming day from the approved storage area.

(e) Envelopes and containers used to hold or transport tiles must be transparent.

(1) The envelopes or containers and the method used to seal the envelopes or containers shall be designed or constructed so that any tampering is evident.

(2) The envelopes or containers and seals shall be approved by the Bureau of Gaming Operations.

(f) The assistant table games shift manager or above shall distribute sufficient sets of tiles to the pit manager or above in each Pai Gow pit.

(1) The pit manager or above shall then distribute the sets of tiles to the dealer at each Pai Gow table, and shall place extra sets of tiles in the reserve in the pit stand.

(2) Sets of tiles in the reserve shall be placed in a locked compartment in the pit stand, keys to which shall be in the possession of the pit manager or above.

(g) If during the course of play any damaged tile is detected, the dealer or a floorperson shall immediately notify the pit manager or above. The pit manager or above shall bring a substitute set of tiles to the table from the reserve in the pit stand to replace the entire set of tiles.

(1) The set of damaged tiles shall be placed in a sealed envelope or container, identified by table number, date and time the tiles were placed in the sealed envelope or container and shall be signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the envelope or container in a secure place within the pit until collection by a security department employee.

(h) The floorperson responsible for supervising the table or the pit manager or above shall collect used tiles which shall be placed in a sealed envelope or container.

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the tiles were placed in the envelope or container and shall be signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the envelopes or containers in a secure place within the pit until collection by a security department employee.

(i) A certificate holder shall remove any tiles at any time of the gaming day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of a casino compliance representative or other Board employee.

(1) A label shall be attached to each envelope or container which identifies the table number, date and time the tiles were placed in the envelope or container and shall be signed by the dealer and the floorperson responsible for supervising the table or the pit manager or above.

(2) The pit manager or above shall maintain the envelopes or containers in a secure place within the pit until collection by a security department employee.

(j) Extra sets of tiles in the reserve which have been opened shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time the tiles were placed in the envelope or container and is signed by the pit manager or above.

(k) At the end of each gaming day or at other times as may be necessary, a security department employee shall collect and sign all envelopes or containers with damaged tiles, tiles used during the gaming day, and extra tiles in the reserve which have been opened, and shall return the envelopes or containers to the security department.

(l) At the end of each gaming day or at other times as may be necessary, an assistant table games shift manager may collect all extra sets of tiles in the reserve which

have not been opened. If collected, all unopened sets of tiles shall either be cancelled or destroyed or returned to the approved storage area.

(m) Envelopes or containers of used tiles and reserve sets of tiles which have been opened that are returned to the security department, shall be inspected for tampering, marks, alterations, missing or additional tiles or anything that might indicate unfair play.

(1) The procedures for inspecting sets of tiles must, at a minimum, include the following:

- (i) The sorting of tiles by pairs.
 - (ii) The visual inspection of the sides and back of each tile for tampering, markings or alterations.
 - (iii) The inspection of the sides and back of each tile with an ultra-violet light.
- (2) The individual performing the inspection required by this subsection shall complete a work order form which:
- (i) Details the procedures performed.
 - (ii) Lists the table from which the tiles were removed.
 - (iii) States the results of the inspection.
 - (iv) Contains the signature of the individual who conducted the inspection.

(3) Evidence of tampering, marks, alterations, missing or additional tiles or anything that might indicate unfair play discovered during the inspection, or at any other time, shall be immediately reported to the casino compliance representatives by the completion and delivery of a two-part Tile Discrepancy Report.

(4) The two-part report shall be delivered to the casino compliance representatives along with the tiles. The tiles shall be retained for further inspection by the Board.

(5) The casino compliance representative receiving the tiles shall sign the original and duplicate copies of the report and shall retain the original copy. The duplicate copy shall be retained by the certificate holder.

(n) If after completing the inspection procedures required in subsection (m), it is determined that a complete set of 32 tiles removed from a gaming table is free from tampering, markings or alterations, the set may be returned to the Pai Gow storage area for subsequent gaming use in accordance with procedures approved by the Bureau of Gaming Operations. In no event may individual tiles from different sets be used to make a complete set for subsequent gaming use.

(o) Certificate holders shall submit to the Board for approval, internal control procedures for:

- (1) An inventory system which includes records of at least the following:
 - (i) The balance of sets of tiles on hand.
 - (ii) The sets of tiles removed from storage.
 - (iii) The sets of tiles returned to storage or received from a manufacturer or supplier.
 - (iv) The date of each transaction.
 - (v) The signatures of the individuals involved.

- (2) A reconciliation on a daily basis of:
 - (i) The sets of tiles distributed.
 - (ii) The sets of tiles destroyed and cancelled.
 - (iii) The sets of tiles returned to the approved storage area.
 - (iv) The sets of tiles in the tile reserve in a pit stand.
- (3) A physical inventory of the sets of tiles at least once every 3 months.
 - (i) The inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of the sets of tiles on hand required in paragraph (1)(i).
 - (ii) Discrepancies shall immediately be reported to the Bureau of Gaming Operations.

(p) Destruction and cancellation of tiles other than those retained for Board inspection, shall be completed within 72 hours of collection. The method of destruction or cancellation shall be approved by the Bureau of Gaming Operations. The destruction and cancellation of tiles must take place in a secure location in the licensed facility covered by the slot machine licensee's surveillance system, the physical characteristics of which shall be approved by the Bureau of Gaming Operations.

CHAPTER 537. CRAPS AND MINI-CRAPS

§ 537.7 Dice retention and selection.

(a) A set of five dice shall be present at the Craps or Mini-Craps table during gaming. Control of the dice at a Craps table, or at a Mini-Craps table with an optional stickperson, shall be the responsibility of the stickperson at the table. Control of the dice at a Mini-Craps table without an optional stickperson shall be the responsibility of the dealer at the table. The stickperson or Mini-Craps dealer shall retain all dice, except those in active play, in a dice cup at the table.

(b) At the commencement of play:

(1) For Craps, the stickperson shall offer the set of dice to the player immediately to the left of the boxperson at the table. If that player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(2) For Mini-Craps, the dealer or the optional Mini-Craps stickperson shall offer the set of dice to the player immediately to his or her left at the table. If that player rejects the dice, the dealer or stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.

(c) The first player to accept the dice when offered shall become the shooter who shall select and retain two of the dice offered. The remaining dice of the set shall be returned to the dice cup which shall:

- (1) For Craps, be placed immediately in front of the Craps stickperson.
- (2) For Mini-Craps, be placed immediately in front of the Mini-Craps dealer or stickperson.

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Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 231]

Intrastate Motor Carrier Safety Requirements

The Department of Transportation (Department), under the authority contained in 75 Pa.C.S. §§ 4704 and 6103 (relating to inspection by police or Commonwealth personnel; and promulgation of rules and regulations by department), adopts amendments to Chapter 231 (relating to intrastate motor carrier safety requirements) to read as set forth Annex A.

Purpose of Chapter

The purpose of Chapter 231 is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the intrastate operation of commercial vehicles.

Summary of Comments and Changes in Final Adopted Regulation

The amendments to the regulations were published as a proposed rulemaking at 39 Pa.B. 999 (February 21, 2009). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees (Committees) of the Pennsylvania General Assembly.

Comments were received from Officer Thomas Sanders and from IRRC. Officer Sanders noted that the existing language of § 231.2 (relating to scope), indicates that the regulation applies to “vehicles, including motor vehicles and combinations of vehicles, and drivers of motor vehicles engaged in interstate commerce if the registered gross weight of the vehicle or the combination of vehicles exceeds 17,000 pounds.” He indicated that the reference to 17,000 pounds may be confusing and requested that the language under § 231.2 be modified to be consistent with the definition of “motor carrier vehicle” as it appears in the Vehicle Code. The Department agrees that the reference to a vehicle which “exceeds 17,000 pounds” should be removed and was removed in the proposed rulemaking. In its place, the regulation references a “commercial motor vehicle,” the term used and defined in the Federal Motor Carrier Safety Regulations. Accordingly, no change to the proposed rulemaking was necessary to address this concern.

IRRC questioned the propriety of including in the chapter the adoption, as statements of policy, of the interpretations of the Federal Motor Carrier Safety Regulations in § 231.10 (relating to adoption of Interpretation of Federal Motor Carrier Safety Regulations). IRRC pointed out that statements of policy are interpretative and fall outside the regulatory review process. Although similar language is found in the currently existing regulations in § 231.411 (relating to adoption of Interpretations of Federal Motor Carrier Safety Regulations, Federal Highway Administration, United States Department of Transportation) as well as in § 229.17 (relating to adoption of interpretation of Federal Motor Carrier Safety Regulations), the Department has amended the language of § 231.10 to more clearly express its intent that any interpretations issued by the Federal Motor Carrier Safety Administration (FMCSA) should be viewed as guidance under these regulation as well.

The FMCSA Program periodically publishes interpretations of its regulations. The purpose of adopting the interpretations is to ensure that motor carriers, drivers

and law enforcement may rely on the FMCSA interpretations. Additionally, adopting the FMCSA interpretations will enhance the uniform interpretation and implementation of the motor carrier safety regulations in this Commonwealth consistent with its application throughout the rest of the United States.

The FMCSA commented that § 231.8(9) (relating to additions or modification to 49 CFR) of the proposed rulemaking permitted a person 16 years of age or older to operate an articulated farm vehicle. Although 49 CFR 350.341 (relating to what specific variances from the FMCSRs are allowed for State laws and regulations governing motor carriers, CMV drivers, and CMVs engaged in intrastate commerce and not subject to Federal jurisdiction?) provides some specific variances from the Federal Motor Carrier Regulations which are permitted, FMCSA indicated that the provision permitting a person 16 years of age or older to drive an articulated farm vehicle is not consistent with the requirements to participate in the Federal Motor Carrier Safety Assistance Program (MCSAP). The Department amended § 231.8(9) by removing the proposed exemption and renumbering the remaining exemptions.

Similarly, FMCSA commented that a farmer who is transporting hazardous materials is subject to the requirements in 49 CFR Part 385, Subpart E (relating to hazardous materials safety permits). Accordingly, the blanket exemption for farmers in § 231.8(14) would need to be modified. The Department modified the language for the exemption in § 231.8(14) to address the concerns raised by FMCSA.

Subsequent to the close of the comment period, FMCSA notified the Department that the modification in § 231.8(2) to delete the exemption for transportation by the Federal government or an agency established under a compact between states that has been approved by the Congress of the United States was not consistent with the MCSAP requirements. The Federal Motor Carrier Regulations, in 49 CFR 390.3(f)(2) (relating to general applicability), exempt from the regulations “transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States[.]” The Department addressed this concern by modifying the language of the regulation.

The Farm Bureau expressed concern regarding the removal of the blanket exemption in the regulation for vehicles and drivers of vehicles that are exempt from registration such as implements of husbandry and farm vehicles. The Farm Bureau indicated that, while it makes sense to require trucking companies to be able to navigate through the myriad of Motor Carrier Regulations, it is unreasonable for farmers to be held to the same standards because farming involves more than just transportation and their transportation activities are sporadic. However, the Farm Bureau also acknowledged that the Department is required to update the regulations to conform with Federal Motor Carrier Regulations.

A MCSAP compliance audit was performed on the Department's intrastate motor carrier regulations. One of the compliance issues raised by the audit was that the Department's blanket exemptions for farmers exceeded the permissible limits under the MCSAP program. This rulemaking adopts all of the parts of the applicable Federal regulations to ensure that the Department adopts all of the exemptions that apply to the farming industry. The regulations are being adopted in this manner so that

if the Federal regulations are amended to create exemptions applicable to the farming industry, the exemptions will automatically be applicable in this State. The method used will ensure that farmers are eligible to take advantage of all applicable exemptions without the Department having to amend the regulation first.

There were two additional changes which are contained in the final-form rulemaking. The first is the removal of a proposed exemption from the requirement to obtain and display a United States Department of Transportation (USDOT) number. Requiring intrastate carriers to obtain and display a USDOT number will allow the Commonwealth to focus resources on those intrastate carriers who pose the greatest safety risk, and utilize existing Federal computer systems and methodologies to accomplish this task. This mechanism will also afford a uniform method for identifying the motor carrier ultimately responsible for the safety and operation of a motor carrier vehicle, which in many instances is not the vehicle registrant or owner.

The USDOT number serves as a unique identifier when collecting and monitoring a company's safety information. While vehicle registration cards list the owner of a vehicle, this individual or entity may or may not ultimately be the person responsible for the safety and operation of the vehicle. The FMCSA maintains a database called Motor Carrier Management Information System (MCMIS), which is a Federally-based central repository of commercial vehicle safety data as well as a National inventory of motor carriers subject to the Federal Motor Carrier Safety Regulations. MCMIS utilizes the USDOT number to track and monitor a motor carrier's activities.

Roadside inspection reports and accident reports for reportable crashes are uploaded to MCMIS and again utilize a carrier's USDOT number and not the owner or registrant of the vehicle. This inspection and accident data is then utilized by the Safety Status Measurement System (SafeStat), which is an automated analysis system that uses crash and inspection data to measure the safety fitness of an individual motor carrier with respect to the rest of the motor carrier population. Carriers are rated in four specific areas: accidents, driver violations, vehicle violations and safety management practices. The system utilizes up to 30 months of this data to perform an overall safety status assessment and assign each carrier a SafeStat score. This score is then utilized by state and Federal enforcement agencies to focus their resources on those carriers posing the greatest safety risk.

The second change was the addition of an exemption from the location of the rear impact guard for dump trucks, used for roadway construction, maintenance or repair, which are owned or registered by State and local governments. The exemption does not authorize the removal of the existing rear impact guard. However, dump trucks used for roadway construction, maintenance or repair may be equipped with equipment needed to apply salt, cinders and other substances to the roadway. The addition of this equipment results in the nonconforming location of the rear impact guards. This amendment will ensure that the Commonwealth and local governments can continue to use dump trucks to apply salt, cinders and other materials to the roadway.

Persons and Entities Affected

These regulations will affect all motor carriers and drivers who operate in interstate commerce.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will not impose any additional costs on the regulated community.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking, on February 21, 2009, to IRRC and the Committees for review and comment.

In preparing these final-form regulations, the Department has considered all comments received from the public, IRRC and the Committees.

The regulations were deemed approved by the Committees February 24, 2010. IRRC met on February 25, 2010, and approved the final-form regulations.

Effective Date

The Department will make these regulations effective upon publication in final-form.

Sunset Provisions

The Department is not establishing a sunset date for these regulations, since these regulations are required to participate in the Federal MCSAP. The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for technical questions about this final-form rulemaking should be directed to Daryl St. Clair, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-6899.

Order

The Department of Transportation orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 231, are amended by rescinding §§ 231.4—231.6; 231.21—231.25, 231.31, 231.32, 231.41—231.44, 231.61—231.66, 231.71 and 231.81—231.85; 231.101—231.111, 231.121—231.127, 231.131—231.135, 231.141—231.144, 231.151—231.153, 231.161—231.163 and 231.171—231.181; 231.201—231.223, 231.231—231.243, 231.251—231.254, 231.271, 231.272, 231.281—231.299, 231.301 and 231.311—231.314; 231.331 and 231.341—231.347; 231.361—231.367; 231.381—231.392; 231.411; 231.451—231.453; and Appendices (A) and (B); and by amending §§ 231.1—231.3 and by adding §§ 231.7—231.10 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A hereto to the Office of General Counsel and the Office of Attorney General for approval as to legality and form, as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

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

ALLEN D. BIEHLER, P. E.,
Secretary

Fiscal Note: 18-414. No fiscal impact; (8) recommends adoption.

Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 1471 (March 13, 2010).

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 231. INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS

Subchapter A. General

§ 231.1. General information and requirements.

(a) *Purpose.* This chapter prescribes the minimum requirements and qualifications for drivers, vehicles and other matters relating to the intrastate operation of commercial motor vehicles. Much of this chapter incorporates by reference 49 CFR Parts 382, 385 and 390—396 and the North American Standard Out-of-Service Criteria. Appropriate parts may be obtained from the following:

(1) United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 644-2721.

(2) United States Government Printing Office, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 655-4000.

(4) Commercial Vehicle Safety Alliance, 1101 17th Street NW, Suite 803, Washington, D.C. 20036.

(b) *Application.*

(1) A motor carrier and its officers, drivers, agents, employees and representatives involved in, or related to, the transportation of intrastate commerce shall comply with this chapter and shall take measures necessary to assure compliance.

(2) Officers, agents, representatives, drivers and employees of motor carriers concerned with the management, maintenance, operation or driving of vehicles engaged in intrastate commerce shall be conversant with, and knowledgeable of, this chapter.

(c) *Title and name changes.* To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, except in 49 CFR Part 382 (relating to controlled substances and alcohol use and testing), the following words and terms, unless the context clearly indicates otherwise, shall be substituted for the language of the Federal regulations as follows:

(1) Reference to the Department of Transportation means the Pennsylvania Department of Transportation.

(2) Reference to the Secretary means the Secretary of the Pennsylvania Department of Transportation.

(3) Reference to special agent includes a police officer or a qualified Commonwealth employee.

(4) Reference to Department means the Pennsylvania Department of Transportation.

(5) Reference to school bus means the term as defined in 75 Pa.C.S. § 102 (relating to definitions).

(6) Reference to Director, Office of Bus and Truck Standards and Operations (MC PSD) means Director of the Bureau of Driver Licensing of the Commonwealth.

(7) Reference to State Director or Division Administrator, FMCSA means the Director of the Bureau of Driver Licensing of the Commonwealth.

(8) Reference to Medical Program Specialist, FMCSA field service center means the Medical Unit of the Bureau of Driver Licensing of the Commonwealth.

(d) *Forms and documents.* References to forms in the Federal regulations incorporated by reference shall be replaced by the appropriate forms prescribed by the Department.

§ 231.2. Scope.

(a) Except as otherwise provided, this chapter applies to commercial motor vehicles and school buses engaged in intrastate commerce.

(b) This chapter applies to motor carriers of property or passengers involved in intrastate commerce, whether common carriers, contract carriers or private carriers.

§ 231.3. Definitions.

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

Qualified Commonwealth employee—The term as it is defined in 75 Pa.C.S. § 4102 (relating to definitions).

School bus—The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

§ 231.4. (Reserved).

§ 231.5. (Reserved).

§ 231.6. (Reserved).

§ 231.7 Adoption of portions of 49 CFR by reference.

The Department incorporates by reference the following portions of 49 CFR (relating to transportation), subject to §§ 231.3 and 231.8 (relating to definitions; and additions or modifications to 49 CFR).

(1) Part 382 (relating to controlled substances and alcohol use and testing).

(2) Part 385 (relating to safety fitness procedures).

(3) Part 390 (relating to Federal motor carrier safety regulations; general).

(4) Part 391 (relating to qualifications of drivers and longer combination vehicle (LCV) driver instructors).

(5) Part 392 (relating to driving of commercial motor vehicles).

(6) Part 393 (relating to parts and accessories necessary for safe operation).

(7) Part 395 (relating to hours of service of drivers).

(8) Part 396 (relating to inspection, repair, and maintenance).

§ 231.8 Additions or modifications to 49 CFR.

As stated in § 231.7 (relating to adoption of portions of 49 CFR by reference), this chapter generally incorporates 49 CFR Parts 382, 385, 390, 391, 392, 393, 395 and 396. The following modification, additions and deletions to those parts apply:

(1) The definition of “commercial motor vehicle” in 49 CFR 390.5 (relating to definitions) is modified to read as follows:

Commercial motor vehicle—Any motor vehicle or combination used on a highway in intrastate commerce to

transport passengers or property when the vehicle meets one of the following conditions:

- (i) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 17,001 pounds or more, whichever is greater.
 - (ii) Is designed or used to transport more than 8 passengers (including the driver) for compensation.
 - (iii) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.
 - (iv) Is a school bus.
 - (v) Is transporting hazardous materials which is required to be placarded in accordance with Department regulations.
- (2) 49 CFR 390.3 (relating to general applicability) is modified by deleting subsection (f)(1).
- (3) 49 CFR 390.3(f)(2) is modified to remove the reference to transportation by a state or any political subdivision of a state.
- (4) 49 CFR 390.19 (relating to motor carrier identification report) is deleted in its entirety.
- (5) 49 CFR 391.2 (relating to general exceptions) is modified to add an exemption for an inspection mechanic who is performing a road test as required under Chapter 175 (relating to vehicle equipment and inspection) from the requirements of 49 CFR Part 391 (relating to qualifications of drivers and longer combination vehicle (LCV) driver instructors).
- (6) 49 CFR 391.2 is modified to add an exemption from the requirements of 49 CFR Part 391 for regularly employed drivers of State and local governments and agencies of State and local government.
- (7) 49 CFR 391.11(b)(4) (relating to general qualifications of drivers) is modified to exempt school bus drivers who are required to comply with the medical regulations in Chapter 71 (relating to school bus drivers).
- (8) 49 CFR Part 391 is modified by adding the following exemption regarding drivers regularly employed as of September 23, 1995, and the parameters for the exemption:
- (i) A regularly employed driver as of September 23, 1995, who cannot meet the physical qualifications requirements of 49 CFR Part 391, will be considered to be qualified to operate in intrastate commerce if certified by the medical examiner and motor carrier in accordance with this section. The driver shall be considered qualified only until the existing unqualifying medical or physical condition significantly worsens or a new unqualifying medical or physical condition develops subsequent to September 23, 1995.
 - (ii) The motor carrier's certification shall be based on a review of the driver's past driving safety record and accident history. The motor carrier's certification shall be on a form prescribed by the Department and shall be valid for a period commensurate with the period of the medical examiner's certificate issued in accordance with this chapter.
 - (iii) A copy of the medical examiner's initial certificate establishing a driver's qualification under this section and annotated in accordance with paragraph (iv), the most current biannual medical examiner's certificate and the most current certification by the employing motor carrier that the driver is qualified to operate in intrastate

commerce shall be maintained in the driver's qualification file for the entire period of the driver's term of employment and for an additional 2 years after termination of employment.

(iv) If the medical examiner determines that the driver is only qualified to drive in intrastate commerce in accordance with subparagraphs (i)—(iii), the medical examiner's certificate required under 49 CFR 391.43 (relating to medical examination; certificate of physical examination) must display the statement "Medically qualified to operate in intrastate commerce only."

(9) 49 CFR 391.11(b)(1) is deleted.

(10) 49 CFR 391.47(e) (relating to resolution of conflicts of medical evaluation) is modified to reference Chapter 491 (relating to administrative practice and procedure) instead of § 386.13(a).

(11) 49 CFR 391.47(f) is modified to read as follows:

(f) Status of driver. Once a petition for review of a decision of the Director of the Bureau of Driver Licensing is submitted, the driver shall be deemed disqualified until such time as the Pennsylvania Secretary of Transportation makes a determination or orders otherwise.

(12) 49 CFR 390.27 (relating to locations of motor carrier safety service centers) is amended to read as follows:

390.27 Address of the Medical Unit of the Bureau of Driver Licensing

The mailing address for the Medical Unit is PENNDOT, Bureau of Driver Licensing, Medical Unit, 1101 South Front Street, 3rd Floor, Harrisburg, PA 17104-2516.

(13) 49 CFR 385.1(d) (relating to purpose and scope) is modified to read as follows:

(d) The provisions of this part apply to all motor carriers subject to the requirements of this subchapter, except nonbusiness private motor carriers of passengers and farmers that do not transport hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823.

(14) 49 CFR 393.86(b)(1)(IV) (relating to rear impact guards and rear end protection) is amended to add the following sentence: "This location requirement does not apply to dump trucks owned by or registered to the Commonwealth or a political subdivision of this Commonwealth that is used for roadway construction, maintenance or repair."

§ 231.9 Adoption of out-of-service criteria.

The out-of-service criteria contained in the North American Standard Out-of-Service Criteria is incorporated by reference.

§ 231.10 Interpretations of Federal Motor Carrier Safety Regulations.

The Department will be guided by interpretations of the Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration for those Parts enumerated in § 231.7 (relating to adoption of portions of 49 CFR by reference). Copies of these interpretations may be obtained by contacting the director, bureau of Highway Safety and Traffic Engineering, 400 North Street, P. O. Box 2047, Harrisburg, PA 17105-2047, or through the Federal Motor Carrier Safety Administra-

tion web site: http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=G.

§§ 231.21—231.25 (Reserved).

§ 231.31 (Reserved).

§ 231.32 (Reserved).

§§ 231.41—231.44 (Reserved).

§§ 231.61—231.66 (Reserved).

§ 231.71 (Reserved).

§§ 231.81—231.85 (Reserved).

§§ 231.101—231.111 (Reserved).

§§ 231.121—231.127 (Reserved).

§§ 231.131—231.135 (Reserved).

§§ 231.141—231.144 (Reserved).

§§ 231.151—231.153 (Reserved).

§§ 231.161—231.163 (Reserved).

§§ 231.171—231.181 (Reserved).

§§ 231.201—231.223 (Reserved).

§§ 231.231—231.243 (Reserved).

§§ 231.251—231.254 (Reserved).

§ 231.271 (Reserved).

§ 231.272 (Reserved).

§§ 231.281—231.299 (Reserved).

§ 231.301 (Reserved).

§§ 231.311—231.314 (Reserved).

§ 231.331 (Reserved).

§§ 231.341—231.347 (Reserved).

§§ 231.361—231.367 (Reserved).

§§ 231.381—231.392 (Reserved).

§ 231.411 (Reserved).

§§ 231.451—231.453 (Reserved).

Appendix (A) (Reserved).

Appendix (B) (Reserved).

[Pa.B. Doc. No. 10-716. Filed for public inspection April 23, 2010, 9:00 a.m.]