

**CHAPTER 437a. GAMING SERVICE PROVIDER CERTIFICATION  
AND REGISTRATION**

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**Authority**

The provisions of this Chapter 437a issued under 4 Pa.C.S. §§ 1202(b)(9), (12), (13)—(20), (23) and (30), 1205, 1209, 1301—1316, 1317.1, 1318, 1321, 1325—1331 and 1802, unless otherwise noted.

**Source**

The provisions of this Chapter 437a adopted November 30, 2007, effective December 1, 2007, 37 Pa.B. 6265, unless otherwise noted.

**§ 437a.1. General gaming service provider requirements.**

(a) Except as provided in § 437a.10 (relating to emergency gaming service provider), a gaming service provider or person seeking to conduct business with a slot machine applicant or licensee shall apply to the Board for registration if:

(1) The total dollar amount of the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be equal to or greater than \$100,000 but less than or equal to \$500,000 within a consecutive 12-month period.

(2) The employees of the gaming service provider or person seeking to conduct business with a slot machine applicant or licensee will be working either:

(i) In a restricted area of the licensed facility.

(ii) On the gaming floor unless all of the following conditions are met:

(A) The employees will be on the gaming floor for less than 24 hours within a 72-hour period no more than once in any consecutive 3-month period.

(B) The employees sign-in with the security department at the licensed facility and the Board's casino compliance representatives prior to entering the gaming floor.

(C) The gaming service provider has received written approval from the Bureau of Licensing for the gaming service provider's employees to be on the gaming floor.

(b) Except as provided in § 437a.10, a gaming service provider or person seeking to conduct business with a slot machine applicant or licensee shall apply to the Board for certification if the total dollar amount of the goods or services to be provided to a single slot machine applicant or licensee or to multiple slot machine applicants or licensees will be or is anticipated to be greater than \$500,000 within a consecutive 12-month period.

(c) A person that provides goods or services indirectly to a slot machine applicant or licensee through an intermediary, holding company or affiliate of the slot machine applicant or licensee shall be required to be registered or certified if the cost of the goods or services provided to the slot machine applicant or licensee exceeds the monetary thresholds in subsections (a) and (b).

(d) The following persons are exempt from the gaming service provider registration and certification requirements of this chapter:

(1) Public utilities which provide one or more of the following services to a slot machine applicant or licensee:

- (i) Water.
- (ii) Sewerage.
- (iii) Electricity.
- (iv) Natural gas.

(2) Insurance companies providing insurance to a slot machine applicant or licensee and its employees.

(3) Employee benefit and retirement plans including incorporated 401K plans and employee stock purchase programs.

(4) National, state or local professional associations that receive funds from the slot machine applicant or licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Manufacturers and suppliers of liquor, wine and beer regulated by the Liquor Control Board.

(7) State and Federally chartered banks or savings and loan associations where funds are deposited by slot machine licensees, notwithstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys, engineers and architects, when acting in their respective professional capacities.

(9) Telecommunication service providers.

(10) Shipping services.

(11) Persons that engage in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Schools regulated by the Department of Education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(14) Newspapers, television stations, radio stations and providers of simulcast services that contract with slot machine applicants or licensees.

(15) Professional sports teams of Major League Baseball, the National Hockey League, the National Football League and the National Basketball Association.

(16) Any person not otherwise exempt under this subsection that is licensed by a Federal or state agency if the agency's licensing requirements are determined by the Bureau of Licensing to be substantially similar to those of the Board.

(e) The Board may request information or assurances from any person listed in subsection (d) to determine the validity of the person's exempt status.

(f) Subsection (d) does not relieve a slot machine applicant or licensee of reporting obligations required under §§ 441a.12 and 441a.14 (relating to maintaining agreements; filing of agreements; and master purchasing and disbursement report).

(g) Notwithstanding subsections (a) and (b), a publicly traded corporation or subsidiary thereof will not be required to be registered or certified as a gaming service provider if the publicly traded corporation or subsidiary thereof submits a completed Publicly Traded Gaming Service Provider Form to the Bureau of Licensing accompanied by the filing fee posted on the Board's web site and is authorized. A publicly traded corporation or subsidiary thereof that is authorized to provide goods and services under this subsection shall be required to:

(1) Comply with § 437a.7 (relating to registered, certified and authorized gaming service provider responsibilities).

(2) Immediately notify the Bureau of Licensing if the publicly traded corporation or subsidiary thereof ceases to meet the definition of a publicly traded corporation.

(h) A slot machine applicant or licensee shall complete and submit to the Bureau of Licensing a Notification of Material Gaming Service Provider Form prior to compensating a gaming service provider \$15,000 or more within a consecutive 12-month period. A slot machine applicant or licensee will not be required to submit a Notification of Material Gaming Service Provider Form to the Bureau of Licensing if either of the following apply to the gaming service provider to be compensated:

(1) The gaming service provider is exempt under subsection (d).

(2) The gaming service provider is listed on the Board's authorized gaming service provider list.

(i) A gaming service provider of a slot machine applicant or licensee whose compensation does not exceed the monetary thresholds contained in this section or who is otherwise not required to be registered or certified under subsection (d)

or (g) may be required to be registered or certified if the Board determines that registration or certification is necessary to protect the integrity of gaming.

#### Authority

The provisions of this § 437a.1 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

#### Source

The provisions of this § 437a.1 amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended July 19, 2013, effective July 20, 2013, 43 Pa.B. 4096; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368719) to (368722).

#### Cross References

This section cited in 58 Pa. Code § 437a.6 (relating to registration and certification term and renewal); 58 Pa. Code § 437a.8 (relating to authorized gaming service providers list; prohibited gaming service providers); 58 Pa. Code 437a.9 (relating to permission to conduct business prior to certification or registration); 58 Pa. Code § 437a.11 (relating to slot machine applicants' and licensees' duty to investigate); 58 Pa. Code § 441a.12 (relating to maintaining agreements; filing of agreements); 58 Pa. Code § 807a.6 (relating to authorized gaming service providers list; prohibited gaming service providers); and 58 Pa. Code § 1405a.1 (relating to general sports wagering gaming service provider requirements).

### § 437a.2. Gaming service provider registration applications.

(a) A gaming service provider seeking registration shall do one of the following:

(1) If the gaming service provider has or will be entering into an agreement to provide goods or services to a specific slot machine applicant or licensee, the gaming service provider shall complete an original and one copy of a Gaming Service Provider Registration Form—Sponsored. The original copy and the fee toward the cost of the investigation of the applicant posted on the Board's web site shall be submitted to the Bureau of Licensing by the slot machine applicant or licensee for whom the gaming service provider will provide goods or services unless otherwise directed by the Bureau of Licensing.

(2) If a gaming service provider does not have an agreement to provide goods or services to a specific slot machine applicant or licensee but is seeking to conduct business with slot machine applicants or licensees, the gaming service provider shall complete an original and one copy of a Gaming Service Provider Registration Form—Unsponsored. The original, copy and the fee toward the cost of the investigation of the applicant, as posted on the Board's web site, shall be submitted to the Bureau of Licensing by the gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the materials required under subsection (a), an applicant for a gaming service provider registration shall:

(1) Submit the nonrefundable application fee posted on the Board's web site.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(3) Submit fingerprints of the following individuals in a manner prescribed by the Bureau:

(i) Each officer and director of the registered gaming service provider applicant. For purposes of this subparagraph, “officer” means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(ii) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the registered gaming service provider applicant.

(iii) Each salesperson of a registered gaming service provider applicant who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any employee of a registered gaming service provider applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered gaming service provider or applicant for gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered gaming service provider or applicant for gaming service provider registration may be required to submit fingerprints 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.

(d) Each of the individuals required to submit fingerprints under subsection (b)(3) 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 (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).

(e) An applicant for a gaming service provider registration shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(f) A gaming service provider registration will not be issued until all fees and costs have been paid.

**Authority**

The provisions of this § 437a.2 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.2 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2251; corrected August 14, 2009, effective August 15, 2009, 39 Pa.B. 4891; amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010,

40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368722) to (368723).

#### Cross References

This section cited in 58 Pa. Code § 437a.9 (relating to permission to conduct business prior to certification or registration).

### § 437a.3. Gaming service provider certification applications.

(a) A gaming service provider seeking certification shall complete and the slot machine applicant or licensee for whom the gaming service provider will provide goods or services shall submit:

- (1) An original and one copy of a Gaming Service Provider Certification Application and Disclosure Information Form unless otherwise directed.
- (2) The nonrefundable application fee posted on the Board's web site.
- (3) Applications and release authorizations for each individual required to be qualified under § 437a.4 (relating to qualification of individuals and entities).

(b) In addition to the requirements of subsection (a), an applicant for a gaming service provider certification shall comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(c) An applicant for a gaming service provider certification shall reimburse the Board for costs incurred in conducting the investigation of the applicant.

(d) A gaming service provider certification will not be issued until all fees and costs have been paid.

#### Authority

The provisions of this § 437a.3 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

#### Source

The provisions of this § 437a.3 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2251; amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368724) to (368725).

#### Cross References

This section cited in 58 Pa. Code § 437a.9 (relating to permission to conduct business prior to certification or registration).

### § 437a.3a. Single transaction waiver.

(a) A gaming service provider required to be registered or certified under this chapter may request that the Board waive its obligation to be registered or certified by filing a Single Transactional Waiver Form. To be eligible to receive a

waiver, the gaming service provider shall demonstrate that it is proposing to engage in a single transaction and satisfies the following requirements:

(1) The gaming service provider's required performance under the contract with the slot machine licensee does not require the gaming service provider's employees to be on the gaming floor or in a restricted area.

(2) The gaming service provider has not filed a Single Transactional Waiver Form within 2 years of the current waiver request.

(3) The gaming service provider will not have a continuing business relationship with the slot machine licensee or have a continuing onsite presence at the licensed facility.

(b) The Board may, in response to misrepresentations or a change in circumstances, revoke a waiver granted under this section and require the recipient of the waiver to comply with the gaming service provider registration or certification requirements of this chapter.

(c) A gaming service provider that has requested a waiver under this section may not provide goods or services to a slot machine applicant or licensee prior to Board approval of the gaming service provider's waiver request.

**Authority**

The provisions of this § 437a.3a issued under 4 Pa.C.S. §§ 1202(b)(9)—(23), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.3a adopted June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829.

**§ 437a.4. Qualification of individuals and entities.**

(a) The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming service provider or applicant for gaming service provider certification. For the purposes of this paragraph, "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified gaming service provider or applicant for gaming service provider certification. A certified gaming service provider or applicant for gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified gaming service provider or applicant for gaming service provider certification who solicits business from, or has regular contact with, any representatives of a slot machine applicant or licensee or any

employee of a certified gaming service provider or applicant for gaming service provider certification who will be engaging in that conduct.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming service provider or person applying for gaming service provider certification shall file a Gaming Service Provider Certification Form—Private Holding Company with the Bureau of Licensing and be found qualified by the Board.

(c) The following persons may be required to submit a Gaming Service Provider Certification Form—Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Bureau of Licensing determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified gaming service provider or applicant for gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming service provider or applicant for gaming service provider certification.

(3) An employee of a certified gaming service provider or applicant for gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified gaming service provider or applicant for gaming service provider certification, or has the right to any profits or distribution, directly or indirectly, from the certified gaming service provider or applicant for gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the authorized gaming service provider list.

(e) Upon request, the Bureau of Licensing will issue a credential to an individual who has been found qualified under this section if the gaming service provider has been certified.

#### Authority

The provisions of this § 437a.4 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

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**Source**

The provisions of this § 437a.4 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2251; amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368725) to (368726).

**Cross References**

This section cited in 58 Pa. Code § 437a.3 (relating to gaming service provider certification applications); and 58 Pa. Code § 437a.8 (relating to authorized gaming service providers list; prohibited gaming service providers).

**§ 437a.5. Construction subcontractors.**

(a) Instead of filing for registration or certification, a construction subcontractor that is otherwise required to be certified or registered may elect to file an On-site Subordinate Pre-Opening Construction Notification Form with the Bureau of Licensing if:

- (1) The subcontractor is not providing goods or services through an agreement with a slot machine applicant or licensee.
- (2) The subcontractor is not a first-tier subcontractor providing goods or services to the general contractor that has entered into a contract with a slot machine applicant or licensee for the construction of a licensed facility.

(b) The On-site Subordinate Gaming Service Provider Notification Form will be valid for the construction of only one licensed facility, and will expire upon completion of the contract.

(c) A subcontractor that elects to file an On-site Subordinate Gaming Service Provider Notification Form as outlined in subsection (a) shall be prohibited from:

- (1) Employing any person to work in a restricted area of a licensed facility or on the gaming floor after onsite Board staff designates the area as a gaming floor.
- (2) Providing, directly or indirectly, goods or service to any other slot machine applicant or licensee other than the slot machine applicant or licensee identified in the On-site Subordinate Gaming Service Provider Notification Form.

**Authority**

The provisions of this § 437a.5 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.5 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2251; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368726) to (368727).

**§ 437a.6. Registration and certification term and renewal.**

(a) Gaming service provider certifications, registrations and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) Publicly traded gaming service provider authorizations approved under § 437a.1(g) (relating to general gaming service provider requirements) will be valid for 4 years from the date of authorization.

(c) Registered, certified and authorized publicly traded gaming service providers shall submit to the Board a completed renewal application or form and renewal fee at least 60 days prior to the expiration of a certification, registration or authorization.

(d) A certification or registration for which a completed renewal application and fee has been received by the Bureau of Licensing will continue to be in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

(e) A publicly traded gaming service provider authorization for which a completed renewal form and fee has been received by the Bureau of Licensing will continue in effect unless the Bureau of Licensing sends written notification to the publicly traded gaming service provider that the authorization has been rescinded.

**Authority**

The provisions of this § 437a.6 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.6 amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial page (368727).

**§ 437a.7. Registered, certified and authorized gaming service provider responsibilities.**

(a) A holder of a gaming service provider certification, registration or authorization shall have a continuing duty to comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications; statement of conditions; wagering restrictions).

(b) An employee of a gaming service provider shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:

(1) The employee is the onsite supervisor of other gaming employees, as defined in § 401a.3 (relating to definitions), of the gaming service provider.

(2) The employee is a gaming employee as defined in § 401a.3.

(c) An employee of a gaming service provider who is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

- (1) The employee is the onsite supervisor of:
  - (i) Other nongaming employees as defined in § 401a.3.
  - (ii) Employees of the gaming service provider who are involved in the construction of the licensed facility.
- (2) The employee is a nongaming employee as defined in § 401a.3.
- (d) Employees of a gaming service provider who are not required to obtain an occupation permit or a nongaming employee registration under subsection (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.
- (e) Workers employed by a gaming service provider that is a construction company, who are completing work on the gaming floor or in a restricted area under their original contract, change orders, punch lists, periodic repairs or warranty work, will not be required to comply with the requirements in subsection (b) or (c) if the conditions in § 435a.9a(a) and (b) (relating to gaming service provider employee temporary access credentials) are met.
- (f) A certified, registered or authorized gaming service provider operating within a licensed facility that cashes personal checks shall comply with § 465a.20 (relating to personal check cashing).

**Authority**

The provisions of this § 437a.7 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.7 amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368728) to (368729).

**Cross References**

This section cited in 58 Pa. Code § 437a.1 (relating to general gaming service provider requirements).

**§ 437a.8. Authorized gaming service providers list; prohibited gaming service providers.**

- (a) The Board will maintain a list of authorized gaming service providers and a list of prohibited gaming service providers. The authorized list will contain the names of persons who:
  - (1) Have been registered or certified.
  - (2) Are eligible to file and have filed a completed publicly traded gaming service provider form under § 437a.1(g) (relating to general gaming service provider requirements).

- (3) Have been authorized to conduct business with a slot machine licensee or applicant under § 437a.9 (relating to permission to conduct business prior to certification or registration).
- (b) Except as permitted under § 437a.1(a)(2), (d) and (g) and § 437a.10 (relating to emergency gaming service provider), a slot machine licensee or applicant may not purchase goods or services from a gaming service provider, when the employees of the gaming service provider will be working on the gaming floor or in a restricted area or compensate a gaming service provider \$100,000 or more within a consecutive 12-month period, unless the gaming service provider is on the authorized gaming service provider list. A slot machine licensee or applicant or any affiliate, intermediary, subsidiary or holding company thereof acting on behalf of the slot machine licensee or applicant may not enter into an agreement or continue to do business with a gaming service provider on the prohibited gaming service providers list.
- (c) The Board may place a person on the prohibited gaming service providers list if:
- (1) The gaming service provider has failed to comply with this chapter.
  - (2) The gaming service provider has failed to cooperate with Board staff in its review and investigation of the gaming service provider's application.
  - (3) The gaming service provider's application for certification or registration has been denied or withdrawn with prejudice, or the gaming service provider has had its gaming service provider certification or registration suspended, revoked, or surrendered with prejudice.
  - (4) The gaming service provider has failed to provide information to a slot machine applicant or licensee that is necessary for the slot machine applicant or licensee to comply with this chapter.
- (d) A person seeking to be removed from the list of prohibited gaming service providers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person's petition for removal from the list of prohibited gaming service providers. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited gaming service providers list and how the gaming service provider has cured any deficiencies that led to the gaming service provider being placed on the prohibited gaming service providers list.
- (e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited gaming service providers, or attach any reasonable condition to the removal of a person from the list of prohibited gaming service providers.

**Authority**

The provisions of this § 437a.8 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1322, 1326, 13A02(1) and (2), 13A11, 13A12—13A14, 13A15, 13A27, 1602, 1604, 1608 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.8 amended May 22, 2009, effective May 23, 2009, 39 Pa.B. 2588; amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829; amended November 1, 2019, effective November 2, 2019, 49 Pa.B. 6676. Immediately preceding text appears at serial pages (377487) to (377488) and (390887).

**Cross References**

This section cited in 58 Pa. Code § 437a.10 (relating to emergency gaming service provider).

**§ 437a.9. Permission to conduct business prior to certification or registration.**

(a) Notwithstanding § 437a.1 (relating to general gaming service provider requirements), the Bureau of Licensing may authorize an applicant for a gaming service provider certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the gaming service provider applicant if the following criteria are met:

(1) A completed Gaming Service Provider Registration Form—Un-sponsored has been filed by the gaming service provider, a completed Gaming Service Provider Registration Form—Sponsored has been filed by the slot machine applicant or licensee or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine applicant or licensee in accordance with § 437a.2 or § 437a.3 (relating to gaming service provider registration applications; and gaming service provider certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the gaming service provider.

(3) The applicant for gaming service provider registration or certification agrees, in writing, that the grant of permission to conduct business prior to registration or certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing is informed that the suitability of the applicant may be at issue or the applicant fails to cooperate in the application or investigatory process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for certification or registration, the Bureau of Licensing may rescind the permission granted to the applicant for certification or registration to conduct business with a slot machine applicant or licensee under sub-

section (a). If the permission is rescinded, the applicant for certification or registration shall cease conducting business with the slot machine applicant or licensee by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for certification or registration and the slot machine applicant or licensee by registered mail that permission for the applicant for certification or registration to conduct business with the slot machine applicant or licensee under subsection (a) has been rescinded and that the slot machine applicant or licensee shall cease conducting business with the applicant for certification or registration by the date specified in the notice.

#### Authority

The provisions of this § 437a.9 amended under 4 Pa.C.S. §§ 1103, 1202(b)(30), 1209(b), 1317(c), 1317.1(c), 1317.2, 1321 and 1326.

#### Source

The provisions of this § 437a.9 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2251; amended September 25, 2009, effective September 26, 2009, 39 Pa.B. 5559; amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended July 19, 2013, effective July 20, 2013, 43 Pa.B. 4096. Immediately preceding text appears at serial pages (357063) to (357064).

#### Cross References

This section cited in 58 Pa. Code § 437a.8 (relating to authorized gaming service providers list; prohibited gaming service providers); and 58 Pa. Code § 807a.6 (relating to authorized gaming service providers list; prohibited gaming service providers).

### § 437a.10. Emergency gaming service provider.

(a) A slot machine licensee may utilize a gaming service provider that is not registered, certified or authorized to conduct business in accordance with § 437a.8 (relating to authorized gaming service providers list; prohibited gaming service providers) when a threat to public health, welfare or safety of the building or its occupants exists or circumstances outside the control of the slot machine licensee create an urgency of need which does not permit the delay involved in using the formal method of gaming service provider certification or registration. A slot machine licensee may not use a gaming service provider on the prohibited list.

(b) When using a gaming service provider that is not registered, certified or authorized to conduct business to respond to an emergency, the slot machine licensee shall:

(1) Immediately notify the onsite casino compliance representatives in the licensed facility of the emergency and the gaming service provider that was selected to provide emergency services.

(2) File a Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the gaming ser-

vice provider's services and a written explanation of the basis for the procurement of the emergency gaming service provider.

(c) An employee of the emergency gaming service provider who is providing emergency services in the licensed facility shall obtain a temporary access credential in accordance with § 435a.9a(d) (relating to gaming service provider employee temporary access credentials) prior to performing any work.

(d) If the slot machine licensee continues to utilize the gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency gaming service provider that was not registered, certified or on the authorized list, the slot machine license and gaming service provider shall comply with the requirements in this chapter.

#### Authority

The provisions of this § 437a.10 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

#### Source

The provisions of this § 437a.10 amended May 16, 2008, effective May 17, 2008, 38 Pa.B. 2251; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial page (368732).

#### Cross References

This section cited in 58 Pa. Code § 435a.9a (relating to gaming service provider employee temporary access credentials); 58 Pa. Code § 437a.1 (relating to general gaming service provider requirements); 58 Pa. Code § 437a.8 (relating to authorized gaming service providers list; prohibited gaming service providers); and 58 Pa. Code § 807a.6 (relating to authorized gaming service providers list; prohibited gaming service providers).

### § 437a.11. Slot machine applicants' and licensees' duty to investigate.

(a) An applicant for or holder of a slot machine license shall investigate the background and qualifications of the applicants for gaming service provider registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming service provider registration or certification whose background or associations are injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) An applicant for or holder of a slot machine license shall have a duty to inform the Board of an action by an applicant for or holder of a gaming service provider registration or certification or a gaming service provider that is eligible to file and has filed a completed publicly traded gaming service provider form

under § 437a.1(g) (relating to general gaming service provider requirements), which the applicant for or holder of a slot machine license believes would constitute a violation of the act or this part.

**Authority**

The provisions of this § 437a.11 amended under 4 Pa.C.S. §§ 1103, 1202(b)(9)—(23) and (30), 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 1317(c), 1317.1(c), 1317.2, 1321, 1326, 13A11, 13A12—13A14, 13A15 and 1802 and Chapter 13.

**Source**

The provisions of this § 437a.11 amended February 19, 2010, effective February 20, 2010, 40 Pa.B. 975; amended October 22, 2010, effective October 23, 2010, 40 Pa.B. 6083; amended June 12, 2015, effective June 13, 2015, 45 Pa.B. 2829. Immediately preceding text appears at serial pages (368732) and (369877).

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