

**CHAPTER 1113a. POSSESSION OF VIDEO GAMING TERMINALS**

Sec.

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**Authority**

The provisions of this Chapter 1113a added under 4 Pa.C.S. §§ 3301(a) and (b)(30) and 3302, unless otherwise noted.

**Source**

The provisions of this Chapter 1113a added August 20, 2021, effective August 21, 2021, 51 Pa.B. 5207, unless otherwise noted.

**§ 1113a.1. Possession of video gaming terminals generally.**

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any video gaming terminals in this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess video gaming terminals in this Commonwealth for the purposes described in this subsection provided that video gaming terminals located outside of a establishment licensee's facility may not be used for gambling activity:

(1) A terminal operator, for the purpose of maintaining for use, training or operating video gaming terminals in an establishment licensee's facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a supplier licensee or terminal operator.

(3) The holder of a manufacturer or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating video gaming terminals and any training with regard thereto.

(4) An educational institution for the purpose of teaching video gaming terminals design, operation, repair or servicing.

(5) A manufacturer or supplier of video gaming terminals not licensed in this Commonwealth for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting video gaming terminals in accordance with § 1113a.2 (relating to transportation of video gaming terminals into, within and out of this Commonwealth).

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(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of video gaming terminals by those persons in this Commonwealth is not contrary to the goals and objectives of 4 Pa.C.S. (relating to amusements).

(c) Persons seeking to possess video gaming terminals under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain all of the following:

- (1) The purpose for having the video gaming terminals.
- (2) The proposed location of the video gaming terminals.
- (3) The time period for which the video gaming terminals will be kept.
- (4) How the video gaming terminals will be secured.

(d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

(e) A person authorized to possess video gaming terminals under subsection (d) who wishes to store the video gaming terminals at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the video gaming terminals at the other location.

#### Cross References

This section cited in 58 Pa. Code § 1113a.2 (relating to transportation of video gaming terminals into, within and out of this Commonwealth); and 58 Pa. Code § 1113a.5 (relating to video gaming terminal master lists).

### **§ 1113a.2. Transportation of video gaming terminals into, within and out of this Commonwealth.**

(a) In furtherance of 4 Pa.C.S. § 4502 (relating to declaration of exemption from Federal laws prohibiting video gaming terminals), prior to the transport or movement of a video gaming terminals, into, within or out of this Commonwealth, from one person authorized to possess video gaming terminals under § 1113a.1 (relating to possession of video gaming terminals generally) to another person, the persons causing the video gaming terminals to be transported or moved shall notify the Bureau of Casino Compliance in writing or in an electronic format approved by the Bureau of Casino Compliance. The notice shall be submitted no later than the day the video gaming terminals are transported and must include all of the following information:

- (1) The name and address of the person shipping or moving the video gaming terminals.

(2) The name and address of the person who owns the video gaming terminals if different from the person shipping or moving the video gaming terminals.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the video gaming terminals are being sent and the destination of the video gaming terminals if different from that address.

(6) The quantity of video gaming terminals being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location in this Commonwealth.

(8) The port of entry, or exit, if any, of the video gaming terminals if the origin or destination of the video gaming terminals is outside the continental United States.

(9) The reason for transporting or moving the video gaming terminals.

(b) In addition to the requirements in subsection (a), if a terminal operator is shipping video gaming terminals to or from the terminal operator's approved, off-premises storage location, the terminal operator shall comply with the requirements in subsection (a) and record the movement in the terminal operator's movement log as required under § 1113a.5(e) (relating to video gaming terminal master lists).

(c) If a video gaming terminal is being transported to the establishment licensee's facility from the terminal operator's approved, off-premises storage location, the terminal operator shall specify in the notice required under subsection (a) whether the video gaming terminals will be placed directly onto the video gaming area or stored off the video gaming area in a restricted area within the establishment licensee's facility.

(d) If a video gaming terminal is being transported to the Bureau of Gaming Laboratory Operations, the notice required under subsection (a) shall also be provided to the Bureau of Gaming Laboratory Operations.

#### Cross References

This section cited in 58 Pa. Code § 1113a.1 (relating to possession of video gaming terminals generally).

### § 1113a.3. Video gaming terminals location in video gaming area.

(a) A video gaming area must consist of one area within an establishment licensee's premises approved by the Board or Executive Director for the placement and operation of all video gaming terminals.

(b) The location of each video gaming terminal must correspond to a specifically identified space in the video gaming area identified numerically and listed on the master list with the identifying asset and serial number of the corresponding video gaming terminal.

#### Cross References

This section cited in 58 Pa. Code § 1113a.5 (relating to video gaming terminal master lists).

#### § 1113a.4. Notice and connection to the central control computer system.

(a) Prior to utilization for gambling activity, unless otherwise authorized by the Board's Executive Director, a video gaming terminal in a video gaming area must be connected or linked to a central control computer system having the capabilities and in compliance with the terms of 4 Pa.C.S. § 3309 (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the video gaming terminal in conjunction with the movement of a video gaming terminal, the terminal operator shall provide the Department with written notice of the video gaming terminal movement, prior to any of the following:

- (1) Placement of a video gaming terminal in a video gaming area.
- (2) Movement of a video gaming terminal location in the video gaming area.
- (3) Removal of a video gaming terminal from the video gaming area.

#### § 1113a.5. Video gaming terminal master lists.

(a) Prior to the commencement of operations at an establishment licensee's facility, a terminal operator shall file all of the following with the Bureau of Casino Compliance in an electronic format approved by the Bureau of Casino Compliance:

- (1) Video Gaming Area Video Gaming Terminal Master List.
- (2) Restricted Area/Off Premises Video Gaming Terminal Master List.

(b) A Video Gaming Area Video Gaming Terminal Master List must list all video gaming terminals located in the video gaming area in consecutive order by the device location number under § 1113a.3 (relating to video gaming terminals location in video gaming area) and contain all of the following:

- (1) The date the list was prepared.
- (2) A description of each video gaming terminal that includes all of the following:
  - (i) The location number.
  - (ii) The asset number.
  - (iii) The manufacturer's serial number.
  - (iv) The base denomination, or if configured for multiple denominations, a list of the denominations.

- (v) The game software/program ID.
- (vi) The operating system/base ROM.
- (vii) The manufacturer.
- (viii) The video gaming terminal model.
- (ix) The model type (reel or video), if applicable.
- (x) The game themes/description.
- (xi) The minimum payout percentage, if applicable.
- (xii) The machine displayed payout percentage, if applicable.
- (xiii) The payable ID.
- (xiv) If the video gaming terminal is a progressive, the type of progressive, the progressive controller type and the progressive software.
- (xv) The fund transfer/voucher system software.

(c) If a video gaming terminal is configured to allow a patron to select from multiple games or game themes, each game or game theme, minimum and machine displayed payout percentages, if applicable, and payable ID must be listed in the Video Gaming Area Video Gaming Terminal Master List. Instead of listing each game or game theme, minimum and machine displayed payout percentage and payable ID for a video gaming terminal configured to offer multiple game themes with the video gaming terminal, a terminal operator may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Video Gaming Terminal Master List must include all video gaming terminals located off the video gaming area in an approved restricted area within the establishment licensee's facility, or in storage locations in this Commonwealth off the premises of the establishment licensee approved under § 1113a.6 (relating to off-premises storage of video gaming terminals) grouped by the location where the video gaming terminal are located. A Restricted Area/Off Premises Video Gaming Terminal Master List must include all of the following information:

- (1) The date the list was prepared.
- (2) A description of each video gaming terminal that includes all of the following:
  - (i) The location of the video gaming terminal.
  - (ii) The asset number.
  - (iii) The manufacturer's serial number.
  - (iv) The game software/program ID.
  - (v) The operating system/base ROM.
  - (vi) The game theme/description.
  - (vii) The manufacturer.
  - (viii) The video gaming terminal model.
  - (ix) The model type (reel or video), if applicable.

(e) Once a video gaming terminal has been placed in an authorized location in the video gaming area, stored in a restricted area off the video gaming area but within the establishment licensee's facility approved under this section or in a location in this Commonwealth off the premises of the establishment licensee's facility approved under § 1113a.6, all subsequent movements of that video gaming terminal shall be recorded by a terminal operator employee in a video gaming terminal movement log which includes all of the following:

- (1) The asset number and model and manufacturer's serial number of the moved video gaming terminal.
- (2) The date and time of movement.
- (3) The location from which the video gaming terminal was moved.
- (4) The location to which the video gaming terminal was moved.
- (5) The date and time of any required notice to the Department in connection with activation or disabling of the video gaming terminal in the central control computer system.
- (6) The signature of a key employee of the terminal operator verifying the movement of the video gaming terminal in compliance with this section.

(f) Documentation summarizing video gaming terminal movements, as described in subsection (e), shall be submitted to the Bureau of Casino Compliance in an electronic format approved by the Bureau of Casino Compliance on a weekly basis.

(g) On the first Tuesday of each month a terminal operator shall file an updated Video Gaming Area Video Gaming Terminal Master List and an updated Restricted Area/Off Premises Video Gaming Terminal Master List containing the information required under subsections (b)—(d). The Video Gaming Area Video Gaming Terminal Master List and the Restricted Area/Off Premises Video Gaming Terminal Master List shall be filed in an electronic format with the Bureau of Casino Compliance.

(h) Persons authorized by the Board to possess video gaming terminals under § 1113a.1(c) (relating to possession of video gaming terminals generally) shall file with the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Casino Compliance, a complete list of video gaming terminals possessed by the person. The list must comply with all of the following:

- (1) Be denoted as a Video Gaming Terminal Master List.
- (2) Be filed within 3 business days of the initial receipt of video gaming terminals.
- (3) Contain all of the following information:
  - (i) The date on which the list was prepared.
  - (ii) A description of each video gaming terminal including all of the following:
    - (A) The manufacturer.
    - (B) The manufacturer's serial number.
    - (C) The video gaming terminals model.

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(D) The model type (reel or video), if applicable.

(E) Whether or not the video gaming terminal is a progressive, and if it is, the type of progressive.

(i) On the first Tuesday of each month following the initial filing of a Video Gaming Terminal Master List, the persons enumerated in subsection (h) shall file with the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Casino Compliance, an updated Video Gaming Terminals Master List containing all of the information required under subsection (h).

**Cross References**

This section cited in 58 Pa. Code § 1113a.2 (relating to transportation of video gaming terminals into, within and out of this Commonwealth).

**§ 1113a.6. Off-premises storage of video gaming terminals.**

(a) A terminal operator may not store video gaming terminals off the premises of an establishment licensee's facility without prior approval from the Board's Executive Director.

(b) A terminal operator seeking to store video gaming terminals off the premises of an establishment licensee's facility shall submit a written request to the Bureau of Casino Compliance for off premise storage. The written request must include all of the following:

(1) The location and a physical description of the proposed storage facility.

(2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.

(3) The plan to provide 24-hour, 7-day a week security at the proposed storage facility.

(4) The anticipated number of video gaming terminals that may be stored at the proposed storage facility.

(c) Before the Board's Executive Director will act on a request for off premise storage of video gaming terminals, the Bureau of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Requests approved by the Board's Executive Director may be subject to specific terms and conditions imposed by the Board's Executive Director.

**Cross References**

This section cited in 58 Pa. Code § 1113a.5 (relating to video gaming terminal master lists).

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