

CHAPTER 1103a. ESTABLISHMENT LICENSEES

Sec.

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Authority

The provisions of this Chapter 1103a added under 4 Pa.C.S. §§ 3301(a) and (b)(30) and 3302, unless otherwise noted.

Source

The provisions of this Chapter 1103a added August 20, 2021, effective August 21, 2021, 51 Pa.B. 5207, unless otherwise noted.

§ 1103a.1. Establishment licenses.

(a) A truck stop establishment in this Commonwealth seeking to offer video gaming terminals through a licensed terminal operator on its premises shall apply for an establishment license by filing a Video Gaming Terminal Establishment License Application with the Board.

(b) To be eligible to file an application for an establishment license, the truck stop establishment must meet all of the following requirements:

(1) Be equipped with diesel islands for the fueling of commercial motor vehicles and have sold on average 50,000 gallons of diesel or biodiesel fuel each month for the previous 12 months or is projected to sell an average of 50,000 gallons of diesel or biodiesel fuel each month for the next 12 months.

(2) Have at least 20 parking spaces dedicated for commercial motor vehicles. For purposes of this paragraph, "parking spaces dedicated for commercial motor vehicles" must be of sufficient size to accommodate vehicles which are 8 feet in width and 53 feet in length or which otherwise have a gross combination weight rating or gross combination weight of 26,000 pounds inclusive of a tow unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater.

(3) Have a convenience store.

(4) Be situated on a parcel of land not less than 3 acres and which is not located on property owned by the Pennsylvania Turnpike Commission.

(5) Be licensed as a lottery sales agent under section 305 of the State Lottery Law (72 P.S. § 3761-305).

(c) An applicant for an establishment license shall submit all of the following:

(1) A Video Gaming Terminal Establishment License Application.

(2) The nonrefundable application fee of \$1,000 in accordance with 4 Pa.C.S. § 4101(a) (relating to fees).

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- (3) Documentation to establish its eligibility to apply to be an establishment licensee as set forth in subsection (b).
- (4) A to-scale schematic or architectural rendering of the floor plan of the establishment which shows all of the following:
 - (i) Total square footage of the video gaming area.
 - (ii) A depiction of the video gaming area where video gaming will be offered in relation to the overall facility.
 - (iii) Location of the video gaming terminals and redemption terminals, and security and surveillance equipment locations.
 - (iv) A detailed description of the surveillance to be utilized.
- (5) A description of the proposed surveillance and security measures to ensure the security of the proposed video gaming area.
- (6) An executed terminal placement agreement between the establishment licensee and terminal operator.
- (7) A diversity plan as set forth in 4 Pa.C.S. § 3307 (relating to diversity).
- (8) A current tax lien certificate issued by the Department.
- (9) Information for each key employee qualifier and principal qualifier as specified in the Video Gaming Terminal Establishment License Application.
- (10) The consent to a background investigation by the Bureau of the applicant, its principal qualifiers and key employee qualifiers or other persons required by the Board and a release to obtain the information necessary for the completion of the background investigation.

Cross References

This section cited in 58 Pa. Code § 1103a.2 (relating to establishment principal and key employee qualification).

§ 1103a.2. Establishment principal and key employee qualification.

- (a) In addition to the information required under § 1103a.1(c)(8) (relating to establishment licenses), a principal qualifier and key employee qualifier shall apply for qualification as follows:
 - (1) Submit fingerprints in a manner prescribed by the Bureau.
 - (2) Consent to a background investigation by the Bureau of the principal qualifier and key employee qualifier and a release to obtain the information necessary for the completion of the background investigation.
 - (3) Provide any other information required by the Board.
- (b) In addition to individuals meeting the definition of principal qualifier and key employee qualifier, the Board may require the submission of fingerprints or any other information required by the Board from a person who holds any direct or indirect ownership or beneficial interest in a truck stop establishment, or has the right to any profits or distributions directly or indirectly, from the truck stop establishment if the Bureau determines that the submission of fingerprints of the

person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(c) Each of the individuals required to submit fingerprints under subsections (a) and (b) must be found qualified by the Board. An individual who is found qualified and is also a gaming or nongaming employee as defined in §§ 401a.3 and 1101a.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 435a.3 (relating to occupation permit) or a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration) and Chapter 1109a (relating to occupation permits) of this subpart.

§ 1103a.3. Conditional establishment licenses.

(a) Upon accepting an establishment license application for filing, the Board will issue a conditional establishment license if requested by the applicant and the applicant has satisfied, as determined by the Board, all of the following:

- (1) The applicant has submitted a completed application for an establishment license.
- (2) The applicant has never been convicted of a felony in any jurisdiction.
- (3) The applicant has never been convicted of a gambling law violation in any jurisdiction.
- (4) The applicant is current on all State taxes.
- (5) The applicant attests by affidavit under penalty of perjury that the applicant is not otherwise prohibited from licensure under 4 Pa.C.S. Part III (relating to video gaming).

(b) The Board will issue a conditional license within 60 days after the completed application has been received by the Board, and the Board has determined that the criteria in subsection (a) have been satisfied.

(c) If the Board determines that the criteria in subsection (a) have not been satisfied, the Board will give the applicant written notice and explanation of that determination.

(d) A conditional license issued under this section will be valid until:

- (1) The Board approves or denies the application for an establishment license.
- (2) The conditional license is terminated for a violation of this part.
- (3) One calendar year has passed since the conditional license has issued.

(e) The Board may extend the duration of a conditional license for 1 year.

(f) A request for a conditional license must include a \$100 fee which shall be in addition to the applicable fee required under 4 Pa.C.S. § 4101 (relating to fees).

§ 1103a.4. Establishment licensee change of control.

(a) For purposes of this section, a change of control of an establishment licensee will be deemed to have occurred when a person or group of persons acquires:

(1) More than 20% of an establishment licensee's securities, assets or other ownership interests.

(2) More than 20% of the securities or other ownership interests of a corporation or other form of business entity that owns directly or indirectly at least 20% of the voting or other securities or other ownership interests of the establishment licensee.

(3) Any other interest in an establishment licensee which allows the acquirer to control the establishment licensee, including a lease agreement, management agreement, or other agreement that permits the acquirer operational control of the establishment licensee.

(b) An establishment licensee shall notify the Bureau and the Bureau of Licensing in a manner prescribed by the Bureau of Licensing immediately upon becoming aware of any proposed or contemplated change of control of the establishment licensee.

(c) Prior to acquiring a controlling interest or operational control in an establishment licensee, the acquirer shall file a petition in accordance with § 493a.4 (relating to petitions generally) requesting Board approval of the acquisition. The petition must include all of the following:

(1) A copy of all documents governing the acquisition, lease agreement or management agreement.

(2) Completed applications for the acquiring company, principal qualifiers and key employee qualifiers as required under this chapter.

(d) A person or group of persons seeking to acquire a controlling interest or operational control in an establishment licensee shall promptly provide any additional information requested by the Board and Board staff and cooperate with the Bureau in any investigations related to the petition filed under subsection (c).

(e) A person or group of persons may not acquire a controlling interest or operational control in an establishment licensee until the petition required under subsection (c) has been approved. A person or group of persons seeking to acquire a controlling interest in an establishment licensee and the establishment may enter into an agreement of sale, lease agreement or management agreement that is contingent on Board approval of the petition.

(f) The requirements in this section do not apply to the acquisition of a controlling interest or operational control in an establishment licensee when all of the following conditions are met:

(1) The acquirer of the controlling interest or operational control is a person or group of persons currently licensed as principal qualifier of an existing licensed establishment licensee.

(2) The person or group of persons currently licensed as principal qualifier of an existing licensed establishment licensee has provided the Bureau and the Bureau of Licensing notification and a copy of all documents governing the acquisition, lease agreement or management agreement at least 60 days prior to the acquisition.

(3) After reviewing the documentation, the Bureau and the Bureau of Licensing determine that the filing of a petition is not required.

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(405934) No. 564 Nov. 21

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