

RULES AND REGULATIONS

Title 51—PUBLIC OFFICERS

DEPARTMENT OF STATE

[51 PA. CODE CH. 53]

Biennial Filing Fee

The Department of State (Department) amends § 53.1 (relating to biennial filing fee) to read as set forth in Annex A. The final-form rulemaking increases the biennial registration fee for individuals and entities required to be registered under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure) (act) from \$100 to \$200.

Notice of proposed rulemaking was published at 39 Pa.B. 6049 (October 17, 2009). Publication was followed by a 30-day public comment period. The Department received three comments from the Pennsylvania Association of Government Relations (PAGR), the Pennsylvania Association of Nonprofit Organizations (PANO) and the Pennsylvania Association of Resources: Autism (PAR). On December 16, 2009, the Independent Regulatory Review Commission (IRRC), as part of its review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12), offered comments on the proposed rulemaking. The Department did not receive comments from the Senate and House State Government Committees as part of their review of the proposed rulemaking under the Regulatory Review Act. The comments the Department received described in detail with the Department's response are as follows.

Statutory Authority

Section 13A08(j) of the act (relating to administration) provides that the Department may, by regulation, adjust the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) if the Department determines that a higher fee is needed to cover the costs of carrying out the act.

Purpose

The current registration fee of \$100 for individuals and entities required to be registered under the act was established under section 13A10(a) of the act. Section 13A08(j) of the act states that the fees may be raised if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. For fiscal years (FY) 2007-2008, the Department's costs for administering the act totaled \$1,054,165.07. For the biennial registration period 2007-2008, the registration fees paid to the Department totaled \$234,200. For the FY 2008-2009, the Department's costs were \$1,711,318. While the increase in the registration fee will not come close to covering the total costs of administering the act to the Department, it will help to defray some of the costs. In fact, the \$200 fee will cover less than half of the Department's costs with the balance being paid from other resources.

Description of Final-Form Rulemaking

The PAGR commented that section 1308(f) of the act requires the Department to publish the adjusted registration fee amounts in the *Pennsylvania Bulletin* by June 1, 2009, and by June 1 every 2 years thereafter as necessary. The PAGR argues that because the Department published the proposed rulemaking on October 17, 2009, rather than prior to June 1, 2009, the Department is

untimely. The PAGR found that "the next opportunity the Department has to increase the biennial registration fee is on June 1, 2011."

First, the act only requires the Department to publish the adjusted registration fee amounts by June 1, 2009, and by June 1 every 2 years after, not on June 1. Second, the Department is not raising the fee in 2009. The final-form rulemaking will not go into effect until January 1, 2011. Therefore, in accordance with the act, the Department must publish the proposed regulation adjusting the registration fee by June 1, 2011. By publishing the proposed rulemaking on October 17, 2009, the Department has notified the regulated community of the proposed adjusted registration fee far in advance of June 1, 2011, in accordance with the act. Additionally, the biennial filing fee will be effective on January 1, 2011, because it is the beginning of another biennial registration period.

IRRC commented that the wording of the final-form rulemaking needs to be amended to implement the Department's intent of the regulation being effective on January 1, 2011. To address IRRC's concern, the Department replaced the amount the registration fee of \$200 as stated in the proposed rulemaking with the original amount of \$100 and added a sentence stating "[a]s of January 1, 2011, the biennial filing fee will be \$200."

PANO and PAR: Autism both commented that the increase in the biennial registration fee would be burdensome to their nonprofit organizations. Both groups pointed out that they have additional costs associated with registration besides the fee, such as personnel, office, operating and program expenses. In recognition that any increase in costs is not optimal for anyone, the Department only raised the fee \$100 for the biennial registration period. The additional fees are necessary so that the Department can defray some of its administration costs. While the regulated community bears the burden of an increased fee, it is of utmost importance that the Department is able to continue administering the act. Additionally, the act does not provide the Department with the authority to treat nonprofit organizations differently from for-profit organizations. Therefore, the biennial registration fee increase must be the same for all organizations.

IRRC also requested that the Department explain why the \$200 is the appropriate fee amount and how the \$200 fee is consistent with the act. Section 13A08(j) of the act states that the fees may be raised if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. For the biennial registration period 2007-2008, the registration fees paid to the Department totaled \$234,200. For the FY 2008-2009, the Department's costs were \$1,711,318. Clearly, the registration fees do not even cover half of the Department's administrative costs. Therefore, the Department, under the act, may raise the fee to help cover the costs of the administration of the act. While the Department could have raised the fee higher to cover its administrative costs, the Department only raised the fee \$100 because the Department did not want to overburden registrants by raising the fee any higher at this time. Another \$100 for a 2-year registration period does not raise the fee too much, while helping to defray some of the administrative costs to the Department.

*Fiscal Impact**Commonwealth*

By raising the registration fee to \$200, the final-form rulemaking will help the Department defray some of the costs of administering the act.

Local government

Local government will not have expenses associated with this final-form rulemaking. However, if a local government is required to register as a principal, the local government would have the cost of the increased registration fee of \$200, and would then be considered to be part of the regulated community.

Private sector

The final-form rulemaking will increase the biennial registration fee for principals, lobbying firms and lobbyists from \$100 to \$200.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 6, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 6049, to IRRC and to the Senate and House State Government Committees (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 2, 2010, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 3, 2010, and approved the final-form rulemaking.

Contact Persons

Additional information may be obtained by contacting Shauna C. Graves, Assistant Counsel, Department of State, 301 North Office Building, Harrisburg, PA 17120-0029, shgraves@state.pa.us.

Findings

The Department of State finds that:

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

(2) A public comment period was provided as required by law and all comments were considered in drafting this final-form rulemaking.

(3) This amendment to the biennial filing fee regulation is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Department therefore orders that:

(a) The regulations of the Department, 51 Pa. Code Chapter 53, are amended by amending § 53.1 to read as set forth in Annex A.

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

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

(d) The regulation takes effect immediately upon publication in the *Pennsylvania Bulletin*.

BASIL L. MERENDA,
Acting Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 3471 (June 19, 2010).)

Fiscal Note: Fiscal Note 16-50 remains valid for the final adoption of the subject regulation.

Annex A**TITLE 51. PUBLIC OFFICERS****PART III. LOBBYING DISCLOSURE****CHAPTER 53. REGISTRATION AND TERMINATION****§ 53.1. Biennial filing fee.**

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the "Commonwealth of Pennsylvania." As of January 1, 2011, the biennial filing fee will be \$200.

(1) The biennial filing fee shall be tendered to the Department with the filing of the principal's, lobbying firm's or lobbyist's first registration statement in each registration period. However, if the Department receives the filing fee within 5 calendar days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.4 (relating to delinquency).

(2) The biennial filing fee will be a flat fee for the registration period in which paid. A registrant will not be required to pay more than one biennial filing fee in any given biennial registration period, unless a registrant terminates and attempts to reregister during the same biennial registration period.

(3) A separate biennial filing fee shall be paid for each principal, lobbying firm or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee.

(4) The biennial filing fee is nonrefundable and non-transferable.

(5) Filing fees expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section will constitute a failure to register as required by the act.

(c) Money received from biennial filing fees will be deposited in the Fund.

[Pa.B. Doc. No. 10-1245. Filed for public inspection July 9, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 523, 525, 535, 537, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 AND 567]

Table Games; Temporary Regulations

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 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 523, 525, 535, 537, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 and 567 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 amends the regulations for table games in response to comments received from certificate holders and based on the Board's experience to date.

Explanation of Chapters 523, 525, 535, 537, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 and 567

The Board received numerous comments on the temporary regulations that it has promulgated so far. The Board found these comments useful and thanks the commentators for their input.

While the Board does not agree with all of the suggestions offered and is still reviewing a number of the comments that have been received, the Board does agree that improvements can be made in several areas now.

In Chapter 523 (relating to table game equipment), the Board has made changes to clarify various provisions based on questions it has received. Section 523.12 (relating to dice; physical characteristics) has been revised to clarify that the requirements for dice used in the game of Pai Gow also apply to dice used for Pai Gow Poker. Section 523.13(o)(2) (relating to dice; receipt, storage, inspections and removal from use) has been revised to include crushing as one of the methods authorized for the destruction of dice. Section 523.15(g)(2) (relating to cards; physical characteristics) has been revised to clarify that the label required on a package of multiple decks of cards should indicate the game that the decks are to be used for. This is necessary because different games require different numbers of cards.

In Chapter 525 (relating to table game internal controls), the distribution of copies of the Table Inventory Slip that will be filled out during the drop process at tables that are open for play has been changed. Instead of placing both copies in the drop box that is being removed, the original will be placed in the drop box being removed and the duplicate copy will be placed in the drop box being placed on the gaming table. This will make it easier to calculate the daily gross table game revenue for these tables.

In Chapter 535 (relating to Pai Gow), § 535.3(b)(3) (relating to Pai Gow tiles; physical characteristics) has been revised to allow the unique identifier that must be placed on the tiles to be on the front or the back. Depending on what type of identifier is used, having it on the back of the tile could create a greater potential risk for players to mark the tiles.

In Chapter 537 (relating to Craps and Mini-Craps), definitions for the terms "Buy Bet" and "Lay Bet" have been added to § 537.1 (relating to definitions). Section 537.5a (relating to Buy and Lay Bets) has been added to give certificate holders the option of offering these bets and to establish the required payout odds. Other changes have been made to § 537.3 (relating to permissible wagers) to clarify when Hardway Bets are active and to correct the text in paragraph (34) regarding the Two-Six on the Hop Bet.

In Chapter 541 (relating to Minibaccarat), § 541.2(a) (relating to Minibaccarat table physical characteristics) has been amended to increase the number of players allowed at a Minibaccarat table from seven to nine. This will make the limit on the maximum number of players the same for both Minibaccarat and Midibaccarat. Section 541.3(c) (relating to cards; number of decks) has been amended to increase the time period that the decks of cards used for Minibaccarat can be used from 4 hours to 24 hours. This brings the allowable time period for this game in line with the allowable time period for other games where the players are not handling the cards. Section 541.9(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand) has been amended to further clarify that players may not touch the cards at any time.

Sections 541.14(c), 543.14(c) and 545.15(c) (related to irregularities) have been revised to give certificate holders an additional option for dealing with a card that has been disclosed in error. Instead of just discarding the disclosed card and one additional card, certificate holders will be able to elect to conduct a simulated round of play with the disclosed card. This option is preferred by more traditional players. For the same reason, § 545.9(d) (relating to hands of player and banker; procedure for dealing initial two cards to each hand) has been revised to have the curator, who is dealing the cards from the dealing shoe, place the Banker's Hand under the right corner of the dealing shoe instead of having the dealer who is calling the game place these cards under the corner of the dealing shoe.

In Chapters 549 and 551 (relating to Blackjack; and Spanish 21), §§ 549.4 and 551.6 (relating to wagers; and wagers; payout odds) have been amended to give certificate holders an additional method that can be used for the collection of losing wagers and the payment of winning wagers.

In Chapter 553 (relating to Poker), § 553.2(c) (relating to Poker table physical characteristics) has been revised to clarify that a Poker table does not have to have a specific area marked on the layout for the placement of the decks of cards used. All that is required is that the certificate holder keep the decks of cards in a location on the table that has been approved by the Bureau of Gaming Operations.

In Chapter 565 (relating to Three Card Poker), several sections have been amended to allow certificate holder's the option of offering Progressive Payout Wagers. In § 565.1 (relating to definitions) definitions of the terms "Envy Bonus," "Envy Bonus qualifying hand" and "progressive payout hand" have been added. In § 565.2 (relating to Three Card Poker table physical characteristics), the table layout, equipment and signage requirements regarding Progressive Payout Wagers have been added. Language has been added to § 565.7 (relating to wagers) which describes how Progressive Payout Wagers are to be placed. Sections 565.8, 565.9 and 565.10 (relating to procedures for dealing the cards from a manual

shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been revised to incorporate the procedure for collecting Progressive Payout Wagers prior to dealing the cards. In § 565.11 (relating to procedures for completion of each round of play), a new provision has been added which requires the forfeiture of the Progressive Payout Wager if the player does not place a Play Wager. This mirrors the treatment of Ante and Pairs Plus Wagers. Other provisions have been included in this section addressing the payment of the Envy Bonus and progressive payouts that are not paid from the table inventory. Section 565.11a (relating to progressive payout) has been added to specify how winning Progressive Payout Wagers shall be paid. Section 565.12 (relating to payout odds; Envy Bonus; rate of progression; payout limit) establishes the payout amounts for winning Progressive Payout Wagers and Envy Bonuses and sets forth the minimum rate of progression of the progressive meter used for the progressive payouts.

Finally, in Chapters 551, 555, 557, 559, 561, 563, 565 and 567, §§ 551.16(k), 555.14(g), 557.13, 559.15, 561.14, 563.13, 565.13 and 567.11 (relating to irregularities) have been amended. Currently, these sections require that a malfunctioning automated card shuffling device or automated dealing shoe be removed from a gaming table before another method of shuffling or dealing can be used at that gaming table. Because some of these devices are built into the gaming tables, this requirement would prevent a certificate holder from continuing to use these gaming tables. To give certificate holders additional operating flexibility, these sections have all been revised to allow continued use of these gaming tables so long as the certificate holders place a cover or sign on the malfunctioning device.

Affected Parties

This temporary rulemaking will affect how certificate holders may conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth

The Board does not expect that the revisions in this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies.

Political subdivisions

This temporary rulemaking will not have 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

The revisions in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games which may result in faster play and thereby result in lower costs for certificate holders.

General public

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

Paperwork Requirements

This temporary rulemaking will not impose new paperwork requirements on certificate holders.

Effective Date

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

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-126.

Contact Person

The contact person for questions about this rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 703-2971.

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), known as the Commonwealth Documents Law (CDL), 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 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 CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys 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:

(a) The regulations of the Board, 58 Pa. Code Chapters 523, 525, 535, 537, 541, 543, 545, 549, 551, 553, 555, 557, 559, 561, 563, 565 and 567, are amended by amending §§ 523.12, 523.13, 523.15, 525.13, 535.3, 537.1, 537.3, 541.2, 541.3, 541.9, 541.14, 543.14, 545.9, 545.15, 549.4, 551.6, 551.16, 553.2, 555.14, 557.13, 559.15, 561.13, 563.13, 565.1, 565.2, 565.7—565.13 and 567.11 and by adding §§ 537.5a and 565.11a to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The temporary regulations are effective July 10, 2010.

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

(d) The temporary regulations are subject to amendment as deemed necessary by the Board.

(e) 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: 125-126. No fiscal impact; (8) recommends adoption.

Annex A

Title 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 523. TABLE GAME EQUIPMENT

§ 523.12. Dice; physical characteristics.

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

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

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(o) Destruction or cancellation of dice, other than those retained for Board inspection, shall be completed within 72 hours of collection.

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(2) Destruction must occur by shredding or crushing.

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§ 523.15. Cards; physical characteristics.

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(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 contain a window that reveals an adequate description of the contents of the package, including:

* * * * *

(2) The game for which the cards are to be used.

* * * * *

CHAPTER 525. TABLE GAME INTERNAL CONTROLS

§ 525.13. Procedure for drops at open table games.

(a) Whenever a table game is to remain open for gaming activity when the table is being dropped, the gaming chips, coins and plaques remaining in the table inventory at the gaming table at the time of the drop shall be counted by the dealer or boxperson assigned to the gaming table and recorded on a Table Inventory Slip.

(b) The count required under subsection (a) shall be observed by the floorperson who is responsible for supervising the table game at the time of the drop.

(c) Signatures attesting to the accuracy of the information recorded on the Table Inventory Slip shall be placed on both copies of the Table Inventory Slip by the dealer or boxperson assigned to the table and the floorperson that observed the dealer or boxperson count the contents of the table inventory.

(d) After meeting the signature requirements in subsection (c), the original copy of the Table Inventory Slip shall be deposited in the drop box that is attached to the gaming table immediately before the drop box is removed from the gaming table as part of the drop. The duplicate copy of the Table Inventory Slip shall be deposited in the

drop box that is attached to the gaming table immediately following the removal of the drop box that is removed from the gaming table as part of the drop.

CHAPTER 535. PAI GOW

§ 535.3. Pai Gow tiles; physical characteristics.

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(b) Each tile used must:

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(3) Have on the back or front of each tile an identifying feature unique to each certificate holder.

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CHAPTER 537. CRAPS AND MINI-CRAPS

§ 537.1. Definitions.

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

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Buy Bet—A Place Bet to Win which offers a payout of true odds.

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Lay Bet—A Place Bet to Lose which offers a payout of true odds.

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§ 537.3. Permissible wagers.

(a) The following wagers may be used in the games of Craps and Mini-Craps:

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(7) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2, that may be made at any time. A Four the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Four the Hardway Bet shall be determined as follows:

* * * * *

(8) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3, that may be made at any time. A Six the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Six the Hardway Bet shall be determined as follows:

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(9) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4, that may be made at any time. An Eight the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of the player's wager. A winning or losing Eight the Hardway Bet shall be determined as follows:

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(10) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5, that may be made at any time. A Ten the Hardway Bet shall be inactive on the come out roll unless called "on" by the player and confirmed by the dealer through placement of

an "on" marker button on top of the player's wager. A winning or losing Ten the Hardway Bet shall be determined as follows:

* * * * *

(34) A Two-Six or Deuce-Six on the Hop Bet placed in an area on the layout for this bet that may be made at any time. A winning or losing Two-Six or Deuce-Six on the Hop Bet shall be determined as follows:

(i) A Two-Six or Deuce-Six on the Hop Bet shall win if a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

(ii) A Two-Six or Deuce-Six on the Hop Bet shall lose if any other combination is thrown on the roll immediately following placement of the Two-Six or Deuce-Six on the Hop Bet.

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§ 537.5a. Buy and Lay Bets.

(a) In addition to Place Bets to Win on 4, 5, 6, 8, 9 and 10, a certificate holder may, in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer players the option of placing a Buy Bet. The certificate holder may collect a vigorish of up to 5%, as specified in the certificate holder's Rules Submission, of the amount wagered on winning Buy Bets. A certificate holder that offers Buy Bets shall pay winning wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Place Bet to Win on 4	2 to 1
Place Bet to Win on 5	3 to 2
Place Bet to Win on 6	6 to 5
Place Bet to Win on 8	6 to 5
Place Bet to Win on 9	3 to 2
Place Bet to Win on 10	2 to 1

(b) In addition to Place Bets to Lose on 4, 5, 6, 8, 9 and 10, a certificate holder may, in its Rules Submission under § 521.2, offer players the option of placing a Lay Bet. The certificate holder may collect a vigorish of up to 5%, as specified in the certificate holder's Rules Submission, of the amount wagered on winning Lay Bets. A certificate holder that offers Lay Bets shall pay winning wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Place Bet to Lose on 4	1 to 2
Place Bet to Lose on 5	2 to 3
Place Bet to Lose on 6	5 to 6
Place Bet to Lose on 8	5 to 6
Place Bet to Lose on 9	2 to 3
Place Bet to Lose on 10	1 to 2

(c) Except as permitted in subsections (a) and (b), a certificate holder may not charge a percentage, fee or vigorish to a player in making any wager in the game of Craps or Mini-Craps.

CHAPTER 541. MINIBACCARAT

§ 541.2. Minibaccarat table physical characteristics.

(a) Minibaccarat shall be played on a table having a place for the dealer on one side and on the opposite side, numbered places for a maximum of nine seated players.

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§ 541.3. Cards; number of decks.

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(c) The decks of cards opened for use at a Minibaccarat table shall be changed at least once every 24 hours.

§ 541.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

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(d) Players may not touch, handle, remove or alter any cards used to play Minibaccarat.

§ 541.14. Irregularities.

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(c) If a card dealt in error under the circumstances described in subsection (a) or (b) is disclosed at the time it is dealt, the dealer shall, in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

(1) Place the disclosed card and one additional card drawn face down from the dealing shoe in the discard rack without disclosing the additional card.

(2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with the rules of this chapter and shall be placed in the discard rack upon completion of the dealing procedures.

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CHAPTER 543. MIDIBACCARAT

§ 543.14. Irregularities.

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(c) If a card dealt in error under the circumstances described in subsection (a) or (b) is disclosed at the time it is dealt, the dealer shall, in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

(1) Place the disclosed card and one additional card drawn face down from the dealing shoe in the discard bucket without disclosing the additional card.

(2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with the rules of this chapter and be placed in the discard bucket upon completion of the dealing procedures.

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CHAPTER 545. BACCARAT

§ 545.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

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(d) A certificate holder may, in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), elect to use the following procedures in lieu of the procedures in subsection (c) and § 545.10 (relating to procedure for dealing a third card), after all four cards have been dealt:

(1) The curator shall place the Banker's Hand underneath the right corner of the dealing shoe.

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§ 545.15. Irregularities.

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(c) If a card dealt in error under the circumstances described in subsection (a) or (b) is disclosed at the time it is dealt, the dealer calling the game shall, in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

- (1) Place the disclosed card and one additional card drawn face down from the dealing shoe in the discard bucket without disclosing the additional card.
- (2) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted. The cards shall be dealt in accordance with the rules of this chapter and be placed in the discard bucket upon completion of the dealing procedures.

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CHAPTER 549. BLACKJACK

§ 549.4. Wagers.

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(f) After each round of play is complete, the dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

- (1) Collect all losing wagers and then pay off all winning wagers.
- (2) Pay off all winning wagers and collect all losing wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. The dealer shall place any losing wagers directly into the table inventory and shall not pay off any winning wagers by using value chips collected from a losing wager.
- (g) Winning wagers made in accordance with subsection (b) shall be paid at odds of 1 to 1 with the exception of blackjack, which shall be paid at odds of 3 to 2.
- (h) Once the first card of any hand has been removed from the shoe by the dealer, a player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
- (i) Once an Insurance Wager under § 549.10 (relating to Insurance Wager), a Double Down Wager under § 549.11 (relating to Double Down Wager) or a wager on split pairs has been made and confirmed by the dealer under § 549.12 (relating to splitting pairs), a player may not handle, remove or alter the wagers until a decision has been rendered and implemented with respect to that wager.

(j) After the cards have been shuffled as required under § 549.5 (relating to opening of table for gaming), a certificate holder may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

- (1) The certificate holder chooses to permit the player to begin wagering again.
- (2) A reshuffle of the cards has occurred.
- (k) If a double shoe is utilized, the term "first card" as used in subsections (a), (d) and (g) means the determinant card.

CHAPTER 551. SPANISH 21

§ 551.6. Wagers; payout odds.

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(f) After each round of play is complete, the dealer shall collect all losing wagers and pay off winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions):

- (1) Collect all losing wagers and then pay off all winning wagers.
- (2) Pay off all winning wagers and collect all losing wagers beginning with the player farthest to the right of the dealer and continuing counterclockwise around the table. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(g) Except as provided in subsections (h) and (i), winning wagers made in accordance with subsection (b)(3) shall be paid at odds of 3 to 2, and winning wagers made in accordance with subsection (b)(1), (2) or (4) shall be paid at odds of 1 to 1.

(h) A certificate holder shall pay the following payout odds for winning wagers made in accordance with subsection (b) unless the player has made a Double Down Wager under § 551.11 (relating to Double Down Wager; rescue), in which case all of the following wagers shall only be paid at odds of 1 to 1:

- (1) Three cards consisting of the 6, 7 and 8 of mixed suits shall be paid at odds of 3 to 2.
- (2) Three cards consisting of the 6, 7 and 8 of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of the 6, 7 and 8 of spades shall be paid at odds of 3 to 1.
- (3) Three cards consisting of three 7's of mixed suits shall be paid at odds of 3 to 2.
- (4) Three cards consisting of three 7's of the same suit shall be paid at odds of 2 to 1, except that three cards consisting of three 7's of spades shall be paid at odds of 3 to 1.
- (5) Five cards totaling 21 shall be paid at odds of 3 to 2.
- (6) Six cards totaling 21 shall be paid at odds of 2 to 1.
- (7) Seven or more cards totaling 21 shall be paid at odds of 3 to 1.

(i) In addition to the payouts required under subsection (h)(4), a winning hand that consists of three 7's of the same suit when the dealer's exposed card is also a seven of any suit shall be paid an additional fixed payout of \$1,000 if the player's original wager was \$5 or more but less than \$25, or \$5,000 if the player's original wager was \$25 or more. All other players at the table who placed a wager during that round of play shall also be paid an additional fixed payout of \$50. The additional fixed payouts required by this subsection will not be applicable if a Double Down Wager was made on a winning hand or the winning hand had been split under § 551.12 (relating to splitting pairs).

(j) Except as expressly permitted by this subchapter, once the first card of any hand has been removed from the shoe by the dealer, no player may handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(k) Once an Insurance Wager under § 551.10 (relating to Insurance Wager), a Double Down Wager or a wager to split pairs has been made and confirmed by the dealer, no player may handle, remove or alter the wagers until a decision has been rendered and implemented with respect to that wager, except as expressly permitted by this subchapter.

(l) After the cards have been shuffled under § 551.4 (relating to opening of the table for gaming), a certificate holder may prohibit any person, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on subsequent rounds of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

§ 551.16. Irregularities.

* * * * *

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

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CHAPTER 553. POKER

§ 553.2. Poker table physical characteristics.

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(c) Decks of cards used for the play of Poker shall be kept on the Poker table in a location approved by the Bureau of Gaming Operations, for the placement of the cards. This area may be part of the table inventory container.

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CHAPTER 555. CARIBBEAN STUD POKER

§ 555.14. Irregularities.

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

CHAPTER 557. FOUR CARD POKER

§ 557.13. Irregularities.

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

CHAPTER 559. LET IT RIDE POKER

§ 559.15. Irregularities.

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

CHAPTER 561. PAI GOW POKER

§ 561.14. Irregularities; invalid roll of dice.

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

CHAPTER 563. TEXAS HOLD 'EM BONUS POKER

§ 563.13. Irregularities.

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

CHAPTER 565. THREE CARD POKER

§ 565.1. Definitions.

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

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

Envy Bonus qualifying hand—A Three Card Poker hand with a rank of ace, king and queen of the same suit.

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Progressive payout hand—An ace, king and queen of the same suit; a straight flush; three-of-a-kind; or, if included in the payable selected by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), a straight, as defined in § 565.6 (relating to Three Card Poker rankings).

* * * * *

§ 565.2. Three Card Poker table physical characteristics.

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(b) The layout for a Three Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

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(5) If the certificate holder offers a Progressive Payout Wager, a separate designated area for each player, located

immediately behind the Pair Plus Wager betting area, designated for the placement of the Progressive Payout Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for Ante and Play Wagers, Pair Plus Wagers and Ante bonuses, the Progressive Payout Wager, the Envy Bonus and the phrase "Dealer Plays with Queen High or Better."

(c) If payout odds are not inscribed on the layout as required under subsection (b)(6), a sign identifying the payout odds for all authorized wagers shall be posted at each Three Card Poker table.

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(f) If a certificate holder offers a Progressive Payout Wager in accordance with § 565.7(a)(4) (relating to wagers), the Three Card Poker table must have a progressive table game system, in accordance with § 524.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

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

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

§ 565.7. Wagers.

(a) The following wagers may be placed in the game of Three Card Poker:

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(3) A player may compete against both the dealer and the posted payout table by placing wagers in accordance with paragraphs (1) and (2).

(4) If the certificate holder offers a Progressive Payout Wager, after placing an Ante Wager or a Pair Plus Wager, a player may also place a Progressive Payout Wager on whether the player will be dealt a Progressive Payout Hand. A Progressive Payout Wager shall be made in the amount of \$1 or \$5 as specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) by placing a gaming chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(b) Wagers at Three Card Poker shall be made by placing gaming chips or plaques on the appropriate betting areas of the table layout or by placing a gaming chip into the progressive wagering device at the player's betting position. A verbal wager accompanied by cash may not be accepted.

* * * * *

(d) Ante Wagers, Pair Plus Wagers and Progressive Payout Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 565.8, § 565.9 or § 565.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except for Play Wagers, a wager may not be made, increased or withdrawn after the dealer has

announced "no more bets." Play Wagers shall be placed in accordance with § 565.11(b) (relating to procedures for completion of each round of play).

(e) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2, permit a player to simultaneously play and place wagers at two adjacent betting positions during a round of play.

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§ 565.8. Procedures for dealing the cards from a manual shoe.

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

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§ 565.9. Procedures for dealing the cards from the hand.

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

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(3) Prior to dealing any cards, the dealer shall then announce "no more bets" and use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of gaming chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the gaming chips into the table inventory container. The dealer shall deal each card by holding the deck of cards in the chosen hand and using the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

* * * * *

§ 565.10. Procedures for dealing the cards from an automated dealing shoe.

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

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

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§ 565.11. Procedures for completion of each round of play.

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(b) After examination of his cards, each player who has placed an Ante Wager shall have the option to either make a Play Wager in an amount equal to the player's Ante Wager or forfeit the Ante Wager and end his participation in the round of play. The dealer shall offer this option to each player, starting with the player farthest to the left of the dealer and moving clockwise around the table in order.

(1) If a player has placed an Ante Wager and a Pair Plus Wager as required under § 565.7(f) (relating to wagers) but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) If a player has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but does not forfeit the eligibility to receive an Envy Bonus under § 565.12(h) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

* * * * *

(d) The dealer shall then settle the wagers remaining on the table, starting with the player farthest to the dealer's right and continuing counterclockwise around the table until the following procedure has been completed for the remaining players:

* * * * *

(3) Pay winning wagers in accordance with the payout odds listed in § 565.12.

(4) Pay any Envy Bonus won in accordance with § 565.12(h).

(e) If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(f) After all wagers have been settled, the cards shall be collected by the dealer and placed in the discard rack in a way so that the cards can be readily arranged to reconstruct each hand in the event of a question or dispute.

§ 565.11a. Progressive payout.

(a) A winning Progressive Payout Wager shall be paid in accordance with the payout table in § 565.12 (relating to payout odds; Envy Bonus; rate of progression; payout limitation) prior to the collection of the winning player's cards by the dealer.

(b) A winning player shall receive the payout for only the highest ranking hand formed from the player's Three Card Poker hand.

(c) A winning Progressive Payout Wager shall be paid irrespective of the outcome of the player's Ante Wager or Pair Plus Wager and have no bearing on any other wagers made by the player.

(d) Prior to making a payout for a Progressive Payout Wager, the dealer shall:

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

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

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

(e) Winning Progressive Payout Wagers shall be paid after the player's other Three Card Poker wagers are settled. If a player has won the progressive payout that is 100% of the jackpot amount on the progressive meter under § 565.12(g), the progressive payout may not be paid from the table inventory container. Other winning Progressive Payout Wagers shall be paid from the table inventory container.

§ 565.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

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(g) If a certificate holder offers a Progressive Payout Wager, the certificate holder shall pay out winning Progressive Payout Wagers at the amounts contained in the following payout table selected by the certificate holder in the certificate holder's Rules Submission filed in accordance with § 521.2:

\$1 Progressive Payout Wagers

<i>Hand</i>	<i>Payout Table A</i>	<i>Payout Table B</i>
Ace, King & Queen of Spades	100% of meter	100% of meter
Ace, King & Queen of Hearts, Diamonds or Clubs	\$500	\$500
Straight Flush	\$70	\$100
Three-of-a-kind	\$60	\$90
Straight	\$6	N/A

\$5 Progressive Payout Wagers

<i>Hand</i>	<i>Payout Table A</i>	<i>Payout Table B</i>
Ace, King & Queen of Spades	100% of meter	100% of meter
Ace, King & Queen of Hearts, Diamonds or Clubs	\$2,500	\$2,500
Straight Flush	\$350	\$500
Three-of-a-kind	\$300	\$450
Straight	\$30	N/A

(h) Players making a Progressive Payout Wager in accordance with § 565.7(a)(4) (relating to wagers) shall receive an Envy Bonus when another player at the same Three Card Poker table is the holder of an Envy Bonus Qualifying hand.

(1) Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying hand; provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(2) Envy Bonus payments shall be made according to the following payout schedules for Envy Bonus Qualifying hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

\$1 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Ace, King & Queen of Spades	\$100
Ace, King & Queen of Hearts, Diamonds or Clubs	\$25

\$5 Progressive Payout Wager

<i>Hand</i>	<i>Envy Bonus</i>
Ace, King & Queen of Spades	\$500
Ace, King & Queen of Hearts, Diamonds or Clubs	\$125

(i) The rate of progression for the progressive meter used for the progressive payouts in subsection (g) must be contained in the certificate holder's Rules Submission filed in accordance with § 521.2 and be at least 14% for Payout Table A and 20% for Payout Table B. The initial and reset amount must also be contained in the certificate holder's Rules Submission and be at least \$1,000.

(j) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 565.11a (related to progressive payout).

§ 565.13. Irregularities.

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

CHAPTER 567. WAR

§ 567.11. Irregularities.

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

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