

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2121 Session of  
2007

INTRODUCED BY DeWEESE, WANSACZ, CALTAGIRONE, EACHUS, FABRIZIO,  
FRANKEL, GERBER, HARHAI, HARKINS, HORNAMAN, KULA, OLIVER,  
PALLONE, PASHINSKI, SANTONI, SHIMKUS, SURRA, J. WHITE,  
WOJNAROSKI AND SIPTROTH, JULY 14, 2007

REFERRED TO COMMITTEE ON GAMING OVERSIGHT, JULY 14, 2007

AN ACT

1 Relating to amusement; authorizing table games; imposing powers  
2 and duties on the Pennsylvania Gaming Control Board;  
3 providing for eligibility to conduct authorized table games,  
4 for licensure of table game facilities, for conduct of  
5 authorized table games, for statement of compliance, for  
6 certificate of operation, for table game employees, for key  
7 employees, for service industry employees and for licensure  
8 of table game service industries; imposing powers and  
9 conferring duties on the Bureau of Investigation and  
10 Enforcement, the Pennsylvania State Police and the Attorney  
11 General; providing for distribution of gross table game  
12 revenue, for property tax relief, for corrupt organizations,  
13 for prohibitions, for inspections, for enforcement and for  
14 compulsive and problem gambling assistance; providing  
15 penalties; making appropriations; and making related repeals.

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2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 CHAPTER 1

5 PRELIMINARY PROVISIONS

6 Section 101. Short title.

7 This act shall be known and may be cited as the Table Game  
8 Authorization and Control Act.

9 Section 102. Legislative finding and declaration.

10 The General Assembly finds and hereby declares that this act  
11 is intended to benefit the people of the Commonwealth of  
12 Pennsylvania by providing additional revenue for the support of  
13 property and wage tax relief. The General Assembly further finds  
14 that the authorization for and development of a controlled  
15 gaming industry requires careful exercise of legislative power  
16 to protect the general health, welfare and safety of the people  
17 of this Commonwealth. Therefore, the General Assembly further  
18 finds and declares that:

19 (1) It is the public policy of this Commonwealth that  
20 the authorization to conduct and operate table games at  
21 licensed slot machine facilities to generate revenue for  
22 property and wage tax relief and promote investment, economic  
23 development and tourism, including international tourism,  
24 requires the enactment of comprehensive measures to ensure  
25 that table games are free from criminal and corruptive  
26 elements, conducted honestly and competitively, and in  
27 suitable locations.

28 (2) The policy purposes of this act will not be achieved  
29 unless public confidence and trust in the credibility and  
30 integrity of table game operations and their regulatory



1 process is maintained. Accordingly, the provisions of this  
2 act are crafted to strictly regulate table game facilities  
3 and persons, locations, associations, activities and  
4 practices related to the conduct and operation of authorized  
5 table games.

6 (3) Public trust and confidence in table game operations  
7 can only be maintained by strict and comprehensive regulation  
8 of all persons, locations, associations, activities and  
9 practices related to the conduct and operation of licensed  
10 table game facilities; the manufacture and distribution of  
11 table game equipment, apparatuses, devices and supplies; and  
12 the provision of goods, services and property used in the  
13 conduct and operation of authorized table games at licensed  
14 table game facilities.

15 (4) All table game operations, all individuals and  
16 persons who have or will have a significant involvement in  
17 table game operations, all licensed slot machine facilities  
18 where table games will be conducted, all manufacturers,  
19 suppliers and other approved persons that provide table game  
20 equipment, apparatuses, devices and supplies and all  
21 providers of goods, services and property used in the conduct  
22 and operation of authorized table games and table game  
23 facilities shall be approved, licensed or regulated to  
24 protect the public health, safety and general welfare of the  
25 residents of this Commonwealth as an exercise of the police  
26 power of this Commonwealth.

27 (5) In order to effectuate the policy purposes of this  
28 act, it is necessary and essential:

29 (i) that table game facilities, activities and all  
30 equipment, devices, apparatuses and supplies used in the

1       conduct of authorized table games and persons  
2       participating in those activities be licensed, permitted  
3       or registered or otherwise approved or qualified by the  
4       Pennsylvania Gaming Control Board in accordance with the  
5       provisions of this act;

6           (ii) that certain transactions, events and processes  
7       involving licensed table game facilities and table game  
8       licensees be subject to prior approval;

9           (iii) that unsuitable persons not be permitted to  
10      associate with table game licensees and other persons  
11      involved in the conduct and operation of authorized table  
12      games at licensed table game facilities; and

13          (iv) that table game activities take place only in  
14      licensed slot machine facilities.

15          (6) To ensure that table game operations are conducted  
16      honestly, competitively and free of criminal and corruptive  
17      elements. Any license, permit or registration or any other  
18      approval issued or granted pursuant to this act is deemed a  
19      revocable privilege and is not a property right.

20   Section 103. Definitions.

21      The following words and phrases when used in this act shall  
22      have the meanings given to them in this section unless the  
23      context clearly indicates otherwise:

24      "Account" or "player's account." A financial record  
25      established by a licensed table game facility for an individual  
26      patron to which the facility may credit winnings and other  
27      amounts due to the patron and from which the patron may withdraw  
28      moneys due to the patron for purchase of tokens, chips or other  
29      things or representatives of value.

30      "Affiliate." A person that directly or indirectly, through

1 one or more intermediaries, controls, or is controlled by, or is  
2 under common control with the affiliated person.

3 "Applicant." A person who, on his own behalf or on the  
4 behalf of another, has applied to the Pennsylvania Gaming  
5 Control Board for approval to engage in any act or activity  
6 authorized or regulated under the provisions of this act.

7 "Application." A written request for permission to engage in  
8 any act or activity which is authorized or regulated under the  
9 provisions of this act.

10 "Approve," "approved" or "approval." In the case of an  
11 application submitted to the Pennsylvania Gaming Control Board  
12 for qualification for a table game license and the authority to  
13 conduct table games, the terms, regardless of usage, refer to  
14 the date that the Pennsylvania Gaming Control Board grants the  
15 table game license, regardless of the pendency of any  
16 administrative or judicial appeal or other legal action  
17 challenging the decision of the Pennsylvania Gaming Control  
18 Board.

19 "Authorized game," "authorized table game" or "game." Any  
20 banking, nonbanking or percentage game played with cards, dice,  
21 tiles, dominoes or any mechanical, electronic, computerized or  
22 electrical device used to play a table game for money, property,  
23 checks, credit or any representation of value, including,  
24 without limiting the generality of the foregoing, roulette,  
25 baccarat, blackjack, craps, big six wheel, mini-baccarat, red  
26 dog, pai gow, poker, twenty-one, acey-ducey, chuck-a-luck, fan-  
27 tail, panguingui, chemin de fer, sic bo, and any variations or  
28 composites of such games, provided that the variations or  
29 composites are found by the Pennsylvania Gaming Control Board to  
30 be suitable for use after an appropriate test or experimental

1 period under terms and conditions as the Pennsylvania Gaming  
2 Control Board may determine appropriate; and any other game,  
3 including multiplayer electronic table games, which is  
4 determined by the Pennsylvania Gaming Control Board to be  
5 compatible with the public interest and suitable for use in a  
6 licensed table game facility after the appropriate test or  
7 experimental period as the Pennsylvania Gaming Control Board  
8 deems appropriate. The terms include table game contests or  
9 tournaments in which players compete against one another in one  
10 or more of the table games authorized under this act or by the  
11 Pennsylvania Gaming Control Board or approved variations or  
12 composites of those games, provided the Pennsylvania Gaming  
13 Control Board authorizes the contests or tournaments. The term  
14 shall not include:

15 (1) Lottery games of the Pennsylvania State Lottery as  
16 authorized under the act of August 26, 1971 (P.L.351, No.91),  
17 known as the State Lottery Law.

18 (2) Bingo as authorized under the act of July 10, 1981  
19 (P.L.214, No.67), known as the Bingo Law.

20 (3) Pari-mutuel betting on the outcome of thoroughbred  
21 or harness horse racing as authorized under the act of  
22 December 17, 1981 (P.L.435, No.135), known as the Race Horse  
23 Industry Reform Act.

24 (4) Small games of chance as authorized under the act of  
25 December 19, 1988 (P.L.1262, No.156), known as the Local  
26 Option Small Games of Chance Act.

27 (5) Slot machine gaming and progressive slot machine  
28 gaming as authorized under 4 Pa.C.S. Pt. II (relating to  
29 gaming).

30 "Background investigation." A security, criminal, financial,

1 credit and/or suitability investigation of a person who has  
2 applied for the issuance or renewal of a license, permit or  
3 registration under this act, or of a licensee who holds a  
4 current license. The background investigation shall include the  
5 status of any taxes owed to the United States, the Commonwealth  
6 or political subdivisions of the Commonwealth or any other  
7 jurisdiction.

8 "Board." The Pennsylvania Gaming Control Board.

9 "Bureau." The Bureau of Investigation and Enforcement of the  
10 Pennsylvania Gaming Control Board established under 4 Pa.C.S.  
11 Pt. II (relating to gaming).

12 "Cash." United States currency and coin or foreign currency  
13 and coin that have been exchanged for its equivalent in United  
14 States currency and coin.

15 "Cash equivalent." An asset that is readily convertible to  
16 cash, including, but not limited to, any of the following:

17 (1) Travelers checks.

18 (2) Certified checks, cashier's checks and money orders.

19 (3) Personal checks or drafts.

20 (4) Credit extended by the table game licensee, a  
21 recognized credit card company or banking institution.

22 (5) Any other instrument that the Pennsylvania Gaming  
23 Control Board deems a cash equivalent. Other than recognized  
24 credit cards or credit extended by the table game licensee,  
25 all instruments that constitute a cash equivalent shall be  
26 made payable to the table game licensee, bearer or to cash.  
27 An instrument made payable to a third party shall not be  
28 considered a cash equivalent under this definition.

29 "Cash equivalent value." The monetary value that a table  
30 game licensee shall assign to a jackpot or payout that consists

1 of merchandise or any thing of value other than cash, tokens,  
2 chips or plaques. The Pennsylvania Gaming Control Board shall  
3 promulgate rules defining "cash equivalent value" in order to  
4 assure fairness, uniformity and comparability of valuation of  
5 jackpots and payoffs that include merchandise or anything of  
6 value.

7 "Chairman." The chairperson of the Pennsylvania Gaming  
8 Control Board.

9 "Chip." A representation of value redeemable for cash only  
10 at the issuing table game facility and issued by the table game  
11 licensee for use in playing an authorized table game.

12 "Complimentary service or item." A service or item provided  
13 at no cost or at a reduced price. The furnishing of a  
14 complimentary service or item by a table game licensee shall  
15 constitute the indirect payment for the service or item by the  
16 table game licensee, and shall be valued in an amount based upon  
17 the retail price normally charged by the table game licensee for  
18 the service or item. The value of a complimentary service or  
19 item not normally offered for sale by a table game licensee or  
20 provided by a third party on behalf of a table game licensee  
21 shall be the cost to the table game licensee of providing the  
22 service or item, as determined in accordance with the rules of  
23 the Pennsylvania Gaming Control Board.

24 "Control" or "controlling interest." For a publicly traded  
25 domestic or foreign corporation, a controlling interest is an  
26 interest in a legal entity, applicant or licensee if a person's  
27 sole voting rights under State law or corporate articles or  
28 bylaws entitle the person to elect or appoint one or more of the  
29 members of the board of directors or other governing board or  
30 the ownership or beneficial holding of 5% or more of the

1 securities of the publicly traded corporation, partnership,  
2 limited liability company or other form of publicly traded legal  
3 entity, unless this presumption of control or ability to elect  
4 is rebutted by clear and convincing evidence. For a privately  
5 held domestic or foreign corporation, partnership, limited  
6 liability company or other form of privately held legal entity,  
7 a controlling interest is the holding of any securities in the  
8 legal entity, unless this presumption of control is rebutted by  
9 clear and convincing evidence.

10 "Conviction." A finding of guilt or a plea of guilty or nolo  
11 contendere, whether or not a judgment of sentence has been  
12 imposed as determined by the law of the jurisdiction in which  
13 the prosecution was entered. The term shall not include a  
14 conviction that has been expunged, overturned or for which an  
15 individual has been pardoned or where an order of accelerated  
16 rehabilitative disposition has been completed.

17 "Counterfeit chips or tokens." Chip-like or token-like  
18 objects that have not been approved by the Pennsylvania Gaming  
19 Control Board for use in authorized table games, including  
20 objects commonly referred to as "slugs," but not including legal  
21 coins of the United States or any foreign country or  
22 jurisdiction.

23 "Count room." The room or rooms designated for counting,  
24 wrapping and recording of a table game licensee's authorized  
25 table game receipts.

26 "Creditor." The holder of any claim, of whatever character,  
27 against a person, whether secured or unsecured, matured or  
28 unmatured, liquidated or unliquidated, absolute, fixed or  
29 contingent.

30 "Debt." Any legal liability, whether matured or unmatured,

1 liquidated or unliquidated, absolute, fixed or contingent.

2 "Department." The Department of Revenue of the Commonwealth.

3 "Encumbrance." A mortgage, security interest, lien or charge  
4 of any nature in or upon property.

5 "Equity security." Any voting stock of a corporation or  
6 similar security; any security convertible, with or without  
7 consideration, into a security; the carrying of any warrant or  
8 right to subscribe to or purchase a security or any such warrant  
9 or right; or any security having direct or indirect  
10 participation in the profits of the issuer.

11 "Establishment." A single building or two or more buildings,  
12 including an approved hotel, that are physically connected in a  
13 manner deemed appropriate by the Pennsylvania Gaming Control  
14 Board, containing a table game facility, a slot machine facility  
15 or any other facility, as approved by the Pennsylvania Gaming  
16 Control Board.

17 "Gaming activity." The dealing, operating, carrying on,  
18 conducting, maintaining or exposing for play any authorized  
19 table game.

20 "Gross table game revenue."

21 (1) The total of wagers received in the playing of an  
22 authorized table game minus the total of:

23 (i) Cash or cash equivalents paid out to patrons as  
24 a result of playing an authorized table game.

25 (ii) Cash paid to purchase annuities to fund prizes  
26 payable to patrons over a period of time as a result of  
27 playing an authorized table game.

28 (iii) Any personal property distributed to a patron  
29 as the result of playing an authorized table game. This  
30 does not include travel expenses, food, refreshments,



lodging or any other complimentary services or items.

(2) The term does not include counterfeit money or tokens, coins or currency of other countries which are received in the playing of an authorized table game, except to the extent that they are readily convertible to United States currency; cash taken in fraudulent acts perpetrated against a table game licensee for which the table game licensee is not reimbursed; or cash received as entry fees for contests or tournaments in which the patrons compete for prizes.

"Holding company." Any corporation, association, firm, partnership, trust or other form of business organization not a natural person that, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation or other form of business organization which holds or applies for a table game license. For the purpose of this definition, in addition to any other reasonable meaning of the words used, a holding company indirectly has, holds or owns power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many subsidiaries may intervene between the holding company and the table game licensee or an applicant for a table game license.

"Institutional investor." Any of the following:

(1) Any retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees.

(2) Any investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.).

1           (3) Any collective investment trust organized by banks  
2           under Part Nine of the Rules of the Comptroller of the  
3           Currency.

4           (4) Any closed-end investment trust, chartered or  
5           licensed life insurance company or property and casualty  
6           insurance company, banking and other chartered or licensed  
7           lending institution or investment advisor registered under  
8           the Investment Advisors Act of 1940 (54 Stat. 847, 15 U.S.C.  
9           § 80b-1 et seq.).

10          (5) Other persons that the Pennsylvania Gaming Control  
11          Board may determine consistent with this act.

12          "Intermediary company." Any corporation, association, firm,  
13          partnership, trust or any other form of business organization  
14          other than a natural person which:

15               (1) Is a holding company with respect to a corporation  
16               or other form of business organization which holds or applies  
17               for a table game license.

18               (2) Is a subsidiary with respect to any holding company.

19          "Issue," "issued" or "issuance." In the case of an  
20          application submitted to the Pennsylvania Gaming Control Board  
21          for qualification and authorization to conduct authorized table  
22          games in accordance with this act, the terms refer to the date  
23          on which the Pennsylvania Gaming Control Board approves the  
24          application and on which the application becomes final, binding  
25          and nonappealable and is not subject to a pending legal  
26          challenge.

27          "Junket." An arrangement for which an individual is selected  
28          or approved for participation on the basis of the individual's  
29          ability to satisfy a financial qualification or the individual's  
30          likelihood to participate in gaming, to come to a licensed table

1 game facility for the purpose of gaming and pursuant to which,  
2 and as consideration for which, any or all of the cost of  
3 transportation, food, lodging and entertainment for the  
4 individual is directly or indirectly paid by a table game  
5 licensee or employee or agent thereof.

6 "Junket enterprise." Any person, other than the holder of or  
7 an applicant for a table game license, who employs or otherwise  
8 engages the services of a junket representative in connection  
9 with a junket to a table game facility, regardless of whether or  
10 not those activities occur within this Commonwealth.

11 "Junket representative." Any natural person who negotiates  
12 the terms of or engages in the referral, procurement or  
13 selection of persons who may participate in any junket to a  
14 licensed table game facility, regardless of whether or not those  
15 activities occur within this Commonwealth.

16 "License." Any license issued in accordance with or required  
17 under this act.

18 "License or registration fee." Any moneys required under  
19 this act or by law or regulation to be paid for the issuance or  
20 renewal of a table game license, a supplier license, a  
21 manufacturer license, service industry license or any other  
22 license issued under this act.

23 "Licensed entity." A table game licensee, manufacturer  
24 licensee, supplier licensee, service industry licensee or any  
25 other person licensed by the Pennsylvania Gaming Board under  
26 this act.

27 "Licensed facility." The physical land based location and  
28 associated areas at which a licensed gaming entity is authorized  
29 to place and operate slot machines pursuant to and in accordance  
30 with 4 Pa.C.S. Pt. II (relating to gaming) and to conduct and

1 operate authorized table games under this act.

2 "Licensed gaming entity" or "slot machine licensee." A  
3 person that holds a slot machine license pursuant to 4 Pa.C.S.  
4 Pt. II (relating to gaming).

5 "Licensed table game entity." A licensed gaming entity that  
6 has been approved for and that holds a table game license under  
7 this act.

8 "Licensed table game facility." The physical location and  
9 associated areas, including areas in an approved hotel, of a  
10 licensed facility where authorized table games are conducted by  
11 a licensed table game entity.

12 "Licensee." A person who has been approved for and who holds  
13 a table game license or any other license issued under this act.

14 "Manufacturer." A person who manufactures, builds, rebuilds,  
15 fabricates, assembles, produces, programs, designs or otherwise  
16 makes modification to table game equipment, apparatuses, devices  
17 and supplies for use in or play of authorized table games in  
18 this Commonwealth.

19 "Manufacturer license." A license issued by the Pennsylvania  
20 Gaming Control Board in accordance with this act that authorizes  
21 a manufacturer to conduct or engage in business in this  
22 Commonwealth.

23 "Manufacturer licensee." A person who has been approved for  
24 and who holds a manufacturer license.

25 "Municipality." A county, city, borough, incorporated town  
26 or township.

27 "Occupation permit." A permit authorizing an individual to  
28 be employed or work as a table game employee at a licensed table  
29 game facility.

30 "Operation." The conduct of authorized table games as

1 authorized under this act.

2 "Operation certificate." A certificate issued by the  
3 Pennsylvania Gaming Control Board that certifies that the  
4 operation of a licensed table game facility conforms to the  
5 requirements of this act and regulations promulgated pursuant to  
6 this act.

7 "Party." The Pennsylvania Gaming Control Board, the Bureau  
8 of Investigation and Enforcement or any licensee, permittee,  
9 registrant, applicant or any person appearing of record for any  
10 licensee, permittee, registrant or applicant in any proceeding  
11 before the Pennsylvania Gaming Control Board or in any  
12 proceeding for judicial review of any action, decision or order  
13 of the Pennsylvania Gaming Control Board.

14 "Patron." A person who plays an authorized table game at a  
15 licensed table game facility in accordance with this act.

16 "Permittee." An individual who holds an occupation permit  
17 issued in accordance with this act.

18 "Person." Any natural person, corporation, foundation,  
19 organization, business trust, estate, limited liability company,  
20 licensed corporation, trust, partnership, limited liability  
21 partnership, association or any other form of legal business  
22 entity.

23 "Principal employee." Any table game key employee who is an  
24 officer or director or who, by reason of remuneration or of a  
25 policymaking position or other criteria as may be established by  
26 the Pennsylvania Gaming Control Board by regulation, holds or  
27 exercises authority that, in the judgment of the Pennsylvania  
28 Gaming Control Board, is sufficiently related to the operation  
29 of a licensed table game facility so as to require  
30 qualification.

1 "Property." Real property, tangible and intangible personal  
2 property and rights, claims and franchises of every nature.

3 "Publicly traded company." Any corporation or other legal  
4 entity, except a natural person, to which any of the following  
5 apply:

6 (1) Has one or more classes of security registered  
7 pursuant to section 12 of the Securities Exchange Act of 1934  
8 (48 Stat. 881, 15 U.S.C. § 78a et seq.).

9 (2) Is an issuer subject to section 15(d) of the  
10 Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. §  
11 78a et seq.).

12 (3) Has one or more classes of securities traded in any  
13 open market in any foreign jurisdiction or regulated pursuant  
14 to a statute of any foreign jurisdiction that the  
15 Pennsylvania Gaming Control Board determines to be  
16 substantially similar to either or both of the aforementioned  
17 statutes.

18 "Qualification" or "qualified." A determination or finding  
19 by the Pennsylvania Gaming Control Board that a person, other  
20 than a person specifically required to obtain a license, permit  
21 or registration under this act, meets the eligibility  
22 requirements for a license under this act and the nature of the  
23 person's employment or association with or ownership interest in  
24 an applicant or table game licensee will require the person to  
25 qualify for a license under this act.

26 "Qualified licensed facility." A licensed facility under 4  
27 Pa.C.S. Pt. II (relating to gaming) that is approved by the  
28 Pennsylvania Gaming Control Board to operate authorized table  
29 games under this act.

30 "Registrant." A person who is registered with the

1 Pennsylvania Gaming Control Board pursuant to this act.

2 "Registration." Any requirement, other than one that  
3 requires a license or permit, that requires a person to qualify  
4 and register as a prerequisite to the conduct of a particular  
5 business or activity specified in this act.

6 "Regulated complimentary service account." An account  
7 maintained by a table game licensee on a regular basis that  
8 itemizes complimentary services and includes, without  
9 limitation, a listing of the cost of junket activities and any  
10 other service provided by a table game licensee at no cost or at  
11 a reduced price.

12 "Resident." Any individual domiciled and living within this  
13 Commonwealth having a present intent to remain within this  
14 Commonwealth for a period of time and manifesting the  
15 genuineness of that intent by establishing an ongoing physical  
16 presence within this Commonwealth, together which indicate that  
17 the individual's presence within this Commonwealth is not merely  
18 transitory in nature.

19 "Restricted table game area" or "restricted area." The  
20 cashier's cage, the soft count room, the hard count room, the  
21 interior of table game pits, the surveillance room and catwalk  
22 areas, and any other area specifically designated by the  
23 Pennsylvania Gaming Control Board as a restricted area in a  
24 table game licensee's operation certificate.

25 "Security." Any instrument evidencing a direct or indirect  
26 beneficial ownership or creditor interest in a corporation or  
27 other form of business organization, including, but not limited  
28 to, common or preferred stock, bonds, mortgages, debentures,  
29 security agreements, notes, warrants, options and rights.

30 "Slot machine license." A license issued to an applicant to

1 place and operate slot machines in a licensed facility pursuant  
2 to 4 Pa.C.S. Pt. II (relating to gaming).

3 "Statement of compliance." A statement by the Pennsylvania  
4 Gaming Control Board that may be issued to an applicant for a  
5 license under this act that indicates satisfactory completion of  
6 a particular stage or stages of the application or license  
7 consideration process, and that states that unless there is a  
8 change of any material circumstance pertaining to the particular  
9 stage or stages of license consideration involved in the  
10 statement, the applicant has complied with the requirements of  
11 this act for licensure and is therefore approved for license  
12 qualification to the stage or stages for which the statement has  
13 been issued.

14 "Subsidiary." Any corporation, any significant part of whose  
15 outstanding equity securities are owned, subject to a power or  
16 right of control, or held with power to vote, by a holding  
17 company or an intermediary company or a significant interest in  
18 a firm, association, partnership, trust or other form of  
19 business organization, not a natural person, that is owned,  
20 subject to a power or right of control, or held with power to  
21 vote, by a holding company or an intermediary company.

22 "Supplier." A person who sells, leases, offers or otherwise  
23 provides, distributes table game devices, equipment, apparatuses  
24 or supplies or who repairs or services any table game devices,  
25 equipment, apparatus or supplies for use or play of authorized  
26 table games in this Commonwealth.

27 "Supplier license." A license issued by the Pennsylvania  
28 Gaming Control Board authorizing a supplier to provide products  
29 or services related to table games to a table game licensee.

30 "Supplier licensee." A person who holds a supplier license.



1 "Table game device," "equipment," "apparatus" or "supplies."  
2 Any cards, dice, chips, shufflers, tiles, dominoes, wheel, drop  
3 boxes or any electronic, electrical, mechanical or computerized  
4 contrivance or device, mechanism, machine, equipment or related  
5 supplies used or consumed in operation or connection with  
6 authorized table games at a licensed table game facility.

7 "Table game employee." Any natural person employed in the  
8 operation of a licensed table game facility, including, but not  
9 limited to, boxmen, dealers or croupiers, floormen, device or  
10 equipment technicians, security employees, count room personnel,  
11 cage personnel, collection personnel, surveillance personnel and  
12 data processing personnel, or any other natural person whose  
13 employment duties predominantly involve the maintenance or  
14 operation of table games or table game devices, equipment or  
15 apparatuses and assets associated therewith or who, in the  
16 judgment of the Pennsylvania Gaming Control Board, is so  
17 regularly required to work in a restricted table game area that  
18 issuance of an occupation permit as a table game employee is  
19 appropriate.

20 "Table game key employee." Any natural person employed in  
21 the operation of a licensed table game facility in a supervisory  
22 capacity or empowered to make discretionary decisions that  
23 regulate table game facility operations, including, but not  
24 limited to, pit bosses, shift bosses, credit supervisors,  
25 cashier supervisors, table game facility managers and assistant  
26 managers or supervisors of security employees, or any other  
27 natural person empowered to make discretionary decisions,  
28 including entertainment directors, and food and beverage  
29 directors or any other employee designated by the Pennsylvania  
30 Gaming Control Board for reasons consistent with the policies of

1 this act.

2 "Table game operations" or "table game activities." The  
3 exposing for play of one or more authorized table games that are  
4 dealt, operated, carried on, conducted or maintained for  
5 commercial gain in a licensed table game facility.

6 "Table game service employee." A natural person employed to  
7 perform services or duties in a licensed table game facility or  
8 restricted area of the licensed facility but who is not included  
9 within the definition of "table game employee," "table game key  
10 employee" or "security employee" as those terms are defined in  
11 this section.

12 "Table game service industry." Any form of enterprise which  
13 provides applicants or table games licensees with goods or  
14 services regarding the realty, construction, maintenance, or  
15 business of a proposed or existing licensed table game facility  
16 on a regular or continuing basis, including, without limitation,  
17 junket enterprises, security businesses, gaming schools, garbage  
18 haulers, maintenance companies, food purveyors, and construction  
19 companies, or any other such enterprise which purchases goods or  
20 services from or which does any other business with licensed  
21 table game facilities on a regular or continuing basis.

22 "Table game service industry license." A table game service  
23 industry that obtains a table game service industry license  
24 under this act.

25 "Transfer." The sale and every other method, direct or  
26 indirect, of disposing of or parting with property or with an  
27 interest in property, or with the possession of property, or of  
28 fixing a lien upon property or upon an interest in property,  
29 absolutely or conditionally, voluntarily or involuntarily, by or  
30 without judicial proceedings, as a conveyance, sale, payment,

1 pledge, mortgage, lien, encumbrance, gift, security or  
2 otherwise. The reduction of a security interest in property  
3 delivered to a corporation shall be deemed a transfer suffered  
4 by the corporation.

5 "Wager." A sum of money, thing or representative of value  
6 risked on an uncertain outcome of the play of an authorized  
7 table game.

## 8 CHAPTER 2

### 9 TABLE GAMES AUTHORIZED

10 Section 201. Authorization to conduct table games.

11 Notwithstanding any other provision of law to the contrary,  
12 the operation of table games and the system of wagering  
13 associated with table games are hereby authorized to the extent  
14 that table games are conducted in accordance with this act and  
15 guidelines, policy statements, rules or regulations adopted and  
16 promulgated by the board pursuant to this act.

17 Section 202. Authorized locations for operation.

18 Table games authorized pursuant to this act shall only be  
19 operated by a licensed gaming entity that holds a license to  
20 conduct slot machine gaming at a licensed facility pursuant to 4  
21 Pa.C.S. Pt. II (relating to gaming).

22 Section 203. Commencement of table game operations.

23 Notwithstanding any provision of this act to the contrary, a  
24 license to operate authorized table games issued under this act  
25 shall not be construed to permit the operation of authorized  
26 table games until one year subsequent to the operation of slot  
27 machines by a licensed gaming entity at a licensed facility.

28 Section 204. Applicability.

29 This act and any guidelines, rules or regulations promulgated  
30 pursuant to this act shall apply to all persons licensed,

1 permitted or registered by the board to conduct authorized table  
2 games or to otherwise participate in table gaming authorized  
3 under this act.

### 4 CHAPTER 3

#### 5 DUTIES OF BOARD

6 Section 301. General powers.

7 In addition to general jurisdiction over all gaming and  
8 related activities conferred upon the board under 4 Pa.C.S. Pt.  
9 II (relating to gaming), the board shall be responsible for  
10 ensuring integrity in the conduct, establishment and operation  
11 of authorized table games and shall have overall jurisdiction  
12 over every aspect of the authorization, conduct, establishment  
13 and operation of table games in this Commonwealth.

14 Section 302. Powers and duties of board.

15 The board shall implement the provisions of this act and  
16 shall adopt any guidelines or policy statements and promulgate  
17 any regulations necessary to carry out the provisions of this  
18 act. The board shall have the duty, without limitation, to:

19 (1) Hear and decide in reasonable order all applications  
20 for a table game license, manufacturer license, supplier  
21 license and any other license, registration or permit  
22 authorized under this act.

23 (2) At its discretion issue, approve, renew, revoke,  
24 suspend, condition or deny issuance or renewal of any  
25 license, permit or registration or any other qualification  
26 authorized under this act. The board may deny, revoke,  
27 condition, suspend or refuse to renew a license if it finds  
28 that an applicant or a licensee or an officer, employee or  
29 agent of an applicant or licensee has furnished false or  
30 misleading information to the board or failed to comply with

1 this act or any guidelines, policy statements, rules or  
2 regulations of the board adopted and promulgated pursuant to  
3 this act or under 4 Pa.C.S. (relating to gaming) and that it  
4 would be in the public interest to deny, deny the renewal,  
5 revoke, condition or suspend the license, permit or  
6 registration.

7 (3) Require background investigations on prospective or  
8 existing table game licensees, manufacturer licensees,  
9 supplier licensees, permittees, registrants or other persons  
10 holding a controlling interest in any prospective or existing  
11 licensee, permittee or registrant or other person required to  
12 be qualified for licensure, permitting, registration or  
13 qualification under this act.

14 (4) Receive criminal history record information from the  
15 Pennsylvania State Police and other law enforcement agencies.  
16 Notwithstanding any other provision of law to the contrary,  
17 the board is hereby authorized to receive criminal history  
18 record information which is otherwise protected under the  
19 provisions of 18 Pa.C.S. Ch. 91 (relating to criminal history  
20 record information).

21 (5) The board is hereby designated as a law enforcement  
22 agency for the purpose of 18 Pa.C.S. Ch. 91 and any other  
23 statute of this Commonwealth or other jurisdiction providing  
24 for the sharing, transmittal or receipt of information to or  
25 from law enforcement agencies.

26 (6) Restrict access to confidential information in the  
27 possession of the board which has been obtained under this  
28 act and assure that the confidentiality of information  
29 received by it is maintained and protected. Records shall be  
30 retained by the board for seven years.

1           (7) At its discretion, to suspend, revoke, condition or  
2 deny the issuance or renewal of any license, permit or  
3 registration or levy fines or impose sanctions for any  
4 violation of this act.

5           (8) Require each applicant for a license, permit,  
6 registration or qualification to submit to fingerprinting by  
7 the Pennsylvania State Police. The Pennsylvania State Police  
8 shall submit fingerprint images to the Federal Bureau of  
9 Investigation to verify the identity of the applicant and  
10 obtain criminal history record information.

11           (9) Determine the suitability of table game service  
12 industries, including junket enterprises, junket  
13 representatives or any other person who furnishes or seeks to  
14 furnish to an authorized table game licensee, directly or  
15 indirectly, any goods, service or property related to the  
16 conduct, play and operation of table games and related  
17 activities or through any arrangement under which a junket  
18 enterprise, junket representative or any like person receives  
19 payment based, directly or indirectly, on earnings, profits  
20 or receipts from the conduct, play or operation of table  
21 games. The board may require that a junket enterprise, junket  
22 representative or like person comply with the requirements of  
23 this act and the regulations of the board and may prohibit  
24 the person from furnishing the goods, service or property.

25           (10) Conduct all hearings pertaining to administrative  
26 violations of this act and regulations promulgated under this  
27 act.

28           (11) Collect all application, license, permit and  
29 registration fees and any other fees established by  
30 regulation of the board.

1           (12) Levy and collect penalties for the violation of  
2 this act and the regulations promulgated under this act.

3           (13) Establish times as are necessary for agents of the  
4 board to be present at a licensed table game facility for the  
5 purpose of certifying the revenue, receiving complaints from  
6 the public relating to the conduct of authorized table games,  
7 examining records of revenues and procedures, and conducting  
8 periodic reviews of table game and facility operations for  
9 the purpose of evaluating current performance and compliance  
10 with the requirements of this act and regulations promulgated  
11 pursuant to this act.

12           (14) Refer to the Pennsylvania State Police or the  
13 Attorney General for investigation and prosecution of any  
14 evidence of a suspected or alleged violation of this act or  
15 the regulations promulgated under this act.

16           (15) Review and rule upon any complaint by a table game  
17 licensee regarding any investigative procedure of the bureau  
18 or the Pennsylvania State Police, that is unnecessarily  
19 disruptive of table game facility operations. The need to  
20 inspect and investigate shall be presumed at all times. The  
21 disruption of a table game licensee's operations shall be  
22 proved by clear and convincing evidence, such evidence shall  
23 establish the following:

24               (i) The procedures had no reasonable law enforcement  
25 purpose.

26               (ii) The procedures were so disruptive as to  
27 unreasonably inhibit table game facility operations. The  
28 board may seek advice from the Attorney General when  
29 reviewing any investigative procedures or practices of  
30 the Pennsylvania State Police.

1           (16) Review applications for licenses to operate  
2 authorized table games.

3           (17) Prescribe and require periodic financial reporting  
4 and internal controls for all table game facilities.

5           (18) Require each table game licensee to transmit to the  
6 board an audit of the financial condition of the table game  
7 licensee's total operations within 30 days after the end of  
8 each quarter of each fiscal year. All audits shall be  
9 conducted by a certified public accountant in a manner and  
10 form prescribed by the board. Each certified public  
11 accountant shall be licensed in this Commonwealth. The  
12 compensation for each certified public accountant shall be  
13 paid directly by the licensee to the certified public  
14 accountant.

15          (19) Establish and enforce prescribed hours of operation  
16 of authorized table games, notwithstanding that authorized  
17 table games may be operated on any day of the year in order  
18 to meet the needs of patrons and to promote competition.

19          (20) Require that each licensed table game entity  
20 prohibit individuals under 21 years of age from playing or  
21 participating in the play of authorized table games.

22          (21) Require each applicant for a table game license to  
23 provide detailed site plans of its proposed table game  
24 facility, which the board shall review and approve to  
25 determine the adequacy of the proposed internal and external  
26 security and surveillance measures proposed for the facility.  
27 Applicants shall cooperate with the board in making any  
28 board-recommended modifications to the site plans and will  
29 assure that the site plans, as modified and approved by the  
30 board, are implemented.



1           (22) Require table game licensees to provide onsite  
2 facilities for use by the board and the bureau and other  
3 appropriate persons to facilitate their ability to perform  
4 their respective responsibilities under this act.

5           (23) Consult with members of the Pennsylvania State  
6 Police, the Office of Attorney General and other persons it  
7 deems necessary for advice regarding various aspects of the  
8 powers and duties imposed on the board under this act and its  
9 jurisdiction over the operation of authorized table games at  
10 licensed facilities.

11          (24) Adopt regulations for the conduct of all authorized  
12 table games proposed to be operated by a table game licensee.

13          (25) Investigate applicants for a license, permit or  
14 registration, and other persons to determine qualification  
15 and eligibility for licensure, permitting and registration.

16          (26) Require applicants for the issuance or renewal of a  
17 table game license, manufacturer license, supplier license or  
18 service industry license to provide the board with a  
19 statement listing the names and titles of all public  
20 officials who, directly or indirectly, own any financial or  
21 beneficial interest in, are the creditors of or hold any debt  
22 instrument issued by, or hold or have any interest in any  
23 contractual or service relationship with the applicant or  
24 table game licensee, manufacturer licensee or supplier  
25 licensee. The list shall be updated annually.

26          (27) Not issue or renew a license, permit or  
27 registration unless it is satisfied that the applicant is a  
28 person of good character, honesty and integrity and is a  
29 person whose prior activities, criminal record, if any,  
30 reputation, habits and associates do not pose a threat to the

1 public interest or the effective regulation and control of  
2 table game operations in this Commonwealth or create or  
3 enhance the danger of unsuitable, unfair or illegal  
4 practices, methods and activities in the conduct of table  
5 game operations or the carrying on of the business and  
6 financial arrangements incidental to table game operations.

7 (28) Submit an annual report of its licensing and  
8 regulatory activities to the General Assembly by January 31  
9 of each year.

10 (29) Not issue a table game license to a licensed gaming  
11 entity that is also a holder of a Category 1 slot machine  
12 license if it determines that the licensed gaming entity is  
13 not in full compliance with any of the following:

14 (i) The provisions of its application for a slot  
15 machine license as approved by the board.

16 (ii) The provisions of its application for a  
17 thoroughbred or harness horse racing license as approved  
18 by either the State Horse Racing Commission or State  
19 Harness Racing Commission, as the case may be.

20 (iii) The requirements of 4 Pa.C.S. § 1302 (relating  
21 to Category 1 slot machine license) and section 1303  
22 (relating to additional Category 1 slot machine license  
23 requirements).

#### 24 Section 303. Regulatory powers.

25 The board shall adopt and promulgate regulations to carry out  
26 the provisions of this act. The regulations shall include  
27 specific provisions that:

28 (1) Prescribe the methods and forms of application that  
29 an applicant shall follow and complete prior to consideration  
30 of an application for a license, permit or registration.

1           (2) Prescribe the methods, procedures and forms for  
2 delivery of information that may be required by the board  
3 under this act.

4           (3) Define and limit the areas of operation, the rules  
5 of authorized games, odds and the method of operation of  
6 authorized games.

7           (4) Prescribe the grounds and procedures for the denial,  
8 revocation, suspension of or refusal to renew licenses,  
9 permits or registrations.

10          (5) Establish the minimum level of insurance to be  
11 maintained with respect to a licensed table gaming facility.

12          (6) Prescribe standards to govern the conduct of all  
13 authorized table games.

14          (7) Establish standards for table game devices,  
15 equipment, apparatuses and supplies, including electronic or  
16 computerized table game devices.

17          (8) Establish standards to govern the operation of  
18 licensed table game facilities, including the maintenance of  
19 financial books, records and audits.

20          (9) Designate appropriate classifications of personnel  
21 to be employed in the operation of table games at a licensed  
22 table game facility and establish appropriate licensing,  
23 registration and permitting standards within each  
24 classification.

25          (10) Regulate the practices and procedures for  
26 negotiable instrument transactions involving patrons of table  
27 games, including limitations on the circumstances and amounts  
28 of the transactions, including credit transactions, and the  
29 establishment of forms and procedures for negotiable  
30 instrument transactions, redemptions and consolidations.

1           (11) Prescribe for authorized table game operations  
2 procedures, forms and methods of management controls,  
3 including employee and supervisory charts or organizational  
4 structure, alarm and other electrical or visual security  
5 measures. The board shall grant an applicant a table game  
6 license discretion concerning the organization and  
7 responsibilities of management personnel who are not directly  
8 involved in the operation or supervision of authorized table  
9 games.

10          (12) Provide for a minimum uniform standard of  
11 accountancy methods, procedures and forms, a uniform code of  
12 accounts and accounting classifications and other standard  
13 operating procedures as may be necessary to ensure  
14 consistency, comparability and effective disclosure of all  
15 financial information, including calculations of percentages  
16 of profit by authorized table games, tables, apparatuses and  
17 devices.

18          (13) Require quarterly financial reports and the form of  
19 financial reporting, and an annual audit prepared by a  
20 certified public accountant licensed to do business in this  
21 Commonwealth, attesting to the financial condition of a table  
22 game licensee and disclosing whether the accounts, records  
23 and control procedures examined are maintained by the table  
24 game licensee as required by this act and the regulations  
25 promulgated under this act.

26          (14) Prescribe the qualifications of and the conditions  
27 pursuant to which engineers, accountants, architects or any  
28 agents or representatives of such persons and others shall be  
29 permitted to practice before the board or to submit materials  
30 on behalf of any applicant or licensee. No member of the

1 General Assembly, nor any firm with which a member of the  
2 General Assembly is associated, shall be permitted to appear  
3 or practice in any capacity whatsoever before the board  
4 regarding any matter whatsoever, nor shall any immediate  
5 family member of an executive level State employee or of a  
6 member of the General Assembly be permitted to so practice or  
7 appear in any capacity whatsoever before the board regarding  
8 any matter whatsoever.

9 (15) Provide minimum procedures for the exercise of  
10 effective control over the internal fiscal affairs of a table  
11 game licensee, including provisions for the safeguarding of  
12 assets and revenues, the recording of cash and evidence of  
13 indebtedness, and the maintenance of reliable records,  
14 accounts, and reports of transactions, operations and events,  
15 including reports to the board.

16 (16) Govern advertising by and the advertisement of  
17 authorized table games by table game licensees, their  
18 employees and agents, with the view toward ensuring that  
19 advertisements are in no way deceptive, misleading or  
20 designed in a manner to unduly induce, entice or otherwise  
21 cause a person to play an authorized table game.

22 (17) Prescribe the standards and procedures for  
23 quarterly reporting of professional services information.  
24 Each holder of a table game license or person acting on  
25 behalf of a table game licensee shall submit an annual report  
26 to the board of each entity that furnishes professional  
27 services to the table game license holder.

28 (18) Provide for the establishment of a list of persons  
29 that a table game licensee may exclude or eject from a  
30 licensed table game facility, and the establishment of a list

1 of persons who may self-exclude themselves from a licensed  
2 table game facility. The lists authorized in this paragraph  
3 shall conform with the standards, criteria and requirements  
4 of 4 Pa.C.S. §§ 1514 (relating to regulation requiring  
5 exclusion of certain persons), 1515 (relating to repeat  
6 offenders excludable from licensed gaming facility) and 1516  
7 (relating to list of persons self excluded from gaming  
8 activities).

9 (19) Establish any other procedure, standard, condition  
10 or requirement the board deems necessary to ensure the  
11 integrity of table game operations and which effectuate the  
12 provisions of this act.

13 Section 304. Denials and sanctions.

14 (a) General rule.--The board shall ensure, to the extent  
15 required by this act, that licenses, permits or registrations  
16 shall not be issued to nor held by, nor shall there be any  
17 material involvement, directly or indirectly, with the licensed  
18 table game operation or the ownership of the licensed table game  
19 operation by unqualified or disqualified persons whose  
20 operations are conducted in a manner that is inconsistent with  
21 or do not conform with the requirements of this act or  
22 regulations promulgated pursuant to this act.

23 (b) Enforcement.--In implementing and enforcing this act,  
24 the board shall have the power and authority to:

25 (1) Deny any application for a license, permit or  
26 registration.

27 (2) Limit, condition or restrict any license, permit,  
28 registration or approval.

29 (3) Suspend or revoke any license, permit, registration  
30 or approval.

1           (4) Impose a penalty on any person licensed, permitted,  
2       registered or previously qualified for any cause deemed  
3       reasonable by the board pursuant to regulations promulgated  
4       by the board.

5       (c) Definitions.--As used in this section, the following  
6       words and phrases shall have the meanings given to them in this  
7       subsection:

8       "Disqualified person." Any person found by the board to be  
9       disqualified pursuant to the criteria set forth in section  
10      602(b).

11      "Unqualified person." Any person who is found by the board  
12      to be unqualified pursuant to section 602(a).

13      Section 305. Annual report, study and recommendations.

14      (a) Annual report required.--Twelve months after the  
15      commencement of table game operations at licensed table game  
16      facilities and on December 31 of every calendar year thereafter,  
17      the board shall make an annual report to the Governor and the  
18      General Assembly. The report shall be filed with the Governor  
19      and submitted to the Chief Clerk of the Senate and the Chief  
20      Clerk of the House of Representatives and to the chairmen of the  
21      legislative committees that have oversight of gambling-related  
22      issues on or before January 31 of the year following the year  
23      that the report covers. The report shall include an account of  
24      the board's actions, its financial position, the results of  
25      table game operation under this act and any recommendations for  
26      legislation that the board considers advisable. The report shall  
27      also include the information required under subsections (b) and  
28      (c). The report shall include, but not be limited to, the  
29      following:

30           (1) The number and win per table game at each licensed

1 table game facility during the previous year.

2 (2) All taxes, fees, fines and other revenue collected  
3 and revenue disbursed during the previous year. The board  
4 shall collaborate with the State Treasurer and the department  
5 to carry out the requirements of this paragraph.

6 (3) A descriptive summary of the board's diversity  
7 activities, including, but not limited to, contracting and  
8 subcontracting, employment data and recruitment and retention  
9 programs of the board which are designed to promote and  
10 ensure diversity.

11 (4) A descriptive summary of licensed table game  
12 entities' diversity activities for the previous year,  
13 including, but not limited to:

14 (i) Employment and salary information, including any  
15 recruitment and retention programs.

16 (ii) Minority-owned business enterprises and women-  
17 owned business enterprises contracting and subcontracting  
18 data.

19 (iii) Minority and women facility ownership and  
20 participation data.

21 (iv) Any other information the board deems  
22 appropriate.

23 (5) Administrative and operational expenses and costs of  
24 the board.

25 (6) Administrative hearings or any other proceedings  
26 convened by the board relating to the approval, issuance,  
27 denial, conditioning, renewal or refusal to renew, suspension  
28 or revocation of a table game license.

29 (7) Additional information the board may deem necessary  
30 and appropriate.



1 (b) Report by table game licensee.--

2 (1) Each table game licensee shall annually have a study  
3 conducted on minors and unauthorized gaming and compile all  
4 of the following information for the table game facility that  
5 the licensee is licensed to operate:

6 (i) The number of minors who were denied entry into  
7 the table game facility.

8 (ii) The number of minors who were physically  
9 escorted from the premises of the table game facility.

10 (iii) The number of minors who were detected  
11 participating in gambling games other than slot machines  
12 and the number of minors who were detected using slot  
13 machines.

14 (iv) The number of minors who were taken into  
15 custody by a law enforcement agency on the premises of  
16 the table game facility.

17 (v) The number of minors who were detected illegally  
18 consuming alcohol on the premises of the table game  
19 facility.

20 (vi) The number of disassociated persons who were  
21 denied entry into the table game facility.

22 (vii) A summary of the action taken by the table  
23 game licensee in resolution of incidents under  
24 subparagraphs (i), (ii), (iii), (iv), (v) and (vi),  
25 including any action, resolution or disposition of any  
26 violations of section 2504.

27 (2) As used in this subsection, the term "minor" shall  
28 mean an individual who is under 21 years of age.

29 (c) Recommendations.--

30 (1) The board shall conduct continuous study of the

1 operation and administration of gaming laws of other  
2 jurisdictions, available literature, Federal laws which may  
3 affect the operation of table games in this Commonwealth, and  
4 the reaction of Pennsylvanians to existing and potential  
5 features of authorized table games under this act. In  
6 conducting such study, it shall be the duty of the board to:

7 (i) Determine any defects in this act or in the  
8 regulations promulgated under this act.

9 (ii) Compile and submit to the General Assembly  
10 recommendations for changes in this act to prevent  
11 abuses, guard against the use of this act as a cloak for  
12 the carrying on of illegal gambling or other criminal  
13 activities.

14 (iii) Ensure that this act and the regulations  
15 promulgated under this act shall be in a form and be  
16 administered to serve the true purposes of this act.

17 (2) The board shall report immediately to the Governor  
18 and the General Assembly any matters which, in its judgment,  
19 may require immediate changes in the laws of this  
20 Commonwealth in order to prevent abuses and evasions of this  
21 act or any regulations promulgated under this act, or to  
22 rectify undesirable conditions in connection with the  
23 administration, operation and regulation of authorized table  
24 games.

25 (d) Consolidation of reporting.--Subsequent to its  
26 submission of the initial annual report under subsection (a),  
27 the board may consolidate the information required to be  
28 reported under this section with the annual report it is  
29 required to submit pursuant to 4 Pa.C.S. § 1211 (relating to  
30 reports of board). Any consolidated report shall accurately and

1 separately reflect the administration, enforcement, operation  
2 and conduct of authorized table games from the administration,  
3 enforcement, operation and conduct of slot machine gaming.

4 Section 306. Application hearing process.

5 The board's consideration and resolution of all applications  
6 for a license, permit or registration under this act shall be  
7 conducted in accordance with procedures adopted by order of the  
8 board. Notwithstanding the requirements of 2 Pa.C.S. §§ 504  
9 (relating to hearing and record) and 505 (relating to evidence  
10 and cross-examination), the procedures adopted by order of the  
11 board shall provide parties before it with a documentary  
12 hearing, but the board may, at its discretion, resolve disputed  
13 material facts without conducting an oral hearing when  
14 constitutionally permissible.

15 Section 307. Board minutes and records.

16 The board shall make and keep records of all proceedings held  
17 at public meetings of the board. A verbatim transcript of public  
18 meetings of the board shall be prepared by the board upon the  
19 request of any board member or upon the request of any other  
20 person and the payment by that person of the costs of  
21 preparation.

22 Section 308. Maintenance of information.

23 (a) Applicant information.--

24 (1) The board shall maintain a list of all applicants  
25 for licenses, permits and registrations under this act  
26 together with a record of all actions taken with respect to  
27 the applicants. The list and record shall be open to public  
28 inspection.

29 (2) The applicant information required under paragraph  
30 (1) relative to any applicant whose license, permit or

1 registration is denied, revoked or not renewed by the board  
2 shall be removed from the list after seven years from the  
3 date of the denial, revocation or refusal to renew.

4 (3) The board shall maintain other files, records and  
5 information as it may deem necessary and appropriate.

6 (b) Confidentiality.--Information obtained in the  
7 application process in accordance with this act and regulations  
8 promulgated under this act, the report of an applicant's  
9 background investigation and personal information furnished to  
10 or obtained by the board, the bureau or the Pennsylvania State  
11 Police from any source shall be considered confidential and  
12 shall be withheld from public disclosure in whole and in part,  
13 except that any information shall be released upon the lawful  
14 order of a court of competent jurisdiction or, with the approval  
15 of the Attorney General, to an authorized law enforcement agency  
16 or shall be released to the public, in whole or in part, to the  
17 extent that the release is requested by the applicant and does  
18 not otherwise contain confidential information about another  
19 person. The board may not require any applicant to waive any  
20 confidentiality provided for in this subsection as a condition  
21 for the approval, issuance or renewal of a license, permit or  
22 registration or any other action of the board. Any person who  
23 violates this subsection shall be administratively disciplined  
24 by discharge, suspension or other form of disciplinary action as  
25 the board deems appropriate.

26 Section 309. Temporary regulations.

27 Notwithstanding any other provision of law to the contrary,  
28 in order to facilitate the prompt implementation of this act,  
29 the board shall have the power and authority to promulgate,  
30 adopt and use temporary regulations to implement this act. The

1 temporary regulations shall be published in the Pennsylvania  
2 Bulletin and shall be subject to review pursuant to sections  
3 204(b) and 301(10) of the act of October 15, 1980 (P.L.950,  
4 No.164), known as the Commonwealth Attorneys Act. The temporary  
5 regulations shall not be subject to sections 201 through 205 of  
6 the act of July 31, 1968 (P.L.769, No.240), referred to as the  
7 Commonwealth Documents Law, or the act of June 25, 1982  
8 (P.L.633, No.181), known as the Regulatory Review Act. The  
9 temporary regulations promulgated by the board shall be  
10 effective for a period of not more than three years from the  
11 effective date of this act or upon the promulgation and  
12 publication of permanent regulations by the board as generally  
13 provided by law, if sooner than three years. The authority of  
14 the board to use temporary regulations shall expire two years  
15 from the effective date of this act.

16 Section 310. Diversity goals and requirements of board.

17 (a) Intent.--It is the intent of the General Assembly that  
18 the board promote and ensure diversity in all aspects of the  
19 table game activities authorized under this act. The board shall  
20 work to enhance the representation of diverse groups:

21 (1) in the work of the board;

22 (2) in the ownership, participation and operation of  
23 licensed table game entities and licensed table game  
24 facilities in this Commonwealth;

25 (3) through the ownership, participation and operation  
26 of business enterprises associated with or utilized by  
27 licensed table game entities and licensed table game  
28 facilities; and

29 (4) through the provision of goods, property and  
30 services utilized by licensed table game entities under this

1 act.

2 (b) Investigations.--The board is authorized to investigate  
3 and conduct an annual audit of each licensed table game entity  
4 to ascertain whether effective and meaningful action has been  
5 taken or will be taken to enhance the representation of diverse  
6 groups:

7 (1) In the ownership, participation and operation of  
8 qualified licensed facilities in this Commonwealth.

9 (2) Through the ownership and operation of business  
10 enterprises associated with or utilized by table game  
11 licensees.

12 (3) Through the provision of goods, property and  
13 services utilized by table game licensees and licensed table  
14 game facilities.

15 (4) Through employment opportunities with qualified  
16 licensed entities and licensed table game facilities.

17 (c) Employment opportunities.--The board shall work to  
18 promote and ensure that it and applicants for a table game  
19 license and table game licensees afford equal employment  
20 opportunity to all prospective employees and to all actual  
21 employees to be employed by the board, applicant, licensees and  
22 by contractors, subcontractors, assignees, lessees, agents,  
23 vendors and suppliers of applicants and licensees. Each  
24 application for a table game license shall include a written  
25 guaranty that all contracts and subcontracts entered by the  
26 applicant contain appropriate provisions by which contractors  
27 and subcontractors or their assignees agree to afford equal  
28 employment opportunity to all prospective employees and to all  
29 actual employees to be employed by the contractor or  
30 subcontractor in accordance with a plan approved by the board.

1 (d) Board required to report.--No later than one year after  
2 the commencement of authorized table games at licensed table  
3 game facilities, the board shall include in its first due annual  
4 report after that date and each annual report thereafter  
5 submitted in accordance with section 305(a), the activities  
6 undertaken by licensed table game entities and facilities to  
7 promote diversity and accord equal employment opportunity in  
8 accordance with subsection (c). The report shall include a  
9 concise summary of the information reported to the board  
10 pursuant to section 305(a)(4).

11 Section 311. Application appeals.

12 The Supreme Court of the Commonwealth of Pennsylvania shall  
13 be vested with exclusive appellate jurisdiction to consider  
14 appeals of any final order, determination or decision of the  
15 board involving the approval, issuance, denial, conditioning or  
16 renewal of all licensed entity applications. Notwithstanding the  
17 provisions of 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial  
18 review of Commonwealth agency action) and 42 Pa.C.S. § 763  
19 (relating to direct appeals from government agencies), the  
20 Supreme Court shall affirm all final orders, determinations or  
21 decisions of the board involving the approval, issuance, denial,  
22 conditioning or renewal of all licensed table game entity  
23 applications unless it shall find that the board committed an  
24 error of law or that the order, determination or decision of the  
25 board was arbitrary and there was a capricious disregard of the  
26 evidence.

27 Section 312. Issuance of license, permit or registration.

28 (a) Issuance.--In addition to any other criteria provided  
29 under this act, any applicant for a table game license or for a  
30 table game supplier, manufacturer, service industry or key

1 employee license or any applicant for a license, permit or  
2 registration or other person that the board approves as  
3 qualified to receive a license, permit or registration under  
4 this act shall be issued a license, permit or registration upon  
5 the payment of any fee required and upon the fulfillment of any  
6 conditions required by the board or provided for in this act.  
7 Nothing contained in this act is intended or shall be construed  
8 to create an entitlement to a license, permit or registration by  
9 any person. A license, permit or registration issued under this  
10 act is a revocable privilege granted by the Commonwealth and is  
11 not a property right. The board shall in its sole discretion  
12 issue, renew, condition or deny a table game license based upon  
13 the requirements of this act and whether the issuance of a  
14 license will enhance tourism, economic development or job  
15 creation, is in the best interests of this Commonwealth and  
16 advances the purposes of this act.

17 (b) Eligibility.--A license, permit or registration shall  
18 not be granted or renewed unless the board finds that the  
19 applicant satisfies all of the following criteria:

20 (1) The applicant has developed and implemented a  
21 diversity plan to ensure that all persons are accorded  
22 equality of opportunity in employment and contracting by the  
23 applicant, its contractors, subcontractors, assignees,  
24 lessees, agents, vendors and suppliers pursuant to 4 Pa.C.S.  
25 § 1325(b)(1) (relating to license or permit issuance).

26 (2) The applicant in all other respects is found  
27 suitable consistent with the laws of this Commonwealth and is  
28 otherwise qualified to be issued a license, permit or  
29 registration.

30 (c) Additional requirements.--In addition to the eligibility



1 requirements otherwise provided in this act, the board may also  
2 take into account the following factors when considering an  
3 application for a table game license:

4 (1) The location and quality of the proposed table game  
5 facility, including, but not limited to, road and transit  
6 access, parking and centrality to market service area.

7 (2) The potential for new job creation and economic  
8 development that will result from granting a table game  
9 license to an applicant.

10 (3) The applicant's good faith plan to recruit, train  
11 and upgrade diversity in all employment classifications in  
12 the table game facility.

13 (4) The applicant's good faith plan for enhancing the  
14 representation of diverse groups in the operation of its  
15 table game facility through the ownership and operation of  
16 business enterprises associated with or utilized by its table  
17 game facility or through the provision of goods or services  
18 utilized by its table game facility and through the  
19 participation in the ownership of the applicant.

20 (5) The applicant's good faith effort to ensure that all  
21 persons are accorded equality of opportunity in employment  
22 and contracting by it and any contractors, subcontractors,  
23 assignees, lessees, agents, vendors and suppliers it may  
24 employ directly or indirectly.

25 (6) The history and success of the applicant in  
26 developing tourism facilities ancillary to gaming development  
27 if applicable to the applicant.

28 (7) The degree to which the applicant presents a plan  
29 for the project which will likely lead to the creation of  
30 quality, living-wage jobs and full-time permanent jobs for

1 residents of this Commonwealth generally and for residents of  
2 the host political subdivision particularly.

3 (8) The record of the applicant and its developer in  
4 meeting commitments to local agencies, community-based  
5 organizations and employees in other locations.

6 (9) The degree to which potential adverse effects which  
7 might result from the project, including costs of meeting the  
8 increased demand for public health care, child care, public  
9 transportation, affordable housing and social services  
10 including compulsive and problem gambling programs, will be  
11 mitigated by the applicant or licensee.

12 (10) The record of the applicant and its developer  
13 regarding compliance with:

14 (i) Federal, State and local discrimination, wage  
15 and hour, disability and occupational and environmental  
16 health and safety laws.

17 (ii) State and local labor relations and employment  
18 laws.

19 (11) The applicant's record in dealing with its  
20 employees and their representatives at other locations.

#### 21 CHAPTER 4

#### 22 FEES, FINES AND PENALTIES

23 Section 401. Authority of board; imposition and collection of  
24 fees, fines and penalties.

25 (a) Authority to levy and collect.--

26 (1) The board shall levy and collect fees from  
27 applicants for a license, permit or registration under this  
28 act to assist in funding the operations of the board. The  
29 fees collected by the board shall be deposited in the State  
30 Gaming Fund established under 4 Pa.C.S. § 1403 (relating to

1 establishment of State Gaming Fund and net slot machine  
2 revenue distribution). The board shall assess and collect  
3 fees as follows:

4 (i) A person approved by the board for a supplier  
5 license shall pay a license fee of \$25,000 upon the  
6 issuance of the supplier license and a renewal fee of  
7 \$10,000 for the annual renewal of a supplier license, if  
8 the board approves the renewal.

9 (ii) A person approved by the board for a  
10 manufacturer license shall pay a license fee of \$50,000  
11 upon the issuance of the manufacturer license and a  
12 renewal fee of \$25,000 for the annual renewal of the  
13 manufacturer license, if the board approves the renewal.

14 (iii) Each application for a supplier license or  
15 manufacturer license shall be accompanied by a  
16 nonrefundable application fee of \$2,500. The application  
17 fee shall be used to cover the reasonable and necessary  
18 costs and expenses incurred by the board in any  
19 background investigation or proceeding concerning the  
20 applicant. The applicant shall reimburse the board for  
21 any additional costs which may be incurred as a result of  
22 the investigation or proceeding. The board shall refund  
23 to the applicant any money which is not expended in  
24 connection with the conduct of the background  
25 investigation.

26 (iv) A person approved by the board for a table game  
27 service industry license shall pay a license fee of  
28 \$25,000 upon the issuance of the license and a renewal  
29 fee of \$10,000 for the annual renewal of a service  
30 industry license if the board approves the renewal. Each

1 application for a service industry license shall be  
2 accompanied by a nonrefundable application fee of \$2,500.  
3 The application fee shall be used to cover the reasonable  
4 and necessary costs and expenses incurred by the board in  
5 any background investigation or proceeding concerning the  
6 applicant for license. The applicant shall reimburse the  
7 board of any additional costs that may be incurred as a  
8 result of the investigation or proceeding. The board  
9 shall refund to the applicant any money that is not  
10 expended in the conduct of the background investigation.

11 (2) The board shall provide for the assessment and  
12 collection of fines and penalties for violations of this act  
13 or regulations promulgated under this act. Fines and  
14 penalties collected by the board shall be credited for  
15 deposit to the General Fund. The board by regulation may from  
16 time to time increase any fee, charge, cost or administrative  
17 penalty provided in this act by a reasonable amount, except  
18 that no fee, charge, cost or administrative penalty shall be  
19 increased until three years subsequent to the effective date  
20 of this act.

21 (3) Notwithstanding any provision of this section to the  
22 contrary, the board by regulation may establish additional  
23 fees for the investigation and consideration of applications  
24 for the issuance and renewal of licenses, permits and  
25 registrations under this act. The fees shall be payable by  
26 the applicant, licensee, permittee or registrant.

27 (4) The board by regulation may establish fees to recoup  
28 the costs of services, equipment or other expenses that are  
29 rendered, utilized or incurred by the bureau, the  
30 Pennsylvania State Police or the board, including any unusual

1 or out-of-pocket expenses directly related to the operation  
2 of authorized table games or in response to requests arising  
3 under this act that are unrelated to investigation or  
4 consideration of the issuance or renewal of a license, permit  
5 or registration.

6 (b) Additional assessment.--

7 (1) In addition to the fees required under subsection  
8 (a), there is hereby imposed an annual assessment that shall  
9 be paid by each holder of a manufacturer license, supplier  
10 license and service industry license as provided for in this  
11 subsection.

12 (2) Each licensed manufacturer, licensed supplier and  
13 licensed service industry that engages in commerce with a  
14 licensed table game entity in this Commonwealth shall pay an  
15 annual assessment of \$50,000.

16 (3) The annual assessment required under this subsection  
17 shall be paid to the department on or before the date each  
18 licensed manufacturer, licensed supplier or licensed service  
19 industry begins to engage in commerce with a licensed table  
20 game entity in this Commonwealth and annually on that date,  
21 thereafter.

22 (4) The department shall cause the annual assessment to  
23 be deposited in the fund established under 4 Pa.C.S. § 1509  
24 (relating to compulsive and problem gambling program). The  
25 moneys deposited in the fund shall be used solely for the  
26 purposes enumerated in 4 Pa.C.S. § 1509 and Chapter 28  
27 (relating to compulsive gambling assistance) and shall not be  
28 used for any other purpose.

29 Section 402. Table game license fee.

30 (a) Establishment of fee.--Notwithstanding the licensing fee

1 imposed upon applicants for a slot machine license pursuant to 4  
2 Pa.C.S. §§ 1209 (relating to slot machine license fee) and 1305  
3 (relating to Category 3 slot machine license), and subject to  
4 the requirements of this act, at the time a table game license  
5 is issued by the board, a table game license fee in the amount  
6 of \$10,000,000 shall be remitted to the board by each holder of  
7 a Category 1, Category 2 and Category 3 slot machine license  
8 that applies for and is approved for a table game license under  
9 this act. The license fees set forth in this section shall be  
10 remitted upon the issuance of a table game license by the board.

11 (b) Renewal fee and term of license.--A table game license,  
12 upon payment of the license fee established in subsection (a),  
13 shall be issued for a term of one year, unless suspended or  
14 revoked by the board. The term for a renewed license shall be  
15 one year for each of the first two renewal periods succeeding  
16 the initial issuance of the license. Thereafter, the board may  
17 by regulation establish a longer renewal period. Each  
18 application to renew a table game license shall be accompanied  
19 by an annual license renewal fee of \$500,000, except that, if  
20 the board establishes a longer renewal period, the amount of the  
21 license renewal fee shall be computed in a manner to reflect the  
22 longer renewal period.

23 Section 403. Deposit of fees.

24 The total amount of all license, permit and registration fees  
25 and any other fees established, imposed and collected by the  
26 board pursuant to this chapter shall be deposited in the State  
27 Gaming Fund. The fees authorized and collected in accordance  
28 with this chapter and so deposited shall be annually  
29 appropriated to the board by the General Assembly to administer  
30 this act.

1 Section 404. Ability to pay license fee.

2 Each applicant for a table game license shall, at the time of  
3 application, post a bond in the amount of \$10,000,000 to  
4 demonstrate the financial ability of the applicant to pay the  
5 license fee as established in section 402 if issued a table game  
6 license by the board. The bond may be furnished in negotiable  
7 securities, by a surety bond guaranteed by a satisfactory  
8 guarantor or by an irrevocable letter of credit issued by a  
9 banking institution or other lending institution acceptable to  
10 the board.

11 Section 405. Fee on authorized table games.

12 (a) Annual fee.--In addition to any other fee imposed under  
13 this act, there is also hereby imposed an annual license fee of  
14 \$500 upon every authorized table game maintained for use or in  
15 use in any licensed table game facility in this Commonwealth.

16 (b) Date of imposition.--The fee imposed under this section  
17 shall be imposed as of the first day of July of each year with  
18 regard to all table games maintained for use or in use on that  
19 date, and on a pro rata basis thereafter during the year with  
20 regard to all table games conducted and maintained for use or  
21 placed in use after July 1.

22 (c) Deposit.--Notwithstanding any other provision to the  
23 contrary, the fee required under this section shall be paid by  
24 each table game licensee to the department for deposit into the  
25 compulsive and problem gambling treatment fund established under  
26 4 Pa.C.S. § 1509 (relating to compulsive and problem gambling  
27 program) and shall be used for the purposes enumerated in 4  
28 Pa.C.S. § 1509 and Chapter 28 (relating to compulsive gambling  
29 assistance).

30 CHAPTER 5

AUTHORIZED LICENSES

Section 501. Table game licensing requirements.

(a) General eligibility.--A person who has been approved for and issued a license as a licensed gaming entity under 4 Pa.C.S. Pt. II (relating to gaming) shall be eligible to apply for a table game license in accordance with this act, except that nothing contained in this act shall be construed to create an entitlement to a table game license by the licensed gaming entity or person. The board shall, in its sole discretion, issue, renew, condition or deny a table game license based upon the requirements of this act and whether the issuance of a table game license will enhance tourism, including international tourism; promote economic development and job creation; is in the best interest of the Commonwealth; will advance the Commonwealth's regional competitive advantage; and will advance the purposes of this act. It shall be the affirmative responsibility of each licensed gaming entity to establish by clear and convincing evidence all qualifications for a table game license, and the qualifications of each person who is required to be qualified under this act as well as the qualifications of the licensed facility in which the table games are to be located and operated.

(b) Responsibility of persons seeking qualification.--Each licensed gaming entity or any other person who must be qualified for licensure pursuant to this act shall provide all information required under this act and satisfy all requests for information pertaining to qualification in the form and manner and at the time specified by the board. Applicants for a table game license and table game licensees shall waive liability as to the Commonwealth of Pennsylvania and its instrumentalities and



1 agents for any damages that may result from any disclosure or  
2 publication in any manner, other than a willfully unlawful  
3 disclosure or publication of any material or information  
4 acquired during inquiries, investigations or hearings. The  
5 following shall apply to licensed gaming entities and other  
6 persons seeking qualification for a table game license:

7       (1) Applicants for a table game license, table game  
8 licensees, intermediary companies, and holding companies  
9 shall consent to inspections, searches, seizures and the  
10 supplying of handwriting exemplars as authorized by this act  
11 and regulations promulgated under this act.

12       (2) Applicants for a table game license, table game  
13 licensees and any other person required to be qualified under  
14 this act shall have the continuing duty to provide any  
15 assistance or information required by the board, the bureau,  
16 the Pennsylvania State Police or the Attorney General, and to  
17 cooperate in any inquiry or investigation conducted by the  
18 board, bureau, Pennsylvania State Police or the Attorney  
19 General and any inquiry, investigation or hearing conducted  
20 by the board. If upon issuance of a formal request to answer  
21 or produce information, evidence or testimony, any applicant,  
22 licensee or any other person required to be qualified under  
23 this act refuses to comply, the application, license or  
24 qualification of the person may be denied or revoked by the  
25 board.

26       (3) No applicant for a table game license or a table  
27 game licensee shall give or provide, offer to give or  
28 provide, directly or indirectly, any compensation or reward  
29 or any percentage or share of the money or property played or  
30 received through table game operations, except as authorized

1 by this act, in consideration for obtaining any license,  
2 authorization, permission or privilege to participate in any  
3 way in table game operations.

4 (4) Each applicant for a table game license, licensed  
5 gaming entity or person required to be qualified under this  
6 act shall be photographed and fingerprinted for  
7 identification and investigation purposes in accordance with  
8 procedures established by the board pursuant to this act. The  
9 board may by regulation waive the requirements of this  
10 paragraph for any person or individual who has satisfied  
11 these requirements as a condition for licensure and who has  
12 been issued a license under 4 Pa.C.S. Pt. II within six  
13 months subsequent to submitting an application for a license  
14 under 4 Pa.C.S. Pt. II. The regulations promulgated by the  
15 board pursuant to this paragraph shall set forth the  
16 conditions or criteria under which photographing and  
17 fingerprinting may be waived for an applicant or person who  
18 holds a valid license under 4 Pa.C.S. Pt. II.

19 (5) Licensed gaming entities and other persons required  
20 to be qualified under this act, and persons employed by a  
21 table game service industry licensed under this act, shall  
22 inform the board or bureau of any action that they believe or  
23 reasonably suspect would constitute a violation of this act.  
24 No person who so informs the board or the bureau shall be  
25 discriminated against by an applicant for a table game  
26 license or a table game licensee because of the furnishing of  
27 the information.

28 Section 502. Statement of compliance.

29 (a) Issuance.--The board may, in its discretion, issue a  
30 statement of compliance to a licensed gaming entity or an

1 applicant for a table game license or for qualification status  
2 under this act at any time the board is satisfied that the  
3 licensed gaming entity or applicant has established by clear and  
4 convincing evidence that one or more particular eligibility  
5 criteria have been satisfied. A request for the issuance of a  
6 statement of compliance under this subsection shall be initiated  
7 by the licensed gaming entity or applicant filing a petition  
8 with the board. Before the board initiates an investigation of  
9 the licensed gaming entity or applicant, the board may require  
10 the licensed gaming entity or applicant to establish, to the  
11 satisfaction of the board, that the entity or applicant actually  
12 intends, if found qualified, to engage in the business or  
13 activity that would require the issuance of the table game  
14 license or the determination of qualification status under this  
15 act.

16 (b) Petition seeking alternative issuance.--Any person who  
17 is required to be qualified under this act in order to hold  
18 securities of a licensed table game entity or any holding or  
19 intermediary company of a licensed table game entity may, prior  
20 to acquisition of the securities, request the issuance of a  
21 statement of compliance by the board that the person is  
22 qualified to hold the securities. Any request for the issuance  
23 of a statement of compliance pursuant to this subsection shall  
24 be initiated by the person filing a petition with the board in  
25 which the person shall be required to establish that there is a  
26 reasonable likelihood that, if qualified, the person will obtain  
27 and hold the securities of the licensed table game entity or any  
28 holding or intermediary company of the licensed table game  
29 entity to the extent to require the qualification of the person  
30 under this act. If the board finds that this reasonable

1 likelihood exists, and if the board is satisfied, after  
2 investigation, that the qualifications of the person have been  
3 established by clear and convincing evidence, the board may, in  
4 its discretion, issue a statement of compliance that the person  
5 is qualified to hold the securities. Any person who requests a  
6 statement of compliance pursuant to this subsection shall be  
7 subject to section 501. The person shall pay for the costs of  
8 all investigations and proceedings in relation to the request  
9 unless the person provides to the board a written agreement  
10 specifying the licensed table game entity will pay the costs.

11 (c) Requirements for corporation.--A statement of compliance  
12 shall not be issued indicating that an applicant, which is a  
13 corporation or other form of business organization, has  
14 established by clear and convincing evidence its good character,  
15 honesty and integrity unless the chief executive officer, chief  
16 operating officer and chief financial officer or the functional  
17 equivalent of each, each director, each person who directly or  
18 indirectly holds any beneficial interest or ownership interest  
19 in the applicant, to the extent that the person would be  
20 required to qualify under 4 Pa.C.S. § 1311 (relating to slot  
21 machine license application business entity requirements), if  
22 the applicant were a holding company or intermediary company of  
23 a licensed gaming entity and any other person that the board may  
24 consider appropriate for approval or qualification, would, but  
25 for residency, individually be qualified for approval as a key  
26 employee pursuant to the applicable provisions of this act.

27 (d) Contents of statement of compliance.--A statement of  
28 compliance issued under this act shall specify:

29 (1) The particular eligibility criteria satisfied by the  
30 applicant or person.

1           (2) The date as of which satisfaction was determined by  
2 the board.

3           (3) The continuing obligation of the applicant or person  
4 to file any information required by the board as part of any  
5 application for a table game license or qualification status  
6 under this act, including information related to the  
7 eligibility criteria for which the statement of compliance  
8 was issued.

9           (4) The obligation of the applicant or person to  
10 reestablish its satisfaction of the eligibility criteria  
11 should there be a change in any material fact or circumstance  
12 that is relevant to the eligibility criteria for which the  
13 statement of compliance was issued.

14       (e) Withdrawal by board.--A statement of compliance issued  
15 pursuant to this section may be withdrawn by the board if:

16           (1) The applicant or person otherwise fails to satisfy  
17 the eligibility criteria for licensure or qualifications.

18           (2) The applicant or person fails to comply with any  
19 condition imposed by the board.

20           (3) The board finds cause to revoke the statement of  
21 compliance for any other reason.

22       (f) Duration.--Notwithstanding any other provision of this  
23 section, unless otherwise extended by the board upon application  
24 by the recipient and for good cause shown, any statement of  
25 compliance issued by the board in accordance with this section  
26 shall expire 48 months after the date of issuance, unless the  
27 recipient receives a commitment from the board for the  
28 reservation of a table game license, in which case the statement  
29 of compliance shall expire on the same day as the commitment.

30 Section 503. Table game license applicant eligibility.

1 (a) Requirement to operate.--No licensed gaming entity shall  
2 operate table games unless all necessary licenses, certificates  
3 and approvals authorizing the operation of authorized table  
4 games have been approved and issued by the board in accordance  
5 with this act.

6 (b) Eligibility.--Only the following persons shall be  
7 eligible to apply for a table game license, and each of the  
8 following persons shall be required to hold a slot machine  
9 license prior to the operation of authorized table games in the  
10 licensed table game facility with respect to which the table  
11 game license has been applied for:

12 (1) A person who has been approved for a Category 1 slot  
13 machine license pursuant to 4 Pa.C.S. §§ 1302 (relating to  
14 Category 1 slot machine license) and 1303 (relating to  
15 additional Category 1 slot machine requirements), or a person  
16 who has been issued a slot machine license pursuant to 4  
17 Pa.C.S. § 1325 (relating to license or permit issuance).

18 (2) A person who has been approved for a Category 2 slot  
19 machine license pursuant to 4 Pa.C.S. § 1304 (relating to  
20 Category 2 slot machine license), or who has been issued a  
21 slot machine license pursuant to 4 Pa.C.S. § 1325.

22 (3) A person who has been approved for a Category 3 slot  
23 machine license pursuant to 4 Pa.C.S. § 1305 (relating to  
24 Category 3 slot machine license), or who has been issued a  
25 slot machine license pursuant to 4 Pa.C.S. § 1325. The board  
26 shall promulgate regulations prescribing the number, kind and  
27 manner in which authorized table games may be conducted in a  
28 Class 3 licensed facility or any establishment of a Class 3  
29 licensed facility.

30 (4) Any person qualified in accordance with the

1 requirements of this act who has a written agreement with a  
2 licensed gaming entity or with an applicant for or holder of  
3 a slot machine license for the complete management of a  
4 proposed or existing table game facility.

5 (5) Any other person who has control over either a  
6 licensed facility or the land thereunder or the operation of  
7 a licensed facility in accordance with the requirements of  
8 this act.

9 Section 504. Requirements to manage.

10 Prior to the operation of a table game facility in this  
11 Commonwealth, any agreement to lease an approved table game  
12 facility or the land thereunder and any agreement for the  
13 management of a table game facility shall be in writing and  
14 filed with the board. No agreement shall be effective unless  
15 expressly approved by the board. The board may require that any  
16 agreement include within its terms provisions reasonably  
17 necessary to best accomplish the policies of this act.

18 Notwithstanding any other provisions of law or regulation to the  
19 contrary and consistent with the policies of this act:

20 (1) The board may determine that any person who does not  
21 have the ability to exercise any significant control over  
22 either the licensed table game facility or the operation of  
23 table games within such table game facility shall not be  
24 eligible to hold or be required to hold a table game license.

25 (2) The board may determine that any owner, lessor or  
26 lessee of a licensed table game facility or the land  
27 thereunder who does not own or lease the entire licensed  
28 facility shall not be eligible to hold or required to hold a  
29 table game license.

30 (3) The board may require that any person or persons

1 eligible to apply for a table game license organize into such  
2 form or forms of business association as the board shall deem  
3 necessary or desirable in the circumstances to carry out the  
4 policies of this act.

5 (4) The board may issue separate table game licenses to  
6 any person eligible to apply for a table game license.

7 (5) As to agreements to lease a licensed table game  
8 facility or the land thereunder, unless it expressly and by  
9 formal vote for good cause determines otherwise, the board  
10 shall require that each party to the agreement hold either a  
11 table game license or table game service industry license and  
12 that the agreement be for a durational term exceeding 30  
13 years, concerns 100% of the entire licensed table game  
14 facility or of the land upon which same is located, and  
15 include within its terms a buy-out provision conferring upon  
16 the licensee-lessee that controls the operation of the  
17 approved licensed table game facility the absolute right to  
18 purchase for an expressly set forth fixed sum the entire  
19 interest of the lessor or any person associated with the  
20 lessor in the licensed table game facility or the land  
21 thereunder in the event that the lessor or person associated  
22 with the lessor is found by the board to be unsuitable to be  
23 associated with the licensed table game facility.

24 (6) The board shall not permit an agreement for the  
25 leasing of a licensed table game facility or the land  
26 thereunder to provide for the payment of an interest,  
27 percentage or share of money wagered at the table game  
28 facility or derived from table game operations or of the  
29 revenues or profit of the licensed table game facility,  
30 unless:



1           (i) The party receiving payment of the interest,  
2           percentage or share is a party to the approved lease  
3           agreement.

4           (ii) Each party to the lease agreement holds either  
5           a table game license or table game service industry  
6           license.

7           (iii) The agreement is for a durational term  
8           exceeding 30 years, concerns a significant portion of the  
9           entire licensed table game facility or of the land upon  
10          which the same is located and includes within its terms a  
11          buy-out provision conforming to the requirements of  
12          paragraph (5).

13          (7) As to agreements for the management of a table game  
14          facility, the board shall require that:

15               (i) Each party to an agreement hold a table game  
16               license.

17               (ii) The party to an agreement who is to manage the  
18               table game operations own at least 10% of all outstanding  
19               equity securities of the table game license or of the  
20               eligible applicant for a table game license, if the  
21               licensee or applicant is a corporation and the ownership  
22               of an equivalent interest in the table game licensee or  
23               in the eligible applicant for a table game license, if  
24               the applicant is not a corporation.

25               (iii) The agreement be for the complete management  
26               of all table game space in the facility, provide for the  
27               sole and unrestricted power to direct the table game  
28               operations of the facility that is the subject of the  
29               agreement, and be for a durational term that assures  
30               reasonable continuity, stability and independence in the

1 management of the table game operations.

2 (8) The board may permit an agreement for the management  
3 of a licensed table game facility to provide for the payment  
4 to the managing party of an interest, percentage or share of  
5 money gambled at all authorized table games or derived from  
6 table game activity or of revenues or profits of table game  
7 operations.

8 (9) Notwithstanding any provision of this act to the  
9 contrary, the board may permit an agreement between a  
10 licensed gaming entity and a licensed table game service  
11 industry for the operation of multifacility progressive slot  
12 machine systems to provide for the payment to the licensed  
13 table game service industry of an interest, percentage or  
14 share of the money derived from the licensed gaming entity's  
15 share of proceeds from the operation of multifacility  
16 progressive slot machine systems.

17 (10) As to agreements to lease a licensed table game  
18 facility or the land thereunder, agreements to jointly own a  
19 table game facility or the land thereunder and agreements for  
20 the management of table game operations, the board shall  
21 require that each party to the agreement, except for banking  
22 or other chartered or licensed lending institutions or any  
23 subsidiary thereof, or any chartered or licensed life  
24 insurance company or property and casualty insurance company,  
25 or the Commonwealth or any agency or instrumentality of the  
26 Commonwealth or any political subdivision thereof, shall be  
27 jointly and severally liable for all acts, omissions and  
28 violations of this act by any party to the agreement  
29 regardless of actual knowledge of the act, omission or  
30 violation and notwithstanding any provision of the agreement

1 to the contrary. Nothing in this paragraph shall require a  
2 licensed gaming entity to be jointly and severally liable for  
3 any acts, omissions or violations of this act committed by a  
4 table game service industry.

5 Section 505. Eligibility of corporations.

6 (a) Eligibility.--No corporation shall be eligible to apply  
7 for a table game license unless:

8 (1) The corporation is incorporated in this  
9 Commonwealth, although the corporation may be a wholly or  
10 partially owned subsidiary of a corporation that is organized  
11 pursuant to the laws of another state or territory of the  
12 United States or of a foreign country.

13 (2) The corporation maintains an office in the table  
14 game facility licensed or to be licensed under this act.

15 (3) The corporation complies with all the requirements  
16 of the laws and regulations of this Commonwealth generally  
17 pertaining to corporations.

18 (4) The corporation maintains a ledger in the principal  
19 office of the corporation in this Commonwealth, which shall  
20 at all times reflect the current ownership of every class of  
21 security issued by the corporation and shall be available for  
22 inspection by the board or the bureau and authorized agents  
23 of the board or the bureau at all reasonable times without  
24 notice.

25 (5) The corporation maintains all operating accounts  
26 required by the board in a bank in this Commonwealth, except  
27 that a table game licensee may establish deposit-only  
28 accounts in any jurisdiction in order to secure payment of  
29 any check described in section 1602.

30 (6) The corporation includes among the purposes stated

1 in its certificate of incorporation the conduct of table  
2 games or gaming and provides that the certificate of  
3 incorporation include all provisions required by this act.

4 (7) The corporation, if it is not a publicly traded  
5 corporation, files with the board the adopted corporate  
6 charter provisions that may be necessary to establish the  
7 right of prior approval by the board with regard to transfers  
8 of securities, shares and other interests in the applicant  
9 corporation and, if the corporation is a publicly traded  
10 corporation, ensures in its corporate charter that any  
11 securities of the corporation are held subject to the  
12 condition that if a holder of securities is found to be  
13 disqualified by the board pursuant to this act, the  
14 disqualified holder shall dispose of the holder's interest in  
15 the corporation. Notwithstanding any other provision of law  
16 or regulation to the contrary, nothing in this paragraph  
17 shall be deemed to require that any security of the  
18 corporation bear any legend to this effect.

19 (8) The corporation, if not a publicly traded  
20 corporation, establishes to the satisfaction of the board  
21 that appropriate charter provisions create the absolute right  
22 of the nonpublicly traded corporations and companies to  
23 repurchase at the market price or the purchase price,  
24 whichever is the lesser, any security, share or other  
25 interest in the corporation in the event that the board  
26 disapproves a transfer in accordance with this act.

27 (9) Any publicly traded holding, intermediary or  
28 subsidiary company of the corporation, whether the  
29 corporation is publicly traded or not, contains in its  
30 corporate charter the same provisions required under

paragraph (7) for a publicly traded corporation to be eligible to apply for a table game license under this act.

(10) Any nonpublicly traded holding, intermediary or subsidiary company of the corporation, whether the corporation is publicly traded or not, establishes to the satisfaction of the board that its charter provisions are the same as those required under paragraphs (7) and (8) for nonpublicly traded corporations to be eligible to apply for a table game license under this act.

(b) Earlier approval.--Notwithstanding subsection (a), any corporation that had bylaw provisions approved by the board prior to the effective date of this act shall have one year from the effective date of this act to adopt appropriate charter provisions that conform to the requirements of this section.

Section 506. Restrictions on licensure.

(a) General rule.--In addition to considering all other requirements under this act in deciding whether to approve direct or indirect ownership or control of a table game license, the board shall consider the impact of any economic concentration of that ownership or control. No direct or indirect ownership or control shall be approved, and no table game license shall be issued or transferred to or held by any person or entity if the board determines the approval, issuance, transfer or holding will result in undue economic concentration in the direct or indirect ownership or control of table game operations in this Commonwealth. The board shall by regulation develop criteria for determining whether the issuance, transfer or holding, directly or indirectly, of a table game license would result in undue economic concentration.

(b) Construction.--For the purpose of this subsection, a

1 person shall be considered the holder of a table game license if  
2 a table game license is issued to the person or if a table game  
3 license is being held by any holding, intermediary or subsidiary  
4 company of the person or by any officer, director, key employee  
5 or principal employee of the person or of any holding,  
6 intermediary or subsidiary company of the person.

7 (c) Definition.--As used in this section, "undue economic  
8 concentration" means that a person or entity would have such  
9 actual or potential domination of table game operations in this  
10 Commonwealth as to:

11 (1) substantially impede or suppress competition among  
12 holders of table game licenses;

13 (2) adversely impact the economic stability of the  
14 gaming industry in this Commonwealth; or

15 (3) negatively impact the policy purposes of this act,  
16 including tourism, economic development, benefits to host  
17 municipalities and State and local revenues.

18 CHAPTER 6

19 TABLE GAME LICENSE APPLICATION

20 Section 601. Application for table game license.

21 (a) Submission of application.--An application for a license  
22 to operate table games at a licensed facility shall be submitted  
23 to the board in the form and manner and at the time the board  
24 requires. A nonrefundable application fee of \$2,500 as  
25 established by regulation of the board shall accompany the  
26 application. In addition to the requirements of this act, an  
27 application for a table game license shall be subject to the  
28 requirements of 4 Pa.C.S § 1308 (relating to applications for  
29 license or permit). If the applicant is a corporation,  
30 foundation, organization, business trust, estate, limited

1 liability company, trust, partnership, limited partnership,  
2 association or any other form of business entity, the board  
3 shall determine the persons whose qualifications are necessary  
4 as a precondition to the licensing of the applicant.

5 (b) Application requirements.--In addition to any other  
6 requirements under this act, an applicant for a table game  
7 license shall produce information, documentation and assurances  
8 concerning suitability for a table game license under this act.  
9 Each applicant shall be subject to the provisions of 4 Pa.C.S.  
10 Pt. II (relating to gaming), which generally relate to  
11 licensure, including:

12 (1) Section 1309 (relating to slot machine license  
13 application).

14 (2) Section 1310 (relating to slot machine license  
15 application character requirements).

16 (3) Section 1311 (relating to slot machine license  
17 application business entity requirements).

18 (4) Section 1312 (relating to divestiture of  
19 disqualifying applicant).

20 (5) Section 1313(a), (b), (d) and (e) (relating to slot  
21 machine license application financial fitness requirements).

22 (6) Section 1325 (relating to license or permit  
23 issuance).

24 (7) Section 1326 (relating to license renewals).

25 (c) Exception.--The board may waive the requirements of  
26 subsection (b) for any applicant or licensed gaming entity that  
27 has been approved for and has been issued a slot machine license  
28 within six months subsequent to the submission of an application  
29 for a table game license, and who, as a result of the approval  
30 and issuance, has provided information, documentation and

1 assurances as part of the application for a slot machine  
2 license, provided there has been no material change in the  
3 submissions.

4 (d) Additional requirements for corporate applicant.--

5 (1) In addition to the other information required to be  
6 provided under this act, an applicant who is a corporation  
7 seeking a table game license shall provide the following  
8 information:

9 (i) (A) The organization, financial structure and  
10 nature of all businesses operated by the corporation.

11 (B) The names and personal employment and  
12 criminal histories of all officers, directors and  
13 other principal employees of the corporation.

14 (C) The names of all holding, intermediary and  
15 subsidiary companies of the corporation.

16 (D) The organization, financial structure and  
17 nature of all businesses operated by its holding,  
18 intermediary and subsidiary companies as the board  
19 may require, including names and personal employment  
20 and criminal histories of the officers, directors and  
21 other principal employees of the corporation and  
22 companies as the board may require.

23 (ii) The rights and privileges acquired by the  
24 holders of different classes of authorized securities of  
25 the corporation and companies as the board may require,  
26 including the names, addresses and amounts held by all  
27 holders of the securities of the corporation.

28 (iii) The terms upon which securities have been or  
29 are to be offered.

30 (iv) The terms and conditions of all outstanding



1 loans, mortgages, trust deeds, pledges or any other  
2 indebtedness or security device utilized by the  
3 corporation.

4 (v) The extent of equity security holding in the  
5 corporation of all officers, directors and underwriters  
6 and their remuneration in the form of salary, wages, fees  
7 or otherwise.

8 (vi) The names of persons, other than directors and  
9 officers, who occupy positions specified by the board or  
10 whose compensation exceeds an amount determined by the  
11 board and the amount of their compensation.

12 (vii) A description of all bonus and profit sharing  
13 arrangements.

14 (viii) Copies of all management and service  
15 contracts or agreements.

16 (ix) A listing of stock options existing or to be  
17 created.

18 (2) If a corporation or other form of business  
19 organization applying for a table game license is, or if a  
20 corporation or other form of business organization holding a  
21 table game license is to become a subsidiary, each holding  
22 company and each intermediary company with respect thereto,  
23 as a condition of the subsidiary acquiring or retaining the  
24 table game license, as the case may be, shall:

25 (i) Qualify to do business in this Commonwealth if  
26 the subsidiary company is not registered as a business  
27 entity in this Commonwealth.

28 (ii) If the applicant is a corporation, register  
29 with the board and furnish the board with all the  
30 information required of a corporate licensee pursuant to

1 paragraph (1)(i), (ii) and (iii) and any other  
2 information the board may require.

3 (iii) If the applicant is not a corporation,  
4 register with the board and furnish the board with any  
5 information the board may require.

6 (3) No corporation shall be eligible to hold a table  
7 game license unless each officer, director, person who  
8 directly or indirectly holds any beneficial interest or  
9 ownership of the securities issued by the corporation, person  
10 who in the opinion of the board has the ability to control  
11 the corporation or elect a majority of the board of directors  
12 of the corporation, other than banking or other licensed  
13 lending institution that makes a loan or holds a mortgage or  
14 other lien acquired in the ordinary course of business,  
15 principal employee and any lender, underwriter, agent,  
16 employee of the corporation or other person whom the board  
17 may consider appropriate for approval or qualification would,  
18 but for residence, individually be qualified for approval as  
19 a table game key employee under this act.

20 (4) No corporation or other form of business  
21 organization that is a subsidiary shall be eligible to  
22 receive or hold a table game license unless each holding and  
23 intermediary company of the corporation shall:

24 (i) If an applicant is a corporation, comply with  
25 the provisions of paragraph (3) as if the holding or  
26 intermediary company were itself applying for a license.  
27 The board may waive compliance with paragraph (3) on the  
28 part of a holding company as to any officer, director,  
29 lender, underwriter, agent or employee of the holding  
30 company or person directly or indirectly holding a

1        beneficial interest or ownership of the securities of the  
2        corporation, if the board is satisfied that the officer,  
3        director, lender, underwriter, agent or employee is not  
4        significantly involved in the activities of the corporate  
5        licensee, and in the case of security holders, does not  
6        have the ability to control the holding company or elect  
7        one or more directors of the holding company.

8        (ii) If an applicant is not a corporation, comply  
9        with paragraph (5) as if the company were itself applying  
10       for a license. The board may waive compliance with the  
11       provisions of paragraph (5) on the part of a noncorporate  
12       business organization that is a holding company as to any  
13       person who directly or indirectly holds any beneficial  
14       interest or ownership in the company, if the board is  
15       satisfied that the person does not have the ability to  
16       control the company.

17       (5) Any noncorporate applicant for a table game license  
18       shall provide the information required in paragraph (1) in  
19       the form and manner that the board requires. A noncorporate  
20       applicant is not eligible to hold a table game license unless  
21       each person who directly or indirectly holds a controlling or  
22       beneficial interest or ownership interest in the applicant,  
23       or who in the opinion of the board has the ability to control  
24       the applicant, or who the board may consider appropriate for  
25       approval or qualification, would, but for residence,  
26       individually be qualified for approval as a table game key  
27       employee under this act.

28       (6) Notwithstanding paragraphs (3) and (4), and in the  
29       absence of a prima facie showing by the board that there is  
30       any cause to believe that an institutional investor may be

1 found unqualified, the following shall apply:

2 (i) An institutional investor holding either under  
3 10% of the equity securities of a licensee's holding or  
4 intermediary companies or debt securities of a licensee's  
5 holding or intermediary companies or another subsidiary  
6 company of a licensee's holding or intermediary companies  
7 that is related in any way to the financing of the table  
8 game licensee, where the securities represent a  
9 percentage of the outstanding debt of the company not  
10 exceeding 20% or a percentage of any issue of the  
11 outstanding debt of the company not exceeding 50%, shall  
12 be granted a waiver of qualification if the securities  
13 are those of a publicly traded corporation and its  
14 holdings of the securities were purchased for investment  
15 purposes only and upon request by the board, it files  
16 with the board a certified statement to the effect that  
17 it has no intention of influencing or affecting the  
18 affairs of the issuer, the table game licensee or its  
19 holding or intermediary companies. An institutional  
20 investor shall be permitted to vote on matters put to the  
21 vote of the outstanding security holders.

22 (ii) The board may grant a waiver of qualification  
23 to an institutional investor holding a higher percentage  
24 of the securities upon a showing of good cause and if the  
25 conditions specified in subparagraph (i) are met. Any  
26 institutional investor granted a waiver under this  
27 paragraph that subsequently determines to influence or  
28 affect the affairs of the issuer, table game licensee or  
29 its holding or intermediary companies shall provide not  
30 less than 30 days' notice of that intent to the board and

1 shall file with the board an application for  
2 qualification under this act before taking any action  
3 that may influence or affect the affairs of the issuer,  
4 table game licensee or its holding or intermediary  
5 companies. The institutional investor shall be permitted  
6 to vote on matters put to the vote of the outstanding  
7 security holders.

8 (iii) If an institutional investor changes its  
9 investment intent, or if the board finds reasonable cause  
10 to believe that the institutional investor may be found  
11 unqualified, no action other than divestiture shall be  
12 taken by the investor with respect to its security  
13 holdings until there has been compliance with Chapter 12,  
14 including the execution of a trust agreement.

15 (iv) The table game licensee and its relevant  
16 holding, intermediary or subsidiary company shall  
17 immediately notify the board of any information about, or  
18 actions of, an institutional investor holding its equity  
19 or debt securities if the information or action could  
20 impact the eligibility of the institutional investor for  
21 a waiver pursuant to this paragraph.

22 (7) If at any time the board finds that an institutional  
23 investor holding any security of a holding or intermediary  
24 company of a table game licensee, or, where relevant, of  
25 another subsidiary company of a holding or intermediary  
26 company of a table game licensee that is related in any way  
27 to the financing of the table game licensee, fails to comply  
28 with the requirements of paragraph (6), or if at any time the  
29 board finds that, by reason of the extent or nature of its  
30 holdings, an institutional investor is in a position to

1 exercise such a substantial impact upon the controlling  
2 interests of a table game licensee that qualification of the  
3 institutional investor is necessary to protect the public  
4 interest, the board may, in accordance with the provisions of  
5 paragraphs (1), (2), (3), (4) and (5) or sections 2102 and  
6 2103, take any necessary action to protect the public  
7 interest, including requiring the institutional investor to  
8 be qualified under this act.

9 Section 602. Disqualification for licensure.

10 (a) Disqualification criteria.--The board shall deny a table  
11 game license to any applicant or licensed gaming entity who is  
12 disqualified based on any of the following criteria:

13 (1) Failure of the licensed gaming entity to maintain a  
14 slot machine license.

15 (2) Failure of the applicant or licensed gaming entity  
16 to prove by clear and convincing evidence that the applicant  
17 is qualified for a table game license in accordance with this  
18 act.

19 (3) Failure of the applicant or licensed gaming entity  
20 to provide information, documentation and assurances required  
21 by this act or requested by the board, or failure of the  
22 applicant to reveal any fact material to qualification, or  
23 the supplying of information that is untrue or misleading as  
24 to a material fact pertaining to the qualification criteria.

25 (4) Contumacious defiance by the applicant or licensed  
26 gaming entity or any person who is required to be qualified  
27 under this act of any legislative investigatory body or other  
28 official investigatory body of this Commonwealth or any state  
29 or of the United States or other jurisdiction when that body  
30 is engaged in the investigation of crimes relating to

1 gambling, official corruption or organized crime activity.

2 (b) Automatic disqualification.--No applicant for a license,  
3 permit or registration under this act, including any director,  
4 owner, principal employee or table game key employee, that has  
5 been convicted in any jurisdiction of a felony or gambling  
6 offense within the past 15 years shall be issued a license,  
7 permit or registration under this act or be found qualified to  
8 serve in a position with or associated with any table game  
9 licensee, permittee or registrant. In addition, the board shall  
10 deny a table game license to any applicant or person who is  
11 automatically disqualified based on the following:

12 (1) An attempt to commit or a conviction of the  
13 applicant, or by any person required to be qualified under  
14 this act as a condition for the issuance of a table game  
15 license, for one or more of the following offenses under 18  
16 Pa.C.S (relating to crimes and offenses):

17 (i) Section 911 (relating to corrupt organizations).

18 (ii) Chapter 25 (relating to criminal homicide).

19 (iii) Section 2701 (relating to simple assault).

20 (iv) Chapter 29 (relating to kidnapping).

21 (v) Chapter 31 (relating to sexual offenses).

22 (vi) Chapter 33 (relating to arson, criminal  
23 mischief and other property destruction).

24 (vii) Chapter 35 (relating to burglary and other  
25 criminal intrusion) when the offense is graded a felony.

26 (viii) Chapter 37 (relating to robbery).

27 (ix) Chapter 39 (relating to theft and related  
28 offenses).

29 (x) Section 4108 (relating to commercial bribery and  
30 breach of duty to act disinterestedly).

(xi) Section 4101 (relating to forgery).

(xii) Section 4109 (relating to rigging publicly exhibited contest).

(xiii) Section 4114 (relating to securing execution of documents by deception).

(xiv) Section 4117 (relating to insurance fraud).

(xv) Chapter 47 (relating to bribery and corrupt influence).

(xvi) Chapter 49 (relating to falsification and intimidation).

(xvii) Section 5111 (relating to dealing in proceeds of unlawful activities).

(xviii) Section 5512 (relating to lotteries, etc.).

(xix) Section 5513 (relating to gambling devices, gambling, etc.).

(xx) Section 5514 (relating to pool selling and bookmaking).

(xxi) Chapter 59 (relating to public indecency).

(2) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(3) An attempt to commit or a conviction for an offense in another state or jurisdiction or a Federal offense, that is similar in nature to the offenses enumerated in paragraphs (1) and (2).

(4) An attempt to commit or a conviction for any other offense under Federal or State law or laws of other states or jurisdictions that indicates that licensure of the applicant for a table game license or other person required to be qualified under this act would be inimical to the policy and



1 purpose of this act and to table game operations in this  
2 Commonwealth. The automatic disqualification requirement of  
3 this paragraph, at the discretion of the board, shall not  
4 apply with regard to any conviction that did not occur within  
5 the 15-year period immediately preceding application for  
6 licensure and that the applicant demonstrates by clear and  
7 convincing evidence does not justify automatic  
8 disqualification pursuant to this subsection and any  
9 conviction that has been the subject of judicial order of  
10 expungement or sealing.

11 (5) Current prosecution or pending charges in any  
12 jurisdiction of the applicant or of any person who is  
13 required to be qualified under this act as a condition for a  
14 table game license for any of the offenses enumerated in  
15 paragraph (1)(i). At the request of the applicant or person  
16 charged, the board shall defer decision upon the application  
17 during the pendency of the charge.

18 (6) The pursuit of the applicant or any person who is  
19 required to be qualified under this act as a condition of a  
20 table game license of economic gain in an occupational manner  
21 or context that is in violation of the criminal laws of this  
22 Commonwealth, if the pursuit creates a reasonable belief that  
23 the participation of the person in table game operations  
24 would be inimical to the policies of this act or to legalized  
25 gambling in this Commonwealth. For the purposes of this  
26 paragraph, "occupational manner or context" shall mean the  
27 systematic planning, administration, management or execution  
28 of any activity for financial gain.

29 (7) The identification of the applicant or any person  
30 who is required to be qualified under this act as a condition

1 for a table game license as a career offender or a member of  
2 a career offender cartel or an associate of a career offender  
3 or career offender cartel in a manner that creates a  
4 reasonable belief that the association is of a nature as to  
5 be inimical to the policy of this act and to table game  
6 operations in this Commonwealth. For the purpose of this  
7 paragraph, "career offender" means a person whose behavior is  
8 pursued in an occupational manner or context for the purpose  
9 of economic gain, utilizing methods that are deemed criminal  
10 violations of the laws of this Commonwealth or of the Federal  
11 Government, another state or jurisdiction. A "career offender  
12 cartel" means any group of persons who operate together as  
13 career offenders.

14 (8) The commission by the applicant or any person who is  
15 required to be qualified under this act as a condition of a  
16 table game license of any act or acts which would constitute  
17 an offense under paragraph (1)(i), even if the conduct has  
18 not been or may not be prosecuted under the criminal laws of  
19 this Commonwealth or any other jurisdiction or has been  
20 prosecuted under the criminal laws of this Commonwealth or  
21 any other jurisdiction and the prosecution has been  
22 terminated in a manner other than with a conviction.

23 Section 603. Order approving or denying table game license and  
24 investigation.

25 (a) Investigation of applicants for table game license.--  
26 Notwithstanding any other provision of law to the contrary, the  
27 following shall apply to the investigation of applicants for a  
28 table game license or qualification under this act:

29 (1) Upon the filing of an application for a table game  
30 license and supplemental information as the board may

1       require, the board shall direct the bureau or Pennsylvania  
2       State Police to conduct an investigation into the  
3       qualification of the applicant. The board may conduct a  
4       hearing concerning the qualification of the applicant in  
5       accordance with the requirements of this act and regulations  
6       of the board.

7           (2) After the investigation and hearing, if a hearing is  
8       conducted, the board may either deny the application or  
9       approve the issuance of a table game license to an applicant  
10      whom it determines to be qualified to hold the license.

11          (3) When an application is denied, the board shall  
12      prepare and file an order indicating that the application was  
13      denied and the general reasons for the denial, and if  
14      requested by the applicant, the board shall further prepare  
15      and file a statement of the reasons for the denial, including  
16      specific findings of facts.

17          (4) After an application is submitted to the board,  
18      final action of the board shall be taken within 90 days after  
19      completion of all hearings and investigations and the receipt  
20      of all information required by the board. All investigations,  
21      hearings and other work of the board related to the review of  
22      an application for a table game license shall be performed in  
23      no more than 60 days of the receipt of the application,  
24      unless the 60-day period is extended by the board due to  
25      extenuating circumstances or other factors that are not due  
26      to a neglect or failure of the applicant.

27          (b) Issuance of license.--If satisfied that an applicant is  
28      eligible and qualified to receive a table game license, and upon  
29      tender of all license and application fees required by this act  
30      and by regulations of the board, and any bonds that the board

1 may require for the faithful performance of all requirements  
2 imposed by law or regulation, the board shall issue a license  
3 for an initial term of one year.

4 (c) Power of board to reopen.--The board may reopen an  
5 application for a table game license or a licensing hearing at  
6 any time upon its motion or upon a request of the bureau or upon  
7 petition of the Pennsylvania State Police, Office of Attorney  
8 General or other law enforcement agency.

9 Section 604. Renewal of table game license.

10 (a) Authority to renew.--Subject to the power of the board  
11 to deny, revoke or suspend a table game license, any table game  
12 license in force shall be renewed by the board for the next  
13 succeeding license period upon proper application for renewal by  
14 the table game licensee and approval of the application by the  
15 board. Applications to renew a table game license shall be  
16 accompanied by a license renewal fee of \$500,000 and any other  
17 fees required by regulation of the board. The application for  
18 renewal of a table game license shall be filed with the board no  
19 later than 90 days prior to the expiration date of the current  
20 license.

21 (b) Term of renewed license.--The license period for a  
22 renewed table game license shall be one year for each of the  
23 first two renewal periods succeeding the initial issuance of the  
24 license. Thereafter, the board by regulation may establish a  
25 longer renewal period, which shall not exceed four years, and  
26 commensurate renewal fees for the issuance of a license for the  
27 longer renewal period.

28 (c) Issuance.--Upon the approval of an application to renew  
29 a table game license, the board shall issue an appropriate  
30 renewal certificate or validating device or sticker, which shall

1 be attached to the original table game license. The renewal  
2 certificate or validating device or sticker shall be designed to  
3 indicate that the table game license has been renewed and the  
4 period covering the renewal. No renewal certificate or  
5 validating device or sticker shall be issued until the board  
6 receives the table game license renewal fee.

7 Section 605. Bond.

8 Prior to the issuance of a table game license, the applicant  
9 approved for the table game license shall post a bond in an  
10 amount of not less than \$1,000,000 made payable to the  
11 Commonwealth of Pennsylvania. The bond shall be used to  
12 guarantee that the table game licensee faithfully makes the  
13 payments, maintains the books and records, makes the reports,  
14 and conducts its table game operations in conformance with the  
15 requirements of this act and the rules and regulations  
16 promulgated by the board pursuant to this act. The bond may be  
17 applied by the board to the payment of any unpaid liability of  
18 the table game licensee under this act. The bond shall not be  
19 cancelled by a surety on less than 30 days' notice in writing to  
20 the board. If a bond is cancelled and the table game licensee  
21 fails to file a new bond with the board in the required amount  
22 on or before the effective date of the cancellation, the  
23 licensee's table game license shall be revoked or suspended by  
24 the board. The total and aggregate liability of the surety on  
25 the bond is limited to the amount specified in the bond. The  
26 bond may be furnished in cash or negotiable securities, by a  
27 surety bond guaranteed by a satisfactory guarantor, or by an  
28 irrevocable letter of credit issued by a banking institution of  
29 this Commonwealth or another jurisdiction acceptable to the  
30 board. If furnished in cash or negotiable securities, the

1 principal shall be placed without restriction at the disposal of  
2 the board, but any income shall inure to the benefit of the  
3 table game licensee. In no case shall the bond that may be  
4 required under this subsection exceed \$1,000,000.

5 Section 606. Confidentiality of information.

6 (a) Confidentiality of information.--All information  
7 received by the board in the application process from any  
8 applicant for a license, permit or registration under this act,  
9 including the report of an applicant's background investigation,  
10 regardless of source, shall be considered confidential and shall  
11 not be disclosed, in whole or in part, except that the  
12 information may be released upon the lawful order of a court of  
13 competent jurisdiction, or with the approval of the Attorney  
14 General, to an authorized law enforcement agency. Confidential  
15 information may be released, in whole or in part, to the public  
16 to the extent that the release is requested by the applicant and  
17 does not otherwise contain confidential information about  
18 another person. The board may not require any applicant to waive  
19 confidentiality provided in this section as a condition for the  
20 approval and issuance of a table game license or any other  
21 action of the board. Any person who violates the provisions of  
22 this section shall be administratively disciplined by discharge,  
23 suspension or other formal disciplinary action, as the board may  
24 deem appropriate.

25 (b) Notice.--Notice of the contents of any information,  
26 except to an authorized law enforcement agency pursuant to this  
27 section, shall be given to any applicant or licensee in a manner  
28 prescribed by regulation adopted and promulgated by the board.

29 (c) Information held by department.--Files, records and  
30 other information in the possession of the department pertaining

1 to licensees shall be made available upon request or otherwise  
2 to the board, as may be necessary to effectuate the  
3 administration of this act.

4 CHAPTER 7

5 TABLE GAME KEY EMPLOYEE LICENSE

6 Section 701. Licensure of table game key employees.

7 (a) Licensure required.--No person may be employed by a  
8 table game licensee as a key employee unless the person is the  
9 holder of a current and valid table game key employee license  
10 issued by the board in accordance with this chapter.

11 (b) Application requirements.--Each applicant for a table  
12 game key employee license shall, prior to the approval of a key  
13 employee license, produce information, documentation and  
14 assurances concerning the following qualification criteria:

15 (1) Each applicant for a table game key employee license  
16 shall produce the information, documentation and assurances  
17 required to establish by clear and convincing evidence the  
18 integrity, responsibility and financial stability, if  
19 applicable, of the person applying for licensure as a key  
20 employee, including, but not limited to, bank references,  
21 business and personal income and disbursements schedules, tax  
22 returns, other reports filed with governmental agencies as  
23 required by the board and business and personal accounting  
24 and check records and ledgers. In addition, each applicant  
25 shall in writing authorize the examination of all bank  
26 accounts and records as may be deemed necessary by the board.

27 (2) Each applicant for a table game key employee license  
28 shall:

29 (i) Produce the information, documentation and  
30 assurances required to establish by clear and convincing

1 evidence the applicant's good character, honesty and  
2 integrity. The information shall include, but is not  
3 limited to, data pertaining to family, habits, character,  
4 reputation, criminal and arrest record, business  
5 activities, financial affairs and business, professional  
6 and personal associates, covering at least the ten-year  
7 period immediately preceding the filing of the  
8 application for licensure under this act.

9 (ii) Inform the board of any civil judgments  
10 obtained against the applicant pertaining to antitrust or  
11 security regulation laws of the Federal Government, of  
12 this Commonwealth or of any other state or jurisdiction,  
13 foreign or domestic.

14 (iii) Upon request of the board or bureau, produce  
15 letters of reference from law enforcement agencies having  
16 jurisdiction in the applicant's place of residence and  
17 principal place of business, if applicable. The letters  
18 of reference shall indicate that the relevant law  
19 enforcement agencies do not have any pertinent  
20 information concerning the applicant, or if a law  
21 enforcement agency does have information pertaining to  
22 the applicant, the letter of reference shall specify the  
23 nature of the information.

24 (iv) If the applicant has been associated with  
25 gaming or casino operations in any capacity, position or  
26 employment in a jurisdiction which permits that activity,  
27 the applicant, upon request of the board or bureau, shall  
28 produce a letter or letters of reference from the gaming  
29 or casino enforcement or control agency of the other  
30 jurisdiction. The letter or letters of reference shall



1 specify the experience of the agency with the applicant,  
2 if any, and the applicant's associates and participation  
3 in the gaming or casino operations of that jurisdiction,  
4 if any. If no letter or letters of reference are received  
5 from the appropriate gaming or casino enforcement or  
6 control agency within 30 days of the applicant's request,  
7 the applicant may submit a statement under oath that the  
8 applicant is or was during the period that the activities  
9 were conducted, in good standing with the gaming or  
10 casino enforcement or control agency of the jurisdiction,  
11 provided that the applicant was or is in good standing  
12 with the gaming and casino enforcement or control agency  
13 in the other jurisdiction.

14 (v) Be a resident of this Commonwealth prior to the  
15 issuance of a key employee license. However, upon  
16 petition by the holder of a table game license, the board  
17 may waive this residency requirement for any applicant  
18 whose particular position will require employment outside  
19 this Commonwealth.

20 (vi) Be subject to all the criminal history record  
21 background investigation and fingerprint requirements of  
22 4 Pa.C.S. Pt. II (relating to gaming).

23 (c) Waiver.--The board may, on a case-by-case basis, by  
24 regulation, waive the requirements of subsection (b) for any  
25 person who has been approved for and who holds a slot machine  
26 key employee license under 4 Pa.C.S. Pt. II, which license was  
27 issued by the board within a 24-month period immediately  
28 preceding the date of application for a table game key employee  
29 license, unless there have been material changes that  
30 necessitate, at the discretion of the board, that the

1 requirements of subsection (b) not be waived.

2 Section 702. Denial of license.

3 The board shall deny a key employee license to any applicant  
4 who is disqualified based on the criteria set forth in section  
5 602.

6 Section 703. Petition for temporary license.

7 Upon petition by a holder of a table game license, the board  
8 may issue a temporary table game key employee license to an  
9 applicant, provided that:

10 (1) The applicant for the key employee license has filed  
11 a complete application with the board.

12 (2) The bureau certifies to the board that the completed  
13 key employee license application has been in the possession  
14 of the bureau for at least 15 days.

15 (3) The petition for a temporary key employee license  
16 certifies, and the board finds, that:

17 (i) An existing key employee position of the table  
18 game licensee making the petition is vacant or will  
19 become vacant within 60 days of the date of the petition.

20 (ii) The issuance of a temporary key employee  
21 license is necessary to fill the vacancy on an emergency  
22 basis to continue the efficient operation of the table  
23 game facility.

24 (iii) The circumstances supporting the petition for  
25 a temporary key employee license are extraordinary and  
26 not designed to circumvent the normal key employee  
27 licensing procedures under this act.

28 CHAPTER 8

29 TABLE GAME EMPLOYEE OCCUPATION PERMIT

30 Section 801. Occupation permit required.

1 Any person who desires employment as a table game employee in  
2 a licensed table game facility shall submit an application to  
3 the board for an occupation permit as a table game employee. No  
4 person may commence employment as a table game employee unless  
5 the person is the holder of a current and valid occupation  
6 permit issued by the board in accordance with the requirements  
7 of this act.

8 Section 802. Requirements for permit.

9 (a) General rule.--An applicant for a table game employee  
10 occupation permit shall produce the information, documentation  
11 and assurances that the board may require. The application for a  
12 table game employee occupation permit shall include, in addition  
13 to any other information the board by regulation may require,  
14 the following:

15 (1) The name and home address of the applicant.

16 (2) The employment history of the applicant.

17 (3) The criminal history record of the applicant, as  
18 well as the applicant's consent for the Pennsylvania State  
19 Police to conduct a background investigation. The applicant  
20 shall bear the cost of the background investigation,  
21 including all costs for administering and processing the  
22 background investigation.

23 (4) A photograph of the applicant taken no more than  
24 three months preceding the date of the application for the  
25 permit.

26 (5) A handwriting exemplar of the applicant.

27 (6) The details of any casino or gaming license, permit  
28 or registration granted or denied the applicant in any other  
29 jurisdiction, and consent for the board to obtain copies of  
30 applications submitted or licenses, permits or registrations

1 issued in such other jurisdictions.

2 (b) Board action.--Subsequent to the issuance of a table  
3 game employee occupation permit, the board may revoke, suspend,  
4 limit, condition or otherwise restrict the permit upon a finding  
5 that the permittee is disqualified pursuant to the criteria set  
6 forth in section 602.

7 Section 803. Residency.

8 The board may require by regulation that all applicants for a  
9 table game employee occupation permit be residents of this  
10 Commonwealth for a period not to exceed six months immediately  
11 preceding the issuance of the occupation permit, although  
12 application may be made prior to the expiration of the required  
13 period of residency. The board shall by resolution waive the  
14 required residency period for an applicant upon a showing that  
15 the residency period would cause undue hardship upon the table  
16 game licensee that intends to employ the applicant or upon a  
17 showing of other good cause.

18 Section 804. Convictions not basis for denial of permit.

19 (a) Considerations.--Notwithstanding section 602 or any  
20 other provision of law or regulation to the contrary, no  
21 applicant for a table game employee occupation permit shall be  
22 denied a permit based on a conviction of any offense enumerated  
23 in this act as disqualification criteria or the commission of  
24 any act or acts that would constitute any offense under section  
25 602(b) if the applicant has affirmatively demonstrated  
26 rehabilitation. In determining whether the applicant has  
27 affirmatively demonstrated rehabilitation, the board shall  
28 consider the following:

29 (1) The conviction would create a reasonable belief that  
30 the nature of the offense would be inimical to the policy

1 purposes of this act and to table game operations and the  
2 gaming industry in this Commonwealth.

3 (2) Issuance of the permit would or would not be in the  
4 public interest.

5 (3) The applicant has affirmatively demonstrated  
6 rehabilitation. In determining whether the applicant has  
7 affirmatively demonstrated rehabilitation, the board shall  
8 consider all of the following:

9 (i) The nature and duties of the position applied  
10 for.

11 (ii) The nature and seriousness of the offense or  
12 conduct, including whether the crime, offense or  
13 conviction is enumerated in section 602(b).

14 (iii) The circumstances under which the offense or  
15 conduct occurred.

16 (iv) The date of commission of the offense or  
17 conduct, provided, however, that no applicant for a table  
18 game employee occupation permit under this act who has  
19 been convicted in any jurisdiction, foreign or domestic,  
20 of a felony or gambling offense within the past 15 years  
21 shall be issued a table game employee occupation permit  
22 under this act or be determined qualified to serve as a  
23 table game employee with any table game licensee.

24 (v) The age of the applicant at the time the offense  
25 or conduct was committed.

26 (vi) Whether the offense or conduct was an isolated  
27 or repeat incident.

28 (vii) Any social conditions that may have  
29 contributed to the offense or conduct.

30 (viii) Any evidence of rehabilitation, including

1 good conduct in prison or in the community, counseling or  
2 psychiatric treatment received, acquisition of additional  
3 academic or vocational schooling, successful  
4 participation in correctional work-release programs or  
5 the recommendation of persons who have or have had the  
6 applicant under supervision, including Federal, State or  
7 local probation or parole officers.

8 (b) List of crimes and offenses.--The board shall establish  
9 a list of crimes, offenses and convictions that would result in  
10 the automatic disqualification of an applicant for a table game  
11 occupation permit under this section. In developing the list,  
12 the board shall consider and determine all of the following:

13 (1) Whether the crime or offense is or is not a crime or  
14 offense enumerated in section 602(b). The crimes and offenses  
15 enumerated in section 602(b) shall be incorporated in the  
16 list established by the board under this subsection.

17 (2) Whether the crime or offense committed is directly  
18 or indirectly related to employment positions of the table  
19 game industry.

20 (3) Whether the crime or offense has a direct or  
21 indirect relationship to table game operations.

22 (4) Whether the conviction or disposition would be  
23 inimical to the policies and purposes of this act, to table  
24 game operations and the gaming industry in this Commonwealth.

25 (c) Responsibility of Pennsylvania State Police.--Whenever  
26 feasible, the Pennsylvania State Police shall promptly notify  
27 the board and the bureau in the event that a current or  
28 prospective table game employee, who was the subject of a  
29 criminal history record background investigation under this act,  
30 is arrested for a crime or offense in this Commonwealth or

1 another jurisdiction after the date of the initial background  
2 investigation. The board shall promulgate regulations to govern  
3 the notification requirements under this subsection and under  
4 section 904(d). The Pennsylvania State Police shall collaborate  
5 with the bureau and local law enforcement to carry out the  
6 requirements of this subsection and section 904(d).

7 CHAPTER 9

8 TABLE GAME SERVICE EMPLOYEES

9 Section 901. Table game service employees registration  
10 required.

11 No person may commence employment as a table game service  
12 employee unless the person has registered with the board in  
13 accordance with this chapter. Registration as a table game  
14 service employee may only be granted by petition of the holder  
15 of a table game license in accordance with section 905.

16 Section 902. Application requirements.

17 An applicant for a table game service employee registration  
18 shall produce information, documentation and assurances as the  
19 board shall require. In addition to any other information,  
20 documentation or assurances the board may require, an applicant  
21 for table game service employee registration shall be subject to  
22 the table game employee occupation permit requirements under  
23 section 802.

24 Section 903. Residency.

25 The board may by regulation require that all applicants for  
26 table game service employee registration be residents of this  
27 Commonwealth for a period not to exceed three months immediately  
28 preceding the issuance of the registration, although application  
29 may be made prior to the expiration of the required period of  
30 residency. The board may by resolution waive the required

1 residency period for an applicant upon a showing that the  
2 residency period would cause undue hardship upon the table game  
3 licensee that intends to employ the applicant or upon a showing  
4 of other good cause.

5 Section 904. Convictions not basis for revocation of  
6 registration.

7 (a) Considerations.--Notwithstanding the provisions of  
8 section 602 or any other provision of law or regulation to the  
9 contrary, no table game service employee registration shall be  
10 revoked based on a conviction of an offense in any jurisdiction  
11 as disqualification criteria or the commission of any act or  
12 acts that would constitute any offense under section 602(b) if  
13 the registrant has affirmatively demonstrated rehabilitation. In  
14 determining whether the applicant has affirmatively demonstrated  
15 rehabilitation, the board shall consider the following:

16 (1) The conviction would create a reasonable belief that  
17 the nature of the offense would be inimical to the policy  
18 purposes of this act and to table game operations and the  
19 gaming industry in this Commonwealth.

20 (2) The applicant for registration has affirmatively  
21 demonstrated rehabilitation. In determining whether the  
22 applicant has affirmatively demonstrated rehabilitation, the  
23 board shall consider all of the following:

24 (i) The nature and duties of the position applied  
25 for.

26 (ii) The nature and seriousness of the crime,  
27 offense or conviction, including whether the crime,  
28 offense or conviction is enumerated in section 602(b).

29 (iii) The circumstances under which the offense or  
30 conduct occurred.



1 (iv) The date of the crime, offense or conviction,  
2 provided, however, that no applicant for table game  
3 service employee registration under this act who has been  
4 convicted in any jurisdiction, foreign or domestic, of a  
5 felony or gambling offense within the past 15 years shall  
6 be issued a table game service employee registration  
7 under this act or be determined qualified to serve in a  
8 position as a table game service employee with any table  
9 game licensee or table game service industry.

10 (v) The age of the applicant at the time the crime,  
11 offense or conduct was committed.

12 (vi) Whether the crime, offense or conduct was an  
13 isolated or repeat incident.

14 (vii) Any social conditions that may have  
15 contributed to the crime, offense or conduct.

16 (viii) Any evidence of rehabilitation, including  
17 good conduct in prison or in the community, counseling or  
18 psychiatric treatment received, acquisition of additional  
19 academic or vocational schooling or training, successful  
20 participation in correctional work-release programs or  
21 the recommendation of persons who have or have had the  
22 applicant under supervision, including Federal, State or  
23 local probation or parole officers.

24 (b) Waiver.--The board may waive any disqualification  
25 criterion of a table game service employee consistent with the  
26 policy purposes of this act and upon a finding that the interest  
27 of justice and the public interest so require.

28 (c) List of crimes, offenses and convictions.--The board  
29 shall establish a list of crimes, offenses and convictions that  
30 would result in the automatic disqualification of an applicant

1 for registration under this chapter. In developing the list, the  
2 board shall consider and determine all of the following:

3 (1) Whether the crime, offense or conviction is a crime  
4 or offense or conviction enumerated in section 602(b).

5 (2) Whether the crime or offense committed is directly  
6 or indirectly related to employment positions of the table  
7 game industry.

8 (3) Whether the crime or offense has a direct or  
9 indirect relationship to table game operation.

10 (4) If the crime or offense has no direct or indirect  
11 relationship, whether the conviction or disposition would be  
12 inimical to the policies and purposes of this act and to  
13 table game operations and the gaming industry in this  
14 Commonwealth.

15 (d) Duties of Pennsylvania State Police.--The Pennsylvania  
16 State Police shall promptly notify the board and the bureau in  
17 the event that a current or prospective registrant, who was the  
18 subject of a criminal history record background investigation  
19 pursuant to this act, is arrested for a crime or offense in this  
20 Commonwealth or any other jurisdiction after the date of the  
21 initial background investigation.

22 Section 905. Petition for registration.

23 Upon petition by the holder of a table game license, table  
24 game service employee registration may be granted to each  
25 applicant for registration named in the petition if the petition  
26 certifies that each applicant for registration that is named in  
27 the petition has filed with the board and the board has received  
28 a completed application for table game service employee  
29 registration.

30 Section 906. Registration fee.

1 An application for registration as a table game service  
2 employee shall not be deemed complete unless it is accompanied  
3 by the registration fee which shall not exceed \$250 as  
4 established by regulation of the board.

## 5 CHAPTER 10

### 6 TABLE GAME SERVICE INDUSTRY

7 Section 1001. Licensure of table game service industry.

8 All table game service industries offering goods and services  
9 that directly relate to the conduct or operation of table games,  
10 including, but not limited to, schools teaching, among other  
11 things, table game playing or dealing techniques, and security  
12 services, shall be licensed in accordance with this act prior to  
13 conducting any business with a table game licensee and employees  
14 or agents or a table game licensee and, in the case of a school,  
15 prior to the enrollment of any students or offering of any  
16 courses to the public whether for compensation or not. However,  
17 upon a showing of good cause by an applicant for a table game  
18 license or table game licensee for each business transaction,  
19 the board may permit an applicant for a table game service  
20 industry license to conduct or engage in business with the table  
21 game licensee prior to issuing a license to an applicant for a  
22 table game service industry license. The board by resolution  
23 shall set forth any table game service industries that, in  
24 addition to the industries set forth in this chapter, it may  
25 require to be licensed under this act.

26 Section 1002. Qualifications of table game service industry.

27 Each table game service industry, as well as its owners,  
28 managerial, supervisory and principal employees, if the  
29 principal employees have responsibility for furnishing services  
30 to a table game licensee, shall qualify under the standards,

1 except residency, established by the board for issuance of a  
2 table game key employee license under section 701. Each person  
3 associated with a table game service industry, as determined by  
4 the board, shall be licensed in accordance with the requirements  
5 of Chapter 7 and regulations of the board prior to the  
6 commencement or continuation of any business with a table game  
7 licensee or employees or agents of a table game licensee.

8 Section 1003. Table game service industries.

9 (a) General rule.--The table game service industry, whether  
10 or not directly related to table game operations, shall include,  
11 in addition to any other entity determined by the board to be a  
12 table game service industry under this act, the following:

13 (1) Junket enterprises.

14 (2) Suppliers of alcoholic beverages if the suppliers  
15 are other than the Pennsylvania Liquor Control Board.

16 (3) Suppliers of food and nonalcoholic beverages.

17 (4) Garbage handlers.

18 (5) Vending machine providers.

19 (6) Linen suppliers.

20 (7) Maintenance companies.

21 (8) Shopkeepers located within a licensed facility.

22 (9) Bus or limousine services.

23 (10) Construction companies.

24 (11) Gaming schools contracting with applicants for a  
25 table game license or table game licensees or their employees  
26 or agents.

27 (b) Exemption.--The board may exempt any person or field of  
28 commerce from the licensing requirements of this chapter, if the  
29 person or field of commerce demonstrates the following:

30 (1) That it is regulated by an agency of the

1 Commonwealth.

2 (2) That it will provide goods or services in  
3 unsubstantial or insignificant amounts or quantities.

4 (3) That the goods and services provided in accordance  
5 with paragraph (2) will be provided for a limited period of  
6 time not exceeding 30 days.

7 (4) That licensing is not deemed necessary in order to  
8 protect the public interest or to accomplish the policies of  
9 this act.

10 Section 1004. Restrictions on exempted persons.

11 Upon granting an exemption to a table game service industry  
12 pursuant to section 1003(b) or at any time after the exemption  
13 is granted, the board may limit or place restrictions upon the  
14 exempted table game service industry, as the board may deem  
15 necessary and in the public interest. The board may require the  
16 exempted person to cooperate with the board and the bureau, and  
17 upon request, to provide information in the same manner as  
18 required of table game service industries licensed pursuant to  
19 this chapter. No exemption shall be granted unless the table  
20 game service industry demonstrates that it complies with or will  
21 comply with the applicable requirements of section 312(b)(1).

22 Section 1005. Disqualification.

23 The board may refuse to issue or deny an application for a  
24 table game service industry license to any person who is  
25 disqualified pursuant to the criteria set forth in section 602.

26 Section 1006. Proof of business license and taxes.

27 No table game service industry license shall be issued to any  
28 person unless the person provides proof of valid business  
29 registration with the Department of State and proof from the  
30 Department of Revenue, the Internal Revenue Service and local

1   taxing authorities that the person has no delinquent Federal,  
2   State or local tax obligations.

3   Section 1007.   Subcontractor requirements.

4       A table game service industry licensed under this act shall  
5   require proof, from any subcontractor to a table game service  
6   industry contract with an applicant for a table game license or  
7   a table game licensee, of valid business registration with the  
8   Department of State. Verification information shall be forwarded  
9   by the table game service industry to the Department of State.  
10   No subcontractor to a table game service industry contract with  
11   a table game applicant or table game licensee shall be entered  
12   into by any table game service industry or contractor unless the  
13   subcontractor first provides proof of valid business  
14   registration in this Commonwealth.

15                                   CHAPTER 11

16                   APPROVAL OR DENIAL OF LICENSE, PERMIT

17                                   OR REGISTRATION

18   Section 1101.   Investigation.

19       Upon the filing of an application for any license, permit or  
20   registration or any other qualification or approval required  
21   under this act, other than an application for a table game  
22   license, and after submission of all supplemental information as  
23   the board may require, the board shall direct the bureau or the  
24   Pennsylvania State Police to conduct investigations into the  
25   qualifications of the applicant for the license, permit or  
26   registration. The board shall conduct hearings concerning the  
27   qualifications of the applicant, in accordance with its  
28   regulations, guidelines or policies, as may be necessary to  
29   determine qualifications for the license, permit or registration  
30   applied for.

1 Section 1102. Issuance or denial of license, permit or  
2 registration.

3 After investigation and hearing, if applicable, for the  
4 approval of an application for a license, permit or registration  
5 under this act, the board may either deny the application or  
6 issue the license, permit or registration to the applicant whom  
7 it determines to be qualified to hold the license, permit or  
8 registration.

9 Section 1103. Authority to deny application.

10 The board shall have the authority to deny or refuse to  
11 approve and issue any application for a license, permit or  
12 registration submitted to it in accordance with this act. When  
13 an application for a license, permit or registration is denied  
14 or refused, the board shall prepare and file an order denying or  
15 refusing to approve and issue the application for the license,  
16 permit or registration with the reasons for the denial or  
17 refusal set forth in the order. If requested by the applicant,  
18 the board shall prepare and file a statement of the reasons for  
19 the denial or refusal, including specific findings of fact.

20 Section 1104. Issuance and renewal of license, permit or  
21 registration.

22 (a) Issuance and renewal.--A license, permit or registration  
23 may be issued and renewed as follows:

24 (1) Each table game employee occupation permit issued in  
25 accordance with this act shall be issued for an initial term  
26 of three years, upon the payment of the initial permit fee.  
27 The permit, upon the payment of a renewal fee, may be renewed  
28 at the discretion of the board for subsequent terms of four  
29 years each. The board shall establish by regulation the  
30 amount, form, manner and time for payment of subsequent

1 permit renewal fees.

2 (2) Each table game key employee license and table game  
3 service industry license required pursuant to the applicable  
4 provisions of this act shall be issued upon the payment of  
5 the license fee for an initial term of two years. A table  
6 game key employee license or service industry license may,  
7 upon the payment of a renewal fee established by regulation  
8 of the board, be renewed at the discretion of the board for  
9 subsequent terms of four years each. The board shall  
10 establish by regulation the form, manner and time for payment  
11 of subsequent license renewal fees under this paragraph.

12 (3) Each table game service employee registration, upon  
13 issuance and payment of the registration fee established by  
14 regulation of the board, shall remain in effect unless  
15 suspended or revoked by the board.

16 (b) Authority to condition or restrict.--Upon approval of an  
17 application for a license, permit or registration, the board may  
18 limit or place restrictions upon the licensee, permittee or  
19 registrant as it deems necessary and in the public interest.

20 (c) Rehearing.--Notwithstanding any other provision of this  
21 section, the board may reconsider the issuance of any license,  
22 permit or registration issued by it under this act at any time  
23 upon the request of the bureau, the Pennsylvania State Police,  
24 the Office of Attorney General or any other law enforcement  
25 agency.

26 (d) Fees.--The board by regulation shall establish  
27 nonrefundable fees for applications for a license, permit or  
28 registration under this act. Except as provided in this act, the  
29 board, through regulation, shall develop any forms, procedures  
30 and any fees it may deem necessary for the annual renewal of any



1 license, permit or registration renewed in accordance with the  
2 requirements of this act.

3 Section 1105. Time for renewal; extension.

4 Any license, other than a table game license, and any permit  
5 may be renewed upon proper application for renewal and the  
6 payment of fees in accordance with regulations of the board, but  
7 in no event later than the date of expiration of the current  
8 license or permit. Notwithstanding section 1104(a), in order to  
9 facilitate the efficient operation of the board, the board shall  
10 have the authority upon the payment of any renewal fee the board  
11 may by regulation require, to extend the period of any license,  
12 other than a table game license, but in no event shall the  
13 expiration date be extended for more than two years.

## 14 CHAPTER 12

### 15 TRANSFERS

16 Section 1201. Transfer of property or security.

17 (a) Property.--Notwithstanding any other provision of law or  
18 regulation and except as provided in subsection (b), whenever  
19 any person contracts to transfer any property relating to an  
20 existing table game operation, including security holding in a  
21 table game licensee or holding or intermediary company, under  
22 circumstances that require that the transferee obtain licensure  
23 or qualification in accordance with this act, the contract shall  
24 not specify a closing or settlement date that is earlier than  
25 121 days after the submission of a completed application for a  
26 table game license or qualification to the board. The  
27 application shall include a fully executed and approved trust  
28 agreement executed in accordance with the requirements of this  
29 chapter. Any contract provisions that specify an earlier closing  
30 or settlement date shall be void for all purposes. Subsequent to

1 the earlier of the report of the board on interim authorization  
2 or 90 days after the timely submission of the completed  
3 application, but no later than the closing or settlement date,  
4 the board shall hold a hearing and render a decision on the  
5 interim authorization of the applicant. If the board grants  
6 interim authorization, subject to the provisions of this  
7 chapter, the closing or settlement may occur without  
8 interruption of table game operations. If the board denies  
9 interim authorization, there shall be no closing or settlement  
10 until the board makes a determination on the qualification of  
11 the applicant, and if the board denies qualification, the  
12 contract shall be terminated for all purposes without liability  
13 on the part of the transferor.

14 (b) Security holders.--Notwithstanding any other provision  
15 of law or regulation, whenever any person, as a result of a  
16 transfer of publicly traded securities of a table game licensee  
17 or a holding or intermediary company or a financing entity of a  
18 table game licensee, is required to qualify for licensure under  
19 this act, the person shall:

20 (1) Within 30 days after the board determines that  
21 qualification is required or declines to waive qualification  
22 or within any additional time as the board may for good cause  
23 allow, file a completed application for a table game license  
24 or qualification with the board. The application shall  
25 include a fully executed and approved trust agreement in  
26 accordance with section 1203.

27 (2) As an alternative, within 120 days after the board  
28 determines that qualification is required or a waiver of  
29 qualification is denied, the person shall divest the  
30 securities as the board may require in order to remove the

1 need for qualification.

2 (3) If the person divests the securities, notice of the  
3 decision to divest shall be filed with the board within 30  
4 days after the board determines that qualification is  
5 required or that a waiver of qualification is denied. No  
6 extension of the time for filing a completed application for  
7 a table game license shall be granted unless the person  
8 submits a written acknowledgment of the jurisdiction of the  
9 board and the obligations imposed under this act.

10 (c) Timeliness.--If a person required to file an application  
11 for a table game license under this section fails to do so in a  
12 timely manner, the failure shall constitute a per se  
13 disqualification to continue to act as a security holder, and  
14 the board shall take appropriate action under this act. If a  
15 person files an application in a timely manner, then, subsequent  
16 to the earlier report of the board on interim authorization or  
17 90 days after submission of the completed application for a  
18 table game license, but no later than 120 days after the  
19 submission, the board shall hold a hearing and render a decision  
20 on the interim authorization of the person. The pendency of  
21 proceeding under this section shall not prevent the renewal of a  
22 table game license under this act as long as the person required  
23 by this section to file an application has complied with the  
24 requirements of this section and the provisions of this act.  
25 Section 1202. Request for interim authorization.

26 (a) Granting interim authorization.--The board may grant  
27 interim authorization upon findings by clear and convincing  
28 evidence of the following:

29 (1) That statements of compliance have been issued by  
30 the board in accordance with this act.

1           (2) That the table game facility is a licensed table  
2 game facility in accordance with the requirements of this  
3 act.

4           (3) That the trustee or trustees have satisfied the  
5 qualification criteria applicable to a table game key  
6 employee, except for residency.

7           (4) That interim operation will best serve the public  
8 interest and purposes of this act.

9           (b) Determination.--The board's consideration of a request  
10 for interim authorization shall include, but not be limited to,  
11 consideration of relevant information that may be presented to  
12 the board by the bureau as the board directs. In responding to a  
13 request for interim authorization and in determining whether to  
14 grant the request, the board and the bureau shall not be  
15 required to disclose any information if disclosure, in the  
16 judgment of the board, would prejudice or otherwise compromise  
17 any continuing investigation.

18 Section 1203. Trust agreements.

19           (a) General rule.--The following shall apply to trust  
20 agreements:

21           (1) Where the applicant is not required to obtain a  
22 table game license, the trust agreement filed pursuant to  
23 this section shall transfer and convey all of the applicant's  
24 present and future right, title and interest in the property  
25 subject to the trust agreement, including all voting rights  
26 in securities, to the trustee.

27           (2) If the applicant is required to obtain a table game  
28 license, the trust agreement shall transfer and convey to the  
29 trustee, if the applicant is a corporation, all outstanding  
30 equity securities of the corporation, and if the applicant is

1 other than a corporation, all outstanding interest in the  
2 applicant.

3 (3) The compensation for the service, costs and expenses  
4 of the trustee or trustees shall be stated in the trust  
5 agreement and shall be approved by the board.

6 (4) The trust agreement shall, in all instances, contain  
7 any provision the board may deem necessary and desirable.

8 (b) Trust agreement operative; timing.--With respect to an  
9 applicant described in section 1201(b), if the board denies  
10 interim authorization, it shall order that the trust agreement  
11 become operative, or take such other action as may be  
12 appropriate in accordance with section 1201. With respect to all  
13 applicants under section 1201, if the board grants interim  
14 authorization, it shall thereafter order that the trust  
15 agreement become operative at any time it finds reasonable cause  
16 to believe that the applicant or any person required to be  
17 qualified in connection with the application may be found  
18 unqualified.

19 (c) Rights and powers of trustee.--While the trust agreement  
20 remains operative, the trustee shall exercise all rights  
21 incident to the ownership of the property subject to the trust.  
22 The trustee shall be vested with all powers, authority and  
23 duties necessary to the unencumbered exercise of those rights,  
24 except that the applicant shall have no right to participate in  
25 the earnings of the licensed table game facility or receive any  
26 return on its investment or debt security holdings during the  
27 time the trust is operative.

28 (d) Duration of trust agreement.--The trust agreement, once  
29 operative, shall remain operative until the board finds the  
30 applicant qualified, or the board finds the applicant

1 unqualified and the property subject to the trust is disposed of  
2 in accordance with subsection (e), except that the applicant may  
3 request the board to direct the trustee to dispose of the  
4 property subject to the trust in accordance with subsection (e)  
5 prior to a finding that the applicant is disqualified.

6 (e) Disposition of property subject to trust.--If the board  
7 denies qualification to a person subject to the provisions of  
8 this chapter, the trustee shall endeavor and be authorized to  
9 sell, assign, convey or otherwise dispose of all property  
10 subject to the trust to a person who is appropriately licensed  
11 or qualified or has obtained interim authorization in accordance  
12 with section 1202. The disposition of trust property by the  
13 trustee shall be completed within 120 days of the denial of  
14 qualification, or within any additional time the board for good  
15 cause may allow. The proceeds from the disposition of trust  
16 property shall be distributed to the unqualified applicant only  
17 in an amount not to exceed the lower of the actual cost of the  
18 assets to the unqualified applicant or the value of the assets  
19 calculated as if the investment had been made on the date the  
20 trust becomes operative. Any proceeds remaining from the  
21 disposition of trust property in accordance with this subsection  
22 shall be remitted to the State Treasury for deposit in the fund  
23 established under 4 Pa.C.S. § 1403 (relating to establishment of  
24 State Gaming Fund and net slot machine revenue distribution).  
25 Section 1204. Obligations and responsibilities.

26 During the period of interim authorization, the board and the  
27 bureau shall continue the procedures that are provided in this  
28 act and the regulations promulgated under this act that are  
29 necessary for a determination of the qualification of the person  
30 granted interim authorization. The obligation and

responsibilities of an applicant for a table game license or a table game licensee or person required to be qualified are in no way relieved by the granting of interim authorization.

Section 1205. Time for determining qualification.

Within nine months after a grant or denial of interim authorization, the board shall hold a hearing and render a decision on the qualification of an applicant for a table game license under this act. The board may extend the period for determining qualification by one three-month period.

## CHAPTER 13

### CONDITIONS OF OPERATION

Section 1301. Operation certificate.

(a) Operation certificate required.--Notwithstanding the approval and issuance of a license to operate table games, no licensed table game facility may be open or remain open to the public, and no table game activity or operations, except for test purposes, may be conducted at the licensed table game facility until a valid operation certificate has been issued to the applicant or licensee by the board. The board shall issue the operation certificate upon a finding that:

(1) The licensed gaming entity complies in all respects with the requirements of this act and will comply with regulations promulgated by the board under this act.

(2) The licensed gaming entity has implemented necessary internal and management controls and security precautions for the efficient operation and play of table games.

(3) All employees, where applicable, are licensed, permitted or registered by the board for the performance of their respective duties.

(4) The licensed gaming entity is prepared in all

1 respects to receive and entertain the public at the licensed  
2 table game facility.

3 (b) Authorized table games.--The operation certificate shall  
4 include an itemized list by category and number of the  
5 authorized table games permitted in the particular licensed  
6 table game facility. The licensed gaming entity shall file, in  
7 accordance with regulations promulgated by the board, any  
8 changes in the number of table games authorized for play in its  
9 licensed table game facility, and any changes in the  
10 configuration of the licensed table game facility with the  
11 board. The board shall review the changes in configuration for  
12 compliance with this act and 4 Pa.C.S. Pt. II (relating to  
13 gaming). No changes in the number of table games authorized for  
14 play by the board or in the configuration of the table game  
15 facility shall be made without the approval of the board.

16 (c) Duration of certification.--An operation certificate  
17 shall remain in force and effect unless altered in accordance  
18 with subsection (b), or revoked, suspended, limited or otherwise  
19 altered by the board in accordance with this act or regulations  
20 promulgated by the board.

21 Section 1302. Condition of continued operation.

22 It shall be an expressed condition of continued operation  
23 under this act that a licensed gaming entity operating a table  
24 game facility maintain all books, records and documents  
25 pertaining to the licensee's table game operation in a manner  
26 and location within this Commonwealth as approved by the board.  
27 All books, records and documents related to table game  
28 operations shall be maintained separate and apart from all  
29 books, records and documents of the licensed gaming entity's  
30 slot machine operations, including all books and records



1 pertaining to the provision of credit to table game patrons and  
2 the cashing of checks of table game patrons in accordance with  
3 Chapter 16. All books, records and documents related to table  
4 game operations, including records relating to credit, shall be  
5 immediately available for inspection by the board, the bureau,  
6 the Pennsylvania State Police or agents of the Attorney General  
7 during all hours of operation in accordance with regulations  
8 promulgated by the board and shall be maintained for a period as  
9 the board by regulation may require.

10 Section 1303. Hours of operation.

11 Each licensed table game facility shall be permitted to  
12 operate 24 hours a day. Each licensed gaming entity shall file  
13 with the board a schedule of operating hours prior to the  
14 issuance of an operation certificate. If the table game licensee  
15 proposes any change or modification in scheduled operating  
16 hours, the change or modification shall not be effected until  
17 the table game licensee files a notice of the new operating  
18 hours with the board. The filing shall be made 30 days prior to  
19 the effective date of the proposed change or modification in  
20 hours of operation. This section shall not be construed to limit  
21 a table game licensee in opening its table game facility later  
22 than, or closing its facility earlier than, the times stated in  
23 its schedule of operating hours. Any change or modification in  
24 hours of operation shall comply with the requirements of this  
25 section and with any regulations promulgated by the board  
26 pertaining to modification of hours of operation.

## 27 CHAPTER 14

### 28 GAME AND FACILITY REQUIREMENTS

29 Section 1401. Authorized table games.

30 Nothing in this act shall be construed to permit the

1 operation of any table games except the operation and conduct of  
2 authorized table games in table game areas of a licensed table  
3 game facility as approved by the board in accordance with this  
4 act and regulations promulgated by the board pursuant to this  
5 act.

6 Section 1402. Wagers and payoffs.

7 All authorized table games shall be conducted and all wagers  
8 and payoffs of winning wagers shall be made in accordance with  
9 regulations promulgated by the board. The regulations  
10 promulgated by the board shall establish the limitations as may  
11 be necessary to assure the vitality of table game operations and  
12 fair odds to patrons. Notwithstanding any provision of this act  
13 or regulation of the board, a table game licensee shall set  
14 minimum and maximum wagers on authorized table games that may be  
15 adjusted from time to time by the licensee in the normal course  
16 of table game operations, except that changes in minimum wagers  
17 at any given table shall not apply to persons already engaged in  
18 wagering at that table when the minimum wager is changed.

19 Section 1403. Information to patrons and players.

20 Each table game licensee shall make available in printed form  
21 to any patron or player, upon request, the complete text of the  
22 rules of the board regarding authorized table games and the  
23 conduct of table games, payoffs of winning wagers, an  
24 approximation of the odds of winning for each wager, and other  
25 advice to the patron or player as the board may require. Each  
26 table game licensee shall prominently post within the table game  
27 area of the licensed table game facility information about table  
28 game rules, payoffs of winning wagers, the odds of winning for  
29 each wager, and other advice to the player as the board by  
30 regulation may require.

1 Section 1404. Acceptance of tips.

2 A dealer may accept tips or gratuities from a patron at the  
3 table game at which the dealer is conducting play, subject to  
4 the provisions of this section. All tips or gratuities shall be  
5 deposited immediately in a lockbox reserved for that purpose,  
6 accounted for and placed in a pool for distribution pro rata  
7 among the dealers. The distribution shall be based upon the  
8 number of hours each dealer worked during the time period when  
9 the tips or gratuities were collected and deposited. The board  
10 may permit the establishment of a separate pool for dealers in  
11 the game of poker or may permit tips or gratuities to be  
12 retained by individual dealers in the game of poker.

13 Section 1405. Table game facility requirements.

14 (a) Facility.--Each table game licensee shall arrange its  
15 table game facility in a manner as to promote optimum security  
16 of the facility and shall comply in all respects with  
17 regulations of the board. Each table game facility shall  
18 include:

19 (1) A closed-circuit television system according to  
20 specifications approved by the board, with access in the  
21 licensed table game facility to the system or its signal  
22 provided to the board, the bureau and agents of the board and  
23 bureau, in accordance with regulations promulgated by the  
24 board.

25 (2) One or more rooms or locations within or about the  
26 licensed facility approved by the board as table game space.

27 (3) Design specifications that ensure that visibility in  
28 a licensed table game facility is not obstructed in any way  
29 that could interfere with the ability of the licensee, the  
30 board or its agents or the bureau or its agents to oversee

1 facility operations.

2 (b) Count rooms.--Each licensed facility or licensed table  
3 game facility shall contain a count room or other secure space  
4 that may be required by the board for the counting and storage  
5 of cash, coins, tokens and checks received in the conduct of  
6 authorized table games and for the inspection, counting and  
7 storage of dice, cards, tiles, dominoes and chips and other  
8 representatives of value used in the conduct and operation of  
9 authorized table games.

10 (c) Gaming tables.--Each gaming table shall be equipped with  
11 a sign indicating the permissible minimum and maximum wagers of  
12 the table. It shall be unlawful for a licensee to require any  
13 wager to be greater than the State minimum or less than the  
14 State maximum. However, any wager actually made by a patron and  
15 not rejected by a licensee prior to the commencement of play  
16 shall be treated as a valid wager.

17 Section 1406. Table game devices, apparatus, equipment and  
18 supplies.

19 (a) Limit on location and possession on premises.--Except as  
20 set forth in subsection (b), the following shall apply to table  
21 game devices, apparatuses, equipment and supplies:

22 (1) No table game devices, apparatuses, equipment or  
23 supplies shall be possessed, maintained or exhibited by any  
24 person on the premises of a licensed facility except in the  
25 licensed facility's table game area or in a restricted area  
26 used for the inspection, service, repair or storage of the  
27 devices, apparatuses, equipment or supplies and specifically  
28 approved and designated for that purpose by the table game  
29 licensee with the approval of the board.

30 (2) Table game devices, apparatuses, equipment or

1 supplies, which support the conduct of table game operations  
2 in a licensed facility but do not permit or require patron  
3 access, such as computers and other such telecommunications  
4 equipment, may be possessed and maintained by the table game  
5 licensee in restricted areas specifically approved and  
6 designated for that purpose by the board.

7 (3) No table game devices, apparatuses, equipment or  
8 supplies shall be possessed, maintained, exhibited, brought  
9 into or removed from a table game area by any person unless  
10 the devices, apparatuses, equipment or supplies:

11 (i) Are necessary to the conduct of an authorized  
12 table game.

13 (ii) Have permanently affixed, imprinted, impressed  
14 or engraved thereon an identification number or symbol  
15 authorized by the board.

16 (iii) Are under the exclusive control of the table  
17 game licensee or employees or agents of the licensee.

18 (iv) Are brought into or removed from the table game  
19 area following 24-hour prior notice given to an  
20 authorized agent of the board.

21 (b) Exception.--Notwithstanding subsection (a), a person  
22 may, with the prior approval of the board and under terms and  
23 conditions as may be required by the board, possess, maintain or  
24 exhibit a table game device, apparatus, equipment or supplies in  
25 any other area of the licensed facility if the equipment is used  
26 only for nongaming or exhibition purposes.

27 (c) Drop boxes.--All drop boxes and other implements in  
28 which cash, coins or tokens are deposited at the gaming tables,  
29 and all areas where drop boxes and other like implements are  
30 kept while in use, shall be equipped with two locking devices or

1 keys. One drop box locking device or key shall be under the  
2 exclusive control of the board or an agent of the board, and the  
3 second drop box locking device or key shall be under the  
4 exclusive control of the table game licensee. The drop boxes and  
5 other like implements shall not be brought into or removed from  
6 a table game area or locked or unlocked, except at times, in  
7 places and according to procedures that the board by regulation  
8 shall require.

9 (d) Chips.--All chips used in the play of authorized table  
10 games shall be of the size and uniform color by denomination as  
11 the board shall require by regulation.

12 Section 1407. Restrictions and prohibitions.

13 It shall be unlawful for:

14 (1) Any person to exchange or redeem chips for anything  
15 whatsoever, except for currency, negotiable personal checks,  
16 negotiable counter checks, other chips, coupons or  
17 complimentary vouchers distributed by the table game  
18 licensee. A table game licensee, upon the request of any  
19 person, shall redeem that licensee's gaming chips surrendered  
20 by a person in any amount over \$300 with a check drawn upon  
21 the table game licensee's account at any banking institution  
22 in this Commonwealth or other jurisdiction as approved by the  
23 board and made payable to that person.

24 (2) Any table game licensee or an agent or employee of a  
25 table game licensee to employ, contract with or use any shill  
26 or barker to induce or entice, or attempt to induce or  
27 entice, any person to enter a licensed table game facility or  
28 play any table game or for any purpose whatsoever.

29 (3) A dealer in any authorized table game in which cards  
30 are dealt, to deal cards by hand or any manner other than

1 from a device specifically designed for that purpose, unless  
2 otherwise permitted under special circumstances as shall be  
3 defined by regulation of the board.

4 (4) Any table game key employee or any person who is  
5 required to hold a key employee license as a condition of  
6 employment or qualification to wager in any licensed facility  
7 in this Commonwealth.

8 (5) Any employee, other than an employee who in judgment  
9 of the board is not directly involved with the conduct of  
10 table game operations, to wager in a licensed table game  
11 facility in which the employee is employed or in any other  
12 licensed facility in this Commonwealth that is owned or  
13 operated by the licensed gaming entity that employs the  
14 employee. Any employee other than an employee who, in the  
15 judgment of the board, is not directly involved with the  
16 conduct of table game operations, shall wait at least 30 days  
17 following the date on which the employee either leaves  
18 employment with or is terminated from employment with a table  
19 game licensee before the employee may gamble in a licensed  
20 table game facility in which such employee was formerly  
21 employed or in any other licensed facility in this  
22 Commonwealth that is owned or operated by the licensed gaming  
23 entity that employed the employee.

24 (6) Any key employee or boxman, floorman, or any other  
25 employee who serves in a supervisory position to solicit or  
26 accept, and for any other employee to solicit, any tip or  
27 gratuity from any player or patron at the licensed table game  
28 facility where the employee is employed.

29 Section 1408. Density requirement.

30 The board shall, by regulation, determine the permissible

1 number and density of table games in a licensed table game  
2 facility. An applicant for or a person issued a license to  
3 operate table games under this act shall limit the density of  
4 the table game facility to no more than 30% of the total gaming  
5 floor space in the licensed facility. It is the intent of the  
6 General Assembly that 70% of the gaming floor space be dedicated  
7 to slot machine gaming and 30% of the gaming floor space be  
8 dedicated to the operation of authorized table games. The  
9 regulations promulgated by the board that determines the  
10 permissible number and density of authorized table games in a  
11 licensed table game facility shall provide that all floor space  
12 in the licensed facility, except for floor space in an approved  
13 hotel, shall be included in any calculation of the permissible  
14 number and density of authorized table games in a licensed  
15 facility.

16 Section 1409. Approved hotels.

17 (a) Authority to determine suitability and approve.--Nothing  
18 in this act shall be construed to limit the authority of the  
19 board to determine the suitability of and to approve a hotel for  
20 the conduct and operation of authorized table games if the hotel  
21 is designed architecturally to be physically connected to the  
22 licensed facility and meets the requirements of this section.  
23 The board shall determine the suitability of a hotel for the  
24 conduct and operation of authorized table games and the areas of  
25 the hotel in which table games shall be conducted and operated  
26 on a case-by-case basis in accordance with the requirements of  
27 this section.

28 (b) Requirements for approval.--The following criteria shall  
29 be used by the board to determine suitability and approve a  
30 hotel for the conduct and operation of authorized table games:



1           (1) The approved hotel shall be a single building or two  
2           or more buildings that are physically connected in a manner  
3           deemed appropriate and approved by the board.

4           (2) The approved hotel shall consist of at least 350  
5           qualifying sleeping units or a lesser number as established  
6           by the board, except that any lesser number shall not be  
7           lower than 300 sleeping units.

8           (3) The approved hotel shall consist of meeting rooms,  
9           banquet rooms, restaurants, exhibition space, shops and  
10          parking areas.

11          (4) The total square footage of the approved hotel shall  
12          not be lower than the minimum square footage established by  
13          regulations of the board.

14          (5) Architectural designs and specifications for the  
15          construction of the approved hotel are included in the  
16          application for a table game license.

17          (c) Certification after approval.--After a hotel is  
18          initially approved, the board shall thereafter rely on the  
19          certification of the table game licensee with regard to the  
20          number of qualifying sleeping units and shall permit  
21          replacement, rehabilitation, renovation and alteration of any  
22          part of the approved hotel even if the replacement,  
23          rehabilitation, renovation or alteration will result temporarily  
24          in a lower number of qualifying sleeping units, provided that  
25          the table game licensee certifies that the replacement,  
26          rehabilitation, renovation or alteration shall be completed  
27          within one year or other reasonable period of time as approved  
28          by the board.

29          (d) No additional requirements authorized.--The board shall  
30          not impose any criteria or requirements regarding the contents

1 of an approved hotel in addition to the criteria and  
2 requirements expressly specified in this section. However, the  
3 board shall be authorized to require each table game licensee to  
4 establish and maintain an approved hotel which is in all  
5 respects a superior, first-class hotel facility of exceptional  
6 quality which will promote the host municipality as a tourist or  
7 convention destination.

8 (e) Exceptions.--The provisions of this section shall not  
9 apply to a licensed table game entity that holds a Category 3  
10 slot machine license. An applicant for a table game licensee or  
11 a licensed table game entity who has applied for or who holds a  
12 Category 3 slot machine license shall not be eligible to operate  
13 authorized table games in an approved hotel.

14 (f) Prohibition on slot machine operations.--Nothing in this  
15 section shall be construed to authorize the placement of slot  
16 machines or the conduct of slot machine operations in an  
17 approved hotel.

## 18 CHAPTER 15

### 19 INTERNAL CONTROLS

20 Section 1501. Internal controls.

21 (a) Submission to board.--Each applicant for a table game  
22 license or table game licensee shall submit to the board a  
23 description of its initial system of internal, administrative  
24 and accounting controls for table game operations. The initial  
25 system of internal, administrative and accounting controls  
26 submitted to the board shall be accompanied by:

27 (1) A certification by the applicant's or table game  
28 licensee's chief legal officer or equivalent that the  
29 submitted controls conform to the requirements of this act  
30 and the regulations promulgated by the board pursuant to this

1 act.

2 (2) A certification by the applicant's or table game  
3 licensee's chief financial officer or equivalent that the  
4 submitted controls provide adequate and effective accounting  
5 controls, establish a consistent overall system of internal  
6 procedures and administrative and accounting controls and  
7 conform to generally accepted accounting principles.

8 Each applicant for a table game license or table game licensee  
9 shall make the initial submission required under this subsection  
10 at least 30 days before table game operations are to commence  
11 unless otherwise directed by the board.

12 (b) Implementation of modified internal control  
13 procedures.--Except as otherwise provided in this section, a  
14 licensed table game entity, upon submission to the board of a  
15 narrative description of a change in its system of internal,  
16 administrative or accounting controls and the two certifications  
17 required under subsection (a), may, following the 15th day after  
18 the submission, implement the proposed change or modification in  
19 the internal, administrative or accounting controls. Each  
20 initial submission shall contain a narrative description of the  
21 internal, administrative or accounting control system to be  
22 utilized by the licensed table game entity, including, but not  
23 limited to:

24 (1) Accounting controls, including the standardization  
25 of forms and definition of terms to be utilized in the table  
26 game operations.

27 (2) Procedures, forms, and where appropriate, formulas  
28 covering the calculation of:

29 (i) Hold percentages.

30 (ii) Revenue drops.

1 (iii) Expense and overhead schedules.

2 (iv) Complimentary services, except as provided in  
3 Chapter 18.

4 (v) Junkets.

5 (vi) Cash equivalent transactions.

6 (3) Job descriptions and the system of personnel and  
7 chain-of-command, establishing a diversity of responsibility  
8 among employees engaged in table game operations and  
9 identifying primary and secondary managerial and supervisory  
10 positions for all areas of responsibility. The areas of  
11 responsibility shall not be so extensive as to be impractical  
12 for an individual to monitor salary structure and personnel  
13 practices. The personnel practices shall include an  
14 identification and description of any prerequisite, condition  
15 or requirement, other than or in addition to experience,  
16 employment history, education, skill or any other requirement  
17 generally used to determine qualification for a particular  
18 job or job classification, which could be used or will be  
19 used as a factor or factors to determine eligibility,  
20 employability or continued employment.

21 (4) Procedures within the cashier's cage for:

22 (i) Receipt, storage and disbursement of chips, cash  
23 and other cash equivalents used in the conduct of  
24 authorized table games.

25 (ii) Cashing of checks.

26 (iii) Redemption of chips and other cash equivalents  
27 used in the conduct of authorized table games.

28 (iv) Payoff of jackpots.

29 (v) Recording of transactions pertaining to table  
30 game operations.

1           (5) Procedures for the collection and security of money  
2 at the gaming tables.

3           (6) Procedures for the transfer and recordation of chips  
4 between the gaming tables and the cashier's cage.

5           (7) Procedures for the transfer of moneys from the  
6 gaming tables to the counting process.

7           (8) Procedures and security for the counting and  
8 recording of revenue.

9           (9) Procedures for the security, storage and recordation  
10 of cash, chips and other cash equivalents utilized in table  
11 game operations.

12          (10) Procedures for the cashing and recording of checks  
13 exchanged by the licensed table game entity.

14          (11) Procedures governing the utilization of a private  
15 security force within the licensed table game facility, as  
16 approved by the board.

17          (12) Procedures and security standards for the handling  
18 and storage of gaming apparatus, including cards, dice,  
19 wheels and all other table game equipment, apparatus, devices  
20 and supplies used in the conduct of authorized table games.

21          (13) Procedures and rules governing the conduct of  
22 particular table games and the responsibility of the table  
23 game employees in respect to same.

24          (14) Procedures for separately recording all  
25 transactions pursuant to Chapter 16 involving any public  
26 official, any executive level State employee or any public  
27 official of a county or municipality in which table games are  
28 authorized at a licensed facility or any table game employee  
29 or key employee, and for the quarterly filing with the board  
30 of a list reporting all such transactions.

1 (c) Board review of submissions.--The board shall review  
2 internal, administrative and accounting controls submissions  
3 made pursuant to subsection (a) to determine whether the  
4 submission conforms to the requirements of this act and  
5 regulations promulgated by the board pursuant to this act, and  
6 to ascertain whether the submission provides adequate and  
7 effective controls for the operations of the particular licensed  
8 table game facility submitting it. If the board preliminarily  
9 determines during its review that a procedure in the submission  
10 contains a substantial and material insufficiency likely to have  
11 a direct and materially adverse impact on the integrity of table  
12 game operations or the control of gross table game revenue, the  
13 board, by written notice to the licensed table game entity,  
14 shall:

15 (1) Specify the precise nature of the insufficiency and,  
16 when possible, recommend an acceptable alternative procedure.

17 (2) Schedule a hearing before the full board no later  
18 than 15 days after the date of written notice to plenary  
19 and finally determine whether the procedure in question  
20 contains the described insufficiency.

21 (3) Direct that the internal, administrative or  
22 accounting control at issue and not yet implemented not be  
23 implemented by the table game licensee until revised and  
24 approved by the board. Upon receipt of the notice, the table  
25 game licensee shall proceed to the scheduled hearing before  
26 the full board and may submit a revised procedure addressing  
27 the board's concerns as specified in the notice.

28 Section 1502. Modification of internal controls.

29 Notwithstanding the requirements of section 1501, the board  
30 shall by regulation permit changes in a table game licensee's

1 system of internal, administrative and accounting controls  
2 required by section 1501 that do not have a material impact upon  
3 the integrity of table game operations or the control and  
4 reporting of gross table game revenue from the operation of  
5 table games, including those described in section 1501(b)(3) to  
6 be implemented by a licensed table game entity immediately upon  
7 the preparation and initial filing of the internal controls.

8 Section 1503. Additional submissions to board.

9 Each table game licensee and applicant for a table game  
10 license shall submit a narrative description of its system of  
11 internal controls and administrative and accounting controls for  
12 the recording and reporting of all business transactions and  
13 agreements governing table game service industries, leases and  
14 contracts no later than five days after those operations  
15 commence or no later than five days after any change in the  
16 controls becomes effective.

## 17 CHAPTER 16

### 18 CREDIT

19 Section 1601. Restriction on provision of credit.

20 Except as otherwise provided in this chapter, no table game  
21 licensee or any other person licensed under this act, and no  
22 person acting on behalf of or under any arrangement with a table  
23 game licensee or other person licensed under this act shall:

24 (1) Cash any check, make any loan or otherwise provide  
25 or give to any person any credit or advance of anything of  
26 value or a representation of value to enable any person to  
27 play an authorized table game.

28 (2) Release or discharge any debt, in whole or in part,  
29 or make any loan that represents any losses incurred by any  
30 player, without maintaining a written record of the debt in

1       accordance with regulations of the board.

2       Section 1602.   Acceptance of checks.

3       (a)   Restrictions.--No table game licensee or any person  
4   licensed or qualified under this act, and no person acting on  
5   behalf of or under any arrangement with a licensee or other  
6   person licensed or qualified under this act, may accept a check,  
7   other than a recognized traveler's check or other cash  
8   equivalent from any person to enable a person to take part in  
9   table game activity as a player, or may give cash or cash  
10  equivalents in exchange for the check unless:

11           (1)   The check is made payable to the table game  
12   licensee.

13           (2)   The check is dated, but not postdated.

14           (3)   The check is presented to the cashier or the  
15   cashier's representative at a location in the licensed table  
16   game facility approved by the board and is exchanged for cash  
17   that totals an amount equal to the amount for which the check  
18   is drawn or the check is presented to the cashier's  
19   representative at a gaming table in exchange for chips that  
20   total an amount equal to the amount for which the check is  
21   drawn.

22           (4)   The regulations concerning check-cashing procedures  
23   are observed by the table game licensee and its employees and  
24   agents.

25       (b)   Accounts.--Nothing in this chapter shall be deemed to  
26   preclude the establishment of an account by any person with a  
27   table game licensee by a deposit of cash or recognized  
28   traveler's check or other cash equivalent or a check that meets  
29   the requirements of this section or to preclude the withdrawal,  
30   either in whole or in part, of any amount contained in such



1 account.

2 (c) Requirement for cashing checks.--When a table game  
3 licensee or other person licensed or qualified under this act,  
4 or any person acting on behalf of or under any arrangement with  
5 a table game licensee or other person licensed or qualified  
6 under this act, cashes a check in conformity with the  
7 requirements of subsection (a), the table game licensee shall  
8 deposit or provide for the deposit of the check in a bank for  
9 collection or payment or shall require an attorney or key  
10 employee with no incompatible functions to present the check to  
11 the drawer's bank for payment, within any of the following:

12 (1) Seven calendar days of the date of the transaction  
13 for a check in an amount of \$1,000 or less.

14 (2) Fourteen calendar days of the date of the  
15 transaction for a check in an amount greater than \$1,000 but  
16 less than or equal to \$5,000.

17 (3) Forty-five calendar days of the date of the  
18 transaction for a check in an amount greater than \$5,000.

19 (d) Check redemption.--

20 (1) Notwithstanding any other provision of this section,  
21 the drawer of the check may redeem the check by exchanging  
22 cash, cash equivalents, chips or a check that meets the  
23 requirements of subsection (i) in an amount equal to the  
24 amount for which the check is drawn, the drawer may redeem  
25 the check in part by exchanging cash, cash equivalents, chips  
26 or a check that meets the requirements of subsection (i) and  
27 another check that meets the requirements of subsection (a)  
28 for the difference between the original check and the cash,  
29 cash equivalents, chips or check tendered or the drawer may  
30 issue one check that meets the requirements of subsection (a)

1 in an amount sufficient to redeem two or more checks drawn to  
2 the order of the licensee.

3 (2) If there has been a partial redemption or a  
4 consolidation in conformity with the provisions of this  
5 subsection, the newly issued check shall be delivered to a  
6 bank for collection or payment or presented to the drawer's  
7 bank for payment by an attorney or key employee of the  
8 licensee with no incompatible functions within the period  
9 specified.

10 (3) No table game licensee or any person licensed or  
11 qualified under this act shall accept any check or series of  
12 checks in redemption or consolidation of another check or  
13 checks for the purpose of avoiding or delaying the deposit of  
14 a check in a bank for collection or payment or the  
15 presentment of the check to the drawer's bank within the time  
16 period prescribed by this subsection.

17 (4) In computing a time period prescribed under this  
18 subsection, the last day of the period shall be included  
19 unless it is a Saturday, Sunday, or a Federal or State  
20 holiday, in which event the time period shall extend to the  
21 next subsequent business day.

22 (e) Transfer of check and limitation.--No table game  
23 licensee or any other person licensed or qualified under this  
24 act, or any other person acting on behalf of or under any  
25 arrangement with a table game licensee or other person licensed  
26 or qualified under this act, shall transfer, convey or give,  
27 with or without consideration, a check cashed in conformity with  
28 the requirements of this section to any person other than:

29 (1) The drawer of the check upon redemption or  
30 consolidation in accordance with subsection (d).

1           (2) A bank for collection or payment of the check.

2           (3) A purchaser of the table game license as approved by  
3 the board.

4           (4) An attorney or key employee of the licensee with no  
5 incompatible functions for presentment to the drawer's bank.

6           (f) Applicability of limitation.--The limitation on  
7 transferability of checks shall apply to checks returned by any  
8 bank or other financial institution to the table game licensee  
9 without full and final payment.

10          (g) Collection of unpaid checks.--No person other than a  
11 person licensed as a key employee or as a table game employee in  
12 accordance with this act may engage in activities to collect  
13 payment of checks that have been returned by banks or other  
14 financial institutions without full and final payment, although  
15 an attorney representing the table game licensee may bring  
16 action for the collection of an unpaid check.

17          (h) Validity of checks.--Notwithstanding the provisions of  
18 any law or regulation to the contrary, checks cashed in  
19 conformity with the requirements of this act shall be valid  
20 instruments, enforceable at law in the courts of this  
21 Commonwealth. Any check cashed, transferred, conveyed or given  
22 in violation of this act shall be invalid and unenforceable for  
23 the purposes of collection but shall be included in the  
24 calculation of gross table game revenue.

25          (i) Additional requirements for acceptance of check.--  
26 Notwithstanding the provisions of subsection (a) to the  
27 contrary, a table game licensee may accept a check from a person  
28 to enable the person to play table games as a player, may give  
29 cash or cash equivalents in exchange for the check or may accept  
30 a check in redemption or partial redemption of a check issued in

1 accordance with subsection (a), provided that:

2 (1) (i) The check is drawn by a table game licensee  
3 pursuant to the relevant provisions of this act or upon  
4 the withdrawal of funds from an account established in  
5 accordance with subsection (b) or is drawn by a table  
6 game licensee as payment for winnings from an authorized  
7 table game.

8 (ii) The check is issued by a banking institution  
9 that is chartered in a country other than the United  
10 States on its account at a federally chartered or state-  
11 chartered bank in the United States and is made payable  
12 to "cash," "bearer," a table game licensee or the person  
13 presenting the check.

14 (iii) The check is issued by a bank or other  
15 financial institution that is chartered in the United  
16 States on its account at another federally chartered or  
17 state-chartered bank and is made payable to "cash,"  
18 "bearer," a table game license, or the person presenting  
19 the check.

20 (iv) The check is issued by an affiliate of a table  
21 game licensee that holds a casino or gaming license in  
22 any jurisdiction.

23 (2) The check is identifiable in a manner approved by  
24 the board as a check issued for a purpose listed in paragraph  
25 (1).

26 (3) The check is dated, but not postdated.

27 (4) The check is presented to the cashier or the  
28 cashier's representative by the original payee and its  
29 validity is verified by the drawer in the case of a check  
30 drawn pursuant to paragraph (1)(i), or the check is verified

1 in accordance with regulations promulgated by the board in  
2 the case of a check issued pursuant to paragraph (1)(ii),  
3 (iii) and (iv).

4 (5) The regulations concerning check-cashing procedures  
5 are observed by the table game licensee and its employees and  
6 agents.

7 (j) Check for loan or advance.--No table game licensee shall  
8 issue a check for the purpose of making a loan or otherwise  
9 providing or allowing any advance or credit to a person to  
10 enable the person to take part in table game activity as a  
11 player.

12 (k) Acceptance of check outside facility.--Notwithstanding  
13 the provisions of subsections (a), (b), (c) and (d) to the  
14 contrary, a table game licensee may, at a location outside the  
15 licensed facility, accept a personal check or checks from a  
16 person for up to \$5,000 in exchange for cash or cash  
17 equivalents, and may, at locations within the licensed table  
18 game facility as permitted by the board, accept a personal check  
19 or checks for up to \$5,000 in exchange for cash, cash  
20 equivalents, tokens, chips or plaques to enable the person to  
21 take part in table game activity as a player, provided that:

22 (1) The check is drawn on the patron's bank or brokerage  
23 cash management account.

24 (2) The check is for a specific amount.

25 (3) The check is made payable to the table game  
26 licensee.

27 (4) The check is dated, but not postdated.

28 (5) The patron's identity is established by examination  
29 of a valid credit card, driver's license, passport or other  
30 form of identification, which contains, at a minimum, the

1 patron's signature and photograph.

2 (6) The check is restrictively endorsed "FOR DEPOSIT  
3 ONLY" to the table game licensee's bank account and deposited  
4 on the next banking day following the date of the  
5 transaction.

6 (7) The total amount of personal checks presented by the  
7 patron and accepted by any one table game licensee pursuant  
8 to this subsection that are outstanding at any time,  
9 including the current check being submitted, does not exceed  
10 \$5,000.

11 (8) The table game licensee has a board-approved system  
12 of internal controls in place that will enable it to  
13 determine the amount of outstanding personal checks received  
14 from any patron pursuant to this subsection at any given  
15 point in time.

16 (9) The table game licensee maintains a record of each  
17 transaction in accordance with regulations promulgated by the  
18 board.

19 Section 1603. Prohibition on provision of credit.

20 Upon written request to the board, a person may request that  
21 the board place that person's name on a list of persons whom the  
22 extension of credit by a table game licensee as provided in this  
23 chapter would be prohibited. A person desiring to have the  
24 person's name placed on the list shall submit the person's name,  
25 address and date of birth to the board. The person does not need  
26 to provide a reason for the request. It shall be the duty of the  
27 board to provide the "no credit list" authorized under this  
28 section to the credit department of each table game licensee.  
29 The board, the table game licensee and the credit department of  
30 a table game licensee may not divulge the names on the "no

1 credit list" to any person or entity other than those provided  
2 for in this section. If a person wishes to have the person's  
3 name removed from the "no credit list," the person shall submit  
4 a written request for removal to the board. The board shall  
5 inform the credit departments of each table game licensee no  
6 later than seven business days after board receipt of a request  
7 to remove a name from the "no credit list." Each credit  
8 department of a table game licensee shall cause such person's  
9 name to be removed from its "no credit list" within three  
10 business days of receipt of the request for removal from the  
11 board.

12 Section 1604. Accounts, deposits and transactions.

13 The following shall govern accounts established by patrons of  
14 table games:

15 (1) No table game licensee or any person licensed or  
16 qualified under this act and no person acting on behalf of or  
17 under any arrangement with a table game licensee or other  
18 person licensed or qualified under this act shall, in a  
19 single transaction during a gaming day, accept cash from a  
20 person offered for the purposes of establishing an account,  
21 when the amount offered totals \$10,000 or more, unless the  
22 person presents proof of his identity or passport  
23 identification number, if the person is not a United States  
24 citizen.

25 (2) Multiple currency transactions shall be treated as a  
26 single transaction if the table game licensee or other person  
27 licensed or qualified under this act or a person acting on  
28 behalf of or under any arrangement with a table game licensee  
29 or other person licensed or qualified under this act has  
30 knowledge that the transactions are by or on behalf of one

1 person and result in either cash in or cash out totaling more  
2 than \$10,000 during a gaming day.

3 Section 1605. Limitation on amount redeemed.

4 (a) Permissible transaction.--No table game licensee or any  
5 person licensed or qualified under this act, and no person  
6 acting on behalf of or under any arrangement with a table game  
7 licensee or other person licensed or qualified under this act  
8 shall, in a single transaction during a gaming day, redeem for  
9 cash or credit any chips or markers in an amount of \$10,000 or  
10 more or exchange chips for cash in an amount of \$10,000 or more,  
11 from any person, unless the person seeking to redeem the chips  
12 or markers presents proof of identity or passport identification  
13 number if the person seeking redemption is not a United States  
14 citizen.

15 (b) Multiple transactions.--Multiple currency transactions  
16 shall be treated as a single transaction if the table game  
17 licensee or any person licensed or qualified under this act or a  
18 person acting on behalf of or under any arrangement with a table  
19 game licensee or other person licensed or qualified under this  
20 act has knowledge that the transactions are by or on behalf of  
21 one person and result in either cash in or cash out totaling  
22 more than \$10,000 during a gaming day.

23 (c) Reports of transactions.--Each table game licensee or  
24 persons acting on behalf of or under any arrangement with a  
25 table game licensee or other persons licensed under this act who  
26 accept cash or redeem chips or markers totaling \$10,000 or more  
27 in a gaming day for which identification is required pursuant to  
28 this section shall, at least once every 30 days, report the  
29 identities and passport numbers, if applicable, of the persons  
30 offering the cash, chips or markers to the bureau.



CHAPTER 17

SUPPLIER AND MANUFACTURER LICENSES

Section 1701. Supplier and manufacturer licenses.

(a) Authority of board to license.--The board may issue a supplier license to a person seeking to provide table game equipment, devices, apparatuses or supplies to a table game licensee within this Commonwealth and a manufacturer license to a person who is a manufacturer of table game equipment, apparatuses, devices or supplies for use in this Commonwealth. A person desiring to serve as either a supplier or manufacturer shall submit an application for a supplier or manufacturer license to the board with a nonrefundable application fee not to exceed \$2,500.

(b) Eligibility and qualification for licensure.--The board shall use the licensure procedures, conditions and any other requirements established for persons applying for or holding a supplier or manufacturer license under 4 Pa.C.S. Pt. II (relating to gaming), when considering applications for a supplier or manufacturer license under this act. In addition to any criteria established by regulation for suppliers and manufacturers of table game equipment, devices, apparatuses and supplies under this act, the provisions of 4 Pa.C.S. §§ 1317 (relating to supplier licenses), 1317.1 (relating to manufacturer licenses), 1319 (relating to alternative manufacturer licensing standards) and 1325 (relating to license or permit issuance) or any regulations promulgated pursuant to the provisions of 4 Pa.C.S. Pt. II shall apply to any applicant for or holder of a table game supplier or table game manufacturer license under this act.

(c) Responsibility of applicant.--It shall be the burden of

1 an applicant for a table game supplier license or for a table  
2 game manufacturer license, as the case may be, to establish by  
3 clear and convincing evidence the applicant's suitability as to  
4 integrity, moral character and reputation, personal and business  
5 probity, financial ability and experience, responsibility and  
6 other criteria considered appropriate by the board. Applicants  
7 for a supplier or manufacturer license and supplier or  
8 manufacturer licensees shall be under a continuing duty to  
9 provide information requested by the board and to cooperate in  
10 any investigation, inquiry or hearing conducted by the board.  
11 Section 1702. Additional eligibility requirements.

12 In addition to any criteria the board may use to disqualify a  
13 person seeking a supplier or manufacturer license under this  
14 section, a person shall not qualify for licensure as a supplier  
15 or manufacturer if any of the following circumstances exist:

16 (1) The applicant has been convicted of a felony under  
17 the laws of this Commonwealth, any other state, the United  
18 States or under the laws of any foreign jurisdiction within  
19 the preceding 15 years.

20 (2) The applicant has been convicted of a misdemeanor  
21 involving gambling, theft, fraud or dishonesty in this  
22 Commonwealth, or in any other state in the United States or  
23 under the laws of a foreign jurisdiction, that substantially  
24 corresponds to a misdemeanor in that state.

25 (3) The applicant has submitted an application for a  
26 license under this act that contains false or misleading  
27 information.

28 (4) The applicant is a member of the board.

29 (5) The applicant holds an elective office of a  
30 political subdivision of this Commonwealth, another state,

1 the Federal Government or is a member of or employed by a  
2 gaming regulatory body of a political subdivision in this  
3 Commonwealth, another state, the Federal Government or is  
4 employed by a political subdivision of this Commonwealth.

5 (6) The applicant has an ownership interest in another  
6 entity holding a table game license issued under this act or  
7 a slot machine license issued under 4 Pa.C.S. Pt. II  
8 (relating to gaming).

9 (7) The board determines that the applicant lacks the  
10 requisite suitability as to integrity, moral character and  
11 reputation, personal and business probity, financial ability  
12 and experience and responsibility.

13 (8) The applicant fails to meet any other criteria  
14 considered appropriate by the board. The criteria considered  
15 appropriate by the board shall not be arbitrary, capricious  
16 or contradictory to the expressed provisions of this act.

17 Section 1703. Issuance of license.

18 In determining whether to issue a supplier license or  
19 manufacturer license to an applicant, the board shall consider  
20 all of the following:

21 (1) The applicant's past and present compliance with  
22 casino gaming licensing requirements of any other  
23 jurisdiction, foreign or domestic, that pertain to casino  
24 gaming and related activities.

25 (2) The integrity, moral character and reputation,  
26 personal and business probity, financial ability and  
27 experience and responsibility of the applicant or an  
28 affiliate of the applicant.

29 (3) Whether the applicant has been indicted, charged,  
30 arrested, convicted, pleaded guilty or nolo contendere,

1       forfeited bail concerning or had expunged any criminal  
2       offense enumerated in section 602(b) under the laws of this  
3       Commonwealth or of any other jurisdiction foreign or  
4       domestic, either felony or misdemeanor, not including traffic  
5       violations, regardless of whether the offense has been  
6       expunged, pardoned or reversed on appeal or otherwise.

7       (4) Whether the applicant has filed, or had filed  
8       against it, a proceeding for bankruptcy or has ever been  
9       involved in any formal process to adjust, defer, suspend or  
10      otherwise work out the payment of any debt within ten  
11      calendar years before the effective date of this section.

12      (5) Whether the applicant has been served with a  
13      complaint or other notice filed with any public body  
14      regarding a payment of any tax required under Federal, State  
15      or local law that has been delinquent for one or more years.

16      (6) Whether the applicant has a history of noncompliance  
17      with the casino licensing requirements of any jurisdiction,  
18      foreign or domestic.

19      (7) Whether the applicant has a history of noncompliance  
20      with any regulatory requirements in this Commonwealth or any  
21      other jurisdiction, foreign or domestic.

22      (8) Whether at the time of application the applicant is  
23      a defendant in litigation involving its business practices or  
24      business interest.

25      (9) Whether issuing a supplier license or manufacturer  
26      license to an applicant would undermine the public's  
27      confidence in this Commonwealth's gaming industry.

28      (10) Whether the applicant meets other standards for the  
29      issuance of a supplier license or manufacturer license that  
30      the board may promulgate by regulation. The regulations

promulgated under this section shall not be arbitrary,  
capricious or contradictory to the expressed provisions of  
this act.

(11) Whether the applicant applied for or holds a  
supplier license or manufacturer license issued by the board  
under 4 Pa.C.S. Pt. II (relating to gaming).

(12) Whether the applicant for a supplier license or  
manufacturer license has paid the license fee authorized to  
be collected by the board under this act.

Section 1704. Additional supplier license requirements.

Any person that supplies equipment, apparatuses, devices,  
supplies or services to a table game licensee shall first obtain  
a supplier's license. A supplier shall provide the board with a  
list of all equipment, devices, apparatuses, services and  
supplies offered for sale or lease to each table game licensee  
licensed under this act.

Section 1705. Records.

Notwithstanding any other provision of law to the contrary,  
each person licensed as a licensed supplier or licensed  
manufacturer under this act shall keep books and records of  
their business activities with a table game licensee, including  
the furnishing of equipment, apparatuses, devices, supplies and  
services to table game licensees separate and distinct from any  
other business, including slot machine operations, that the  
licensed supplier or licensed manufacturer, as the case may be,  
might operate. A licensed supplier or licensed manufacturer  
shall file a quarterly report with the board listing all sales,  
leases and services entered into, made or provided in this  
Commonwealth to a table game licensee. A licensed supplier or  
licensed manufacturer shall permanently affix, when feasible,

1 its name to all its equipment, apparatuses, devices and supplies  
2 for table game operations. Any supplier's or manufacturer's  
3 equipment, apparatuses, devices or supplies that are used by any  
4 person in an unauthorized gambling operation shall be forfeited  
5 to the Commonwealth.

6 Section 1706. Inspections.

7 All applicants for a supplier or manufacturer license and  
8 such licensees shall consent to inspection, searches and  
9 seizures in accordance with this act and to the disclosure to  
10 the board and its agents of confidential records, including tax  
11 records, held by any Federal, State or local agency, credit  
12 bureau or financial institution and to provide handwriting  
13 exemplars, photographs, fingerprints and information as may be  
14 authorized in this act and any regulations promulgated pursuant  
15 to this act. Failure to provide information requested by the  
16 board to assist in any investigation, inquiry or hearing of the  
17 board or the bureau or failure to comply with any provision of  
18 this act or regulations promulgated by the board under this act  
19 may result in denial, suspension or, upon reasonable notice,  
20 revocation of a table game license.

21 CHAPTER 18

22 JUNKETS AND COMPLIMENTARY SERVICES

23 Section 1801. Junkets.

24 (a) Prohibition.--No person shall act as a junket  
25 representative or junket enterprise and no junket shall be  
26 organized or permitted to operate in this Commonwealth except in  
27 accordance with this chapter.

28 (b) Junket representative qualification.--A junket  
29 representative employed by a table game licensee, an applicant  
30 for a table game license or an affiliate of a table game

1 licensee shall obtain a table game employee occupation permit in  
2 accordance with the requirements of this act, except that the  
3 junket representative need not be a resident of this  
4 Commonwealth. Any person who holds a current and valid table  
5 game employee occupation permit may act as a junket  
6 representative while employed by a table game licensee or an  
7 affiliate of a table game licensee. Junket representatives that  
8 are not employed by a table game licensee or an applicant for a  
9 table game license or by a junket enterprise shall be subject to  
10 the requirements of section 1002 and Chapter 20, unless  
11 otherwise directed by the board. No table game licensee or  
12 applicant for a table game license may employ or otherwise  
13 engage a junket representative who is not licensed as a junket  
14 representative in accordance with the requirements of this  
15 chapter.

16 (c) Junket enterprise qualification.--Junket enterprises  
17 that are engaged in activities governed by this section shall be  
18 subject to the provisions section 1002 and Chapter 20, with  
19 regard to those activities, unless otherwise directed by the  
20 board. The owners, management and supervisory employees and  
21 other principal employees of a junket enterprise as the board  
22 may require shall qualify under the standards, except for  
23 residency, established for the qualification and licensure of  
24 table game key employees under Chapter 7.

25 (d) Service of process.--Prior to the issuance of a table  
26 game occupation permit for a person to serve as a junket  
27 representative, a table game key employee license to a person  
28 associated with a junket enterprise or a table game service  
29 industry license to engage in the business of a junket  
30 enterprise, the applicant for the permit or license shall submit

1 to the jurisdiction of the Commonwealth of Pennsylvania and  
2 shall demonstrate to the satisfaction of the board that the  
3 applicant is amenable to service of process within this  
4 Commonwealth. Failure to establish or maintain compliance with  
5 the requirements of this subsection shall constitute sufficient  
6 cause for denial, suspension or revocation of the person's table  
7 game employee occupation permit, the person's key employee  
8 license or the person's table game service industry license.  
9 Section 1802. Temporary occupation permit.

10 (a) Petition by table game licensee.--Upon petition by the  
11 holder of a table game license, a junket representative applying  
12 for a table game employee occupation permit may be issued a  
13 temporary occupation permit upon a finding by the board of all  
14 of the following:

15 (1) The applicant for the occupation permit as a junket  
16 representative is employed by the table game licensee.

17 (2) The applicant for the occupation permit has filed a  
18 completed application, including a nonrefundable application  
19 fee and any other fee as required by regulation of the board,  
20 with the board.

21 (3) The bureau certifies to the board that the completed  
22 application for the occupation permit as a junket  
23 representative has been in the possession of the bureau for  
24 at least 30 days. The board, at its discretion, may consider  
25 an application that has been in the possession of the bureau  
26 for less than 30 days.

27 (b) Authority to suspend, limit or condition temporary  
28 occupation permit.--In addition to any other authority granted  
29 to the board under this act, the board shall have the authority,  
30 upon notification from the bureau or the Pennsylvania State



1 Police that either is in possession of information that raises  
2 reasonable possibility that a junket representative does not  
3 qualify for an occupation permit, to immediately suspend, limit  
4 or condition any temporary occupation permit, pending a hearing  
5 on the qualifications of the junket representative in accordance  
6 with the provisions of this act and regulations of the board.

7 (c) Duration of temporary permit.--Unless otherwise  
8 terminated by the board, a temporary table game employee  
9 occupation permit issued pursuant to this section shall expire  
10 12 months from the date of issuance, and shall be renewable by  
11 the board, in the absence of an objection by the bureau or the  
12 Pennsylvania State Police, for one additional six-month period.  
13 Section 1803. Agreements.

14 Any agreement entered into between a table game licensee and  
15 a junket representative or between a table game licensee and a  
16 junket enterprise shall include a provision for the termination  
17 of the agreement without liability on the part of the table game  
18 licensee, if the board orders the termination upon the  
19 suspension, limitation, conditioning, denial or revocation of  
20 the occupation permit of the junket representative or the  
21 license of the junket enterprise. Failure to expressly include  
22 this condition in the agreement shall not constitute a defense  
23 in any action brought to terminate the agreement.

24 Section 1804. Responsibility of licensee for conduct of junket.

25 A table game licensee shall be responsible for the conduct of  
26 any junket representative or junket enterprise associated with  
27 it and for the terms and conditions of any junket engaged in on  
28 its premises, regardless of the fact that the junket may involve  
29 persons not employed by the licensee.

30 Section 1805. Violation of terms of junket.

1 A table game licensee shall be responsible for any violation  
2 or deviation from the terms of a junket. Notwithstanding any  
3 other provision of this act, the board may, after hearing, order  
4 restitution to junket participants, assess penalties for  
5 violations or deviations from the terms of the junket, prohibit  
6 future junkets by a table game licensee, junket enterprises or  
7 junket representatives and order further relief as it may deem  
8 appropriate.

9 Section 1806. Records of junkets.

10 The board by regulation shall prescribe methods, procedures  
11 and forms for the delivery and retention of information  
12 concerning the conduct of junkets by table game licensees. Each  
13 table game licensee, in accordance with regulations of the  
14 board, shall:

15 (1) Maintain on file a report describing the operation  
16 of any junket engaged in or on its premises.

17 (2) Submit to the board and the bureau a list of all of  
18 its employees who act as junket representatives, whether on a  
19 full-time, part-time, temporary or permanent basis.

20 (3) Maintain records of all agreements entered into with  
21 a junket enterprise or junket representative for no less than  
22 five years.

23 Section 1807. Report of junket participants.

24 Each table game licensee, junket representative or junket  
25 enterprise, in accordance with the regulations of the board,  
26 shall file a report with the bureau with respect to each list of  
27 junket patrons or potential junket patrons purchased directly or  
28 indirectly by the table game licensee, junket representative or  
29 junket enterprise. The report shall include, but not be limited  
30 to, information on the source of the list and zip codes of

1 patrons or potential patrons named on any list purchased  
2 directly or indirectly by the table game licensee, junket  
3 representative or junket enterprise. Nothing in this section  
4 shall be construed to require the listing of any personal  
5 identifying information for patrons of any junket.

6 Section 1808. Junket arrangements; exemption determination.

7 The board shall have the authority to determine, either by  
8 regulation or upon petition by the holder of the table game  
9 license, whether an arrangement otherwise included in the  
10 definition of "junket" under section 103 shall be required to  
11 comply with any or all of the requirements of this chapter. The  
12 board shall seek the opinion of the bureau prior to granting any  
13 exemption under this chapter. In granting an exemption, the  
14 board shall consider the nature, volume and significance of the  
15 particular type of arrangement, whether the exemption would be  
16 consistent with the policies and purposes of this act and any  
17 other factor it may deem necessary. The board may condition,  
18 limit or restrict any exemption as the board may deem  
19 appropriate.

20 Section 1809. Prohibitions relating to junkets.

21 No junket enterprise or junket representative or person  
22 acting as a junket representative shall:

23 (1) Engage in efforts to collect upon checks that have  
24 been returned by banks or other financial institutions  
25 without full and final payment.

26 (2) Exercise approval authority with regard to the  
27 authorization or issuance of credit pursuant to Chapter 16.

28 (3) Act on behalf of or under any arrangement with a  
29 table game licensee or patron with regard to the redemption,  
30 consolidation or substitution of the patron's check awaiting

1 deposit pursuant to Chapter 16.

2 (4) Individually receive or retain any fee from a table  
3 game patron for the privilege of participating in a junket.

4 (5) Pay for any services, including transportation, or  
5 other items or things of value provided to, or for the  
6 benefit of, any patron participating in a junket except as  
7 provided in this act.

8 Section 1810. Complimentary services.

9 (a) Restrictions on complimentary services.--No table game  
10 licensee shall offer or provide any complimentary services,  
11 gifts, cash or other things or items of value to any person  
12 unless:

13 (1) The complimentary service consists of room, food,  
14 beverage or entertainment expenses provided directly to the  
15 patron and the patron's guests by the table game licensee or  
16 indirectly to the patron and the patron's guests on behalf of  
17 a table game licensee by a third party.

18 (2) The complimentary service consists of documented  
19 transportation expenses provided directly to the patron and  
20 the patron's guests by the table game licensee or indirectly  
21 to the patron and the patron's guests on behalf of a licensee  
22 by a third party as long as the table game licensee complies  
23 with regulations promulgated by the board to ensure that  
24 documented transportation expenses of a patron and the  
25 patron's guests are paid for or reimbursed only once.

26 (3) The complimentary service consists of coins, tokens,  
27 cash or other complimentary items or services provided  
28 through a bus coupon or other complimentary distribution  
29 programs that, notwithstanding the requirements of Chapter  
30 15, shall be filed with the board upon the implementation of

1 the program or maintained pursuant to board regulation.

2 (b) Allowable complimentary service.--Notwithstanding  
3 subsection (a), a table game licensee may offer and provide  
4 complimentary cash or noncash gifts that are not otherwise  
5 included under subsection (a) to any person, provided that  
6 complimentary cash or noncash gifts in excess of \$2,000 per trip  
7 or a greater amount are supported by documentation setting forth  
8 the reason the gift was given to the patron or the patron's  
9 guests, including, where applicable, a patron's player rating.  
10 The documentation supporting complimentary cash or noncash gifts  
11 of \$2,000 or more per trip shall be maintained by the table game  
12 licensee. For the purpose of this subsection, all gifts  
13 presented to a patron and the patron's guests directly by a  
14 table game licensee or indirectly on behalf of a table game  
15 licensee by a third party within any five-day period shall be  
16 considered to have been made during a single trip.

17 (c) Complimentary service account required.--Each table game  
18 licensee shall maintain a regulated complimentary service  
19 account for complimentary services allowed under this section.  
20 The table game licensee shall submit a quarterly report of  
21 account activities and all complimentary services offered or  
22 engaged in by the table game licensee during the immediately  
23 preceding quarter. The report shall:

24 (1) Identify the regulated complimentary services.

25 (2) Provide the costs of the complimentary services.

26 (3) Indicate the number of persons by category of  
27 service who received the complimentary services.

28 (4) Provide any other information the board may require.

29 Section 1811. Prohibition on provision of complimentary  
30 services.

1 (a) General rule.--No applicant for a table game license or  
2 a table game licensee shall provide, directly or indirectly, a  
3 complimentary service or discount to any person, that is other  
4 than the complimentary service or discount provided or offered  
5 to members of the general public in like circumstances.

6 (b) Definition.--As used in subsection (a), the term  
7 "person" means any executive-level public employee or public  
8 official as those terms are defined in section 2701.

## 9 CHAPTER 19

### 10 PROFESSIONAL SERVICES

#### 11 Section 1901. Definitions.

12 The following words and phrases when used in this chapter  
13 shall have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Professional services." Those services rendered to a table  
16 game licensee in this Commonwealth, including, but not limited  
17 to:

- 18 (1) Legal services.
- 19 (2) Advertising or public relations services.
- 20 (3) Engineering services.
- 21 (4) Architectural, landscaping or surveying services.
- 22 (5) Accounting, auditing or actuarial services.
- 23 (6) Security consultant services.
- 24 (7) Computer and information technology services, except  
25 telephone service.

#### 26 Section 1902. Reporting of professional services.

27 (a) Quarterly reports required.--Each holder of a table game  
28 license under this act shall submit a quarterly report to the  
29 board that names each individual, corporation, firm,  
30 partnership, association or other person or entity that

1 furnishes professional services to the licensee. The report  
2 shall be a public record governed by the act of June 21, 1957  
3 (P.L.390, No. 212), referred to as the Right-to-Know Law, and  
4 shall be forwarded to the board on a quarterly basis by  
5 certified mail or electronic mail no later than 20 days after  
6 the end of each quarter, except that legal services shall be  
7 reported in accordance with any rules established for the  
8 reporting of legal services that have been established, or that  
9 may be established, by the Supreme Court of Pennsylvania.

10 (b) Content of report.--The report shall contain the name,  
11 address and any other information the board, through regulation,  
12 may require of each individual, person, corporation, firm,  
13 partnership, association or other entity that furnishes  
14 professional services to the table game licensee during the  
15 reporting quarter. The table game licensee shall not be required  
16 to report the amount of compensation paid to an individual,  
17 person or entity in exchange for furnishing professional  
18 services to the table game licensee.

19 (c) Sanctions.--The board may impose sanctions as provided  
20 in this act on any table game licensee who fails to submit the  
21 professional services report to the board in accordance with  
22 this chapter.

## 23 CHAPTER 20

### 24 AGREEMENTS, LEASES AND CONTRACTS

25 Section 2001. Payments under agreement, lease or contract.

26 (a) Requirement.--Unless otherwise provided in this section,  
27 no agreement shall be lawful that provides for the payment,  
28 however defined, of any direct or indirect interest, percentage  
29 or share of any money or property wagered at a licensed table  
30 game facility, any money or property derived from table game

1 operations or any revenues, profits or earnings of a licensed  
2 table game facility, the following shall apply:

3 (1) Agreements that provide only for the payment of a  
4 fixed sum that is in no way affected by the amount of any of  
5 such money, property, revenues, profits or earnings of a  
6 licensed table game facility shall not be subject to the  
7 provisions of this section, and receipts, rentals or charges  
8 for real property, personal property or services shall not  
9 lose their character as payments of a fixed sum because of  
10 contract, lease or license provisions for adjustments in  
11 charges, rentals or fees on account of changes in taxes or  
12 assessments, cost-of-living index escalations, expansions or  
13 improvement of facilities or changes in services supplied.

14 (2) Agreements between a table game licensee and a  
15 junket enterprise or junket representative licensed,  
16 permitted or qualified in accordance with the applicable  
17 provisions of this act that provide for the compensation of  
18 the junket enterprise or junket representative by the table  
19 game licensee based upon the actual table game activities of  
20 a patron procured or referred by the junket enterprise or  
21 junket representative shall be lawful if filed with the board  
22 prior to the conduct of any junket that is governed by the  
23 agreement.

24 (3) Agreements between a table game licensee and its  
25 employees that provide for table game employee and table game  
26 key employee profit sharing shall be lawful if the agreement  
27 is in writing and filed with the board prior to the effective  
28 date of the agreement. The agreement may be reviewed by the  
29 board under relevant provisions of this act.

30 (4) Agreements to lease a licensed table game facility



1 or the land thereunder and agreements for the complete  
2 management of table game operations in a licensed table game  
3 facility shall not be subject to the provisions of this  
4 section but shall be subject to the applicable provisions of  
5 Chapter 5.

6 (5) Agreements that provide for percentage charges  
7 between a table game licensee and a holding company or  
8 intermediary company of the table game licensee shall be in  
9 writing and filed with the board but shall not be subject to  
10 the provisions of this section.

11 Section 2002. Maintenance of records.

12 Each applicant for a table game license or table game  
13 licensee shall maintain, in accordance with regulations of the  
14 board, a record of each written or unwritten agreement regarding  
15 the realty, construction, maintenance or business of a proposed  
16 or existing table game facility. The requirement to maintain  
17 these records shall apply regardless of whether the applicant  
18 for a table game license or the table game licensee is a party  
19 to the agreement. The agreement may be reviewed by the board on  
20 the basis of reasonableness of its terms, including the terms of  
21 compensation, and of the qualifications of the owners, officers,  
22 employees and directors of any enterprise involved in the  
23 agreement; qualifications shall be reviewed according to the  
24 standards enumerated in Chapter 6. If the board disapproves the  
25 agreement or the owners, officers, employees or directors of any  
26 enterprises involved in the agreement, the board may terminate  
27 the agreement.

28 Section 2003. Termination of agreement by board.

29 Every agreement required to be maintained and every related  
30 agreement, the performance of which is dependent upon the

1 performance of an agreement, shall be deemed to include a  
2 provision stipulating that if the board determines that the  
3 agreement should be terminated pursuant to this section, the  
4 termination shall occur without liability on the part of an  
5 applicant for a table game license or a table game licensee or  
6 any qualified party to the agreement or any related agreement.  
7 Failure expressly to include the provision in the agreement  
8 shall not constitute a defense in any action brought to  
9 terminate the agreement or any related agreement. If the  
10 agreement is not maintained or presented to the board in  
11 accordance with the requirements of this section or in  
12 accordance with regulations promulgated by the board or the  
13 disapproved agreement is not terminated, the board may pursue  
14 any remedy or combination of remedies provided under this act.  
15 Section 2004. Transfer of license.

16 Nothing in this act shall be construed to permit the transfer  
17 of any table game license issued by the board in accordance with  
18 this act, any interest in any table game license or any  
19 certification of compliance or any commitment or reservation.

## 20 CHAPTER 21

### 21 CORPORATE LICENSEES

22 Section 2101. Disposition of securities.

23 (a) Disposition conditional.--The sale, assignment,  
24 transfer, pledge or other disposition of any security issued by  
25 a corporation that holds a table game license issued under this  
26 act is conditional and shall be ineffective if disapproved by  
27 the board.

28 (b) Requirement for certificate evidencing security.--Every  
29 security issued by a corporation that holds a table game license  
30 shall bear, on both sides of the certificate evidencing the

1 security, a statement of the restrictions imposed by this  
2 chapter, except that in the case of a publicly traded  
3 corporation incorporated prior to the effective date of this  
4 act, a statement of restriction shall be necessary only insofar  
5 as certificates are issued by the corporation after the  
6 effective date of this act.

7 (c) Secretary of State.--The Secretary of State shall not  
8 accept for filing any articles of incorporation of any  
9 corporation that includes as a stated purpose the conduct of  
10 table games, or any amendment that adds the conduct of table  
11 games to articles of incorporation previously filed, unless the  
12 articles or amendments have been approved by the board and a  
13 copy of the document evidencing board approval accompanies the  
14 articles or amendments upon presentation for filing with the  
15 Secretary of State.

16 Section 2102. Action upon finding of disqualification.

17 (a) General rule.--If at any time the board finds that an  
18 individual owner or holder of any security of a corporate table  
19 game licensee or of a holding or intermediary company of the  
20 corporate licensee is not qualified under this act and, as a  
21 result, the corporate table game licensee is no longer qualified  
22 to continue as a table game licensee in this Commonwealth, the  
23 board shall, pursuant to the provisions of this act, take any  
24 necessary action to protect the public interest, including the  
25 suspension or revocation of the table game license of the  
26 corporation. If the holding or intermediary company is a  
27 publicly traded corporation and the board finds disqualified any  
28 holder of any security of that corporation who is required to be  
29 qualified under this act, the board shall not take any action  
30 against the table game licensee or the holding or intermediary

1 company with respect to the continued ownership of the security  
2 interest by the disqualified holder if the board finds that:

3 (1) The holding or intermediary company has complied  
4 with the applicable provisions of this act.

5 (2) The holding or intermediary company has made a good  
6 faith effort, including the pursuit of all legal remedies, to  
7 comply with any order of the board requiring the divestiture  
8 of the security interest held by the disqualified holder.

9 (3) The disqualified holder does not have the ability to  
10 control the corporate table game licensee or any holding or  
11 intermediary company of the corporate table game licensee or  
12 to elect one or more members of the board of directors of the  
13 corporation or company that is the holder of a table game  
14 license, the board shall not take any action against such  
15 table game licensee or the holding or intermediary company  
16 with respect to the continued ownership of the security  
17 interest by the disqualified holder.

18 (b) Presumption.--For the purpose of this act, a security  
19 holder shall be presumed to have the ability to control a  
20 publicly traded corporation, or to elect one or more members of  
21 its board of directors, if such holder owns or beneficially  
22 holds 5% or more of the equity securities of such corporation,  
23 unless the presumption of control or ability to elect is  
24 rebutted by clear and convincing evidence.

25 Section 2103. Prohibition upon disqualification.

26 Commencing on the date the board serves notice upon a  
27 corporation that holds a table game license of the determination  
28 of disqualification under section 2102, it shall be unlawful for  
29 the named individual:

30 (1) To receive any dividends or interest from any

1 security.

2 (2) To exercise, directly or indirectly through any  
3 trustee or nominee, any right conferred by the securities.

4 (3) To receive any remuneration in any form from the  
5 corporate table game licensee for services rendered or  
6 otherwise provided to the corporate table game licensee.

7 Section 2104. Reports by public and nonpublicly traded  
8 corporations.

9 After a nonpublicly traded corporation is issued a table game  
10 license under this act, but prior to the issuance or transfer of  
11 any security to any person required to be but not yet issued a  
12 license or qualified in accordance with this act, the  
13 corporation shall file a report of its proposed action with the  
14 board, and shall request the approval of the board for the  
15 transaction. If the board denies the request, the corporation  
16 shall not issue or transfer the security. After a publicly  
17 traded corporation has been issued a table game license, the  
18 corporation shall file a report quarterly with the board that  
19 lists all owners and holders of any security issued by the  
20 corporate table game licensee.

21 Section 2105. Report of changes in corporation.

22 Each corporation that is issued a table game license under  
23 this act shall file a report of any change of its corporate  
24 officers or members of its board of directors with the board. No  
25 officer or director shall be entitled to exercise any powers of  
26 the office to which he was so elected or appointed until  
27 qualified by the board in accordance with this act.

## 28 CHAPTER 22

## 29 EMPLOYMENT

30 Section 2201. Table game facility employment.

1 (a) Licensure or registration required.--A table game  
2 licensee shall not appoint or employ any person in a position  
3 that requires a table game key employee license, table game  
4 employee occupation permit or table game service employee  
5 registration unless the person possesses such current and valid  
6 license, permit or registration authorizing the appointment or  
7 employment.

8 (b) Action upon revocation.--It shall be the duty of each  
9 table game licensee, within 24 hours of receipt of written or  
10 electronically transferred notice of the revocation or  
11 expiration of an employee license, permit or registration, to  
12 terminate the appointment or employment or registration of any  
13 person whose license, permit or registration has expired or been  
14 revoked by the board. A table game licensee shall comply in all  
15 respects with any order of the board imposing limitations or  
16 restrictions upon the terms of employment, appointment or  
17 registration in the course of any investigation or hearing.

18 (c) Restriction on reemployment.--An applicant for or a  
19 holder of a table game key employee license, a table game  
20 employee occupation permit or a table game service registration  
21 whose application is denied or whose license, permit or  
22 registration is revoked, as the case may be, shall not, in  
23 addition to any restrictions imposed by regulations of the board  
24 on a reapplication for a license, permit or registration, be  
25 employed by or provide service to a table game licensee in a  
26 position that does not require a license or permit until five  
27 years have elapsed from the date of the denial or revocation.  
28 The board may authorize reemployment of a revoked employee  
29 license or permit upon good cause shown.

TABLE GAME REVENUE

Section 2301. Accounts and deposits.

(a) Deposits into account.--Each person that is issued a license to operate a table game facility in this Commonwealth in accordance with this act shall, not later than two business days prior to the commencement of table game operations, deposit and maintain a sum of \$2,000,000 in the special account established for each slot machine licensee pursuant to 4 Pa.C.S. § 1401(a) (relating to slot machine licensee deposits). The State Treasurer shall ensure that the deposits required to be made by each table game licensee and made pursuant to this subsection are segregated and separate from deposits made by a slot machine licensee pursuant to 4 Pa.C.S. § 1401(a). The moneys deposited in the special account shall guarantee the payment of funds to the Commonwealth that are payable pursuant to the provisions of this act.

(b) Weekly deposits.--Each table game licensee shall deposit funds into the special account established within the State Treasury in accordance with subsection (a) on a weekly basis equal to the amounts deducted by the department under section 2302. The department shall notify each table game licensee of the amounts deducted. If at any time the amount held in the account attributable to a table game licensee is not sufficient to make the payments required under section 2302, the department shall notify the table game licensee and the licensee, immediately upon receipt of the notification, shall deposit necessary funds into the account as directed by the department.

(c) Return of moneys in account.--The moneys deposited into the special account shall not be returned to a table game licensee unless the table game licensee ceases to conduct table

1 games operations in this Commonwealth and relinquishes all  
2 future rights to operate table games at the licensed table game  
3 facility in this Commonwealth. If all rights are relinquished,  
4 the balance of the money in the special account attributable to  
5 the table game licensee's operation of table games, minus any  
6 unpaid amounts that may be due and payable to the Commonwealth  
7 under this act, shall be returned to the table game licensee.

8 Section 2302. Gross table game revenue deductions.

9 After determining the appropriate assessments for each table  
10 game licensee, the department shall determine costs, expenses or  
11 payments from each account established under section 2301. The  
12 following costs and expenses shall be transferred to the  
13 appropriate agency upon appropriation by the General Assembly:

14 (1) Administrative costs and expenses and any other  
15 costs incurred by the department for performing its duties  
16 under this act as based upon a budget submitted by the  
17 department to, and approved, by the board.

18 (2) The costs and expenses incurred by the board in  
19 carrying out its responsibilities under this act based upon a  
20 budget approved by resolution of the board.

21 (3) The sums necessary to repay any loan made from the  
22 General Fund to the board in connection with the performance  
23 of its duties and responsibilities under this act.

24 (4) Any costs and expenses to be incurred by the  
25 Pennsylvania State Police and the Office of Attorney General  
26 not otherwise reimbursed under this act in carrying out their  
27 respective responsibilities under this act as based upon a  
28 budget submitted by each agency to, and approved, by the  
29 board.

30 Section 2303. Table game tax.



1       (a) Imposition of tax.--A tax to be known as the table game  
2 tax is hereby imposed on each licensed table game entity. The  
3 department shall determine and each licensed table game entity  
4 shall pay a daily tax of 26% and a local share assessment of 2%  
5 of its daily gross table game revenue from table game operations  
6 at each licensed table game facility.

7       (b) Collection and transfer of tax.--The department shall  
8 collect the tax and local share assessment imposed under  
9 subsection (a) and shall transfer the State tax to the special  
10 fund established under 4 Pa.C.S § 1409 (relating to Property Tax  
11 Relief Fund) for the use and purposes of that fund. The local  
12 share assessment shall be deposited in the State Gaming Fund  
13 established under 4 Pa.C.S. § 1403 (relating to establishment of  
14 State Gaming Fund and net slot machine revenue distribution).

15       (c) Use of State tax and local share assessments.--The State  
16 tax imposed under subsection (a) and transferred to the Property  
17 Tax Relief Fund in accordance with subsection (b) shall only be  
18 used for the purpose of property tax and wage tax reduction as  
19 generally expressed by the General Assembly in the act of July  
20 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act,  
21 or by any regulations that may be adopted and promulgated  
22 pursuant to that act or by any amendment to or revision of that  
23 act that may be made by the General Assembly subsequent to the  
24 effective date of this act or by any other law of the General  
25 Assembly subsequently enacted that specifically relates to the  
26 delivery of property tax and wage tax relief to residents of  
27 this Commonwealth and that is enacted by the General Assembly  
28 for the sole purpose of reducing property tax and wage tax. The  
29 local share assessment shall be distributed in accordance with  
30 subsection (d).

1 (d) Transfers and distributions.--The department shall:

2 (1) Transfer the tax and local share assessment imposed  
3 under subsection (a) in accordance with subsection (b).

4 (2) From the local share assessment established in  
5 subsection (a), make quarterly distributions among the  
6 counties hosting a table game facility in accordance with the  
7 following schedule:

8 (i) If the licensed table game facility is also a  
9 Category 1 licensed facility pursuant to 4 Pa.C.S. § 1302  
10 (relating to Category 1 slot machine license) that is  
11 located at a harness racetrack and the county, including  
12 a home rule county, in which the licensed facility is  
13 located, is:

14 (A) A county of the first class: 2% of the  
15 gross table game revenue to the county hosting the  
16 licensed table game facility from each facility.  
17 Notwithstanding any other provision to the contrary,  
18 funds from licensed gaming entities located within a  
19 county of the first class shall not be distributed  
20 outside of a county of the first class.

21 (B) A county of the second class: 2% of the  
22 gross table game revenue to the county hosting the  
23 licensed table game facility from each facility.

24 (C) A county of the second class A: 1% of the  
25 gross table game revenue to the county hosting the  
26 licensed table game facility from each facility. An  
27 additional 1% of the gross table game revenue to the  
28 county hosting the licensed table game facility from  
29 each facility for the purpose of municipal grants  
30 within the county in which the licensee is located.

1 (D) (I) A county of the third class: Except as  
2 provided in subparagraph (ii), 2% of the gross  
3 table game revenue from each licensed table game  
4 facility shall be deposited into a restricted  
5 account established in the Department of  
6 Community and Economic Development to be used  
7 exclusively for grants for health, safety and  
8 economic development projects to municipalities  
9 within the county where the table game facility  
10 is located. Municipalities that are contiguous to  
11 the municipality hosting the licensed table game  
12 facility shall be given priority by the  
13 Department of Community and Economic Development  
14 in the award of grants.

15 (II) If a licensed table game facility is  
16 located in one of two counties of the third class  
17 where a city of the third class is located in  
18 both counties of the third class, the county in  
19 which the licensed table game facility is located  
20 shall receive 1.2% of the gross table game  
21 revenue to be distributed as follows: 20% to the  
22 host city, 30% to the host county and 50% to the  
23 host county for the purpose of making municipal  
24 grants within the county, with priority given to  
25 municipalities contiguous to the host city. The  
26 county of the third class, which includes a city  
27 of the third class that is located in two  
28 counties of the third class and is not the host  
29 county for the licensed facility, shall receive  
30 .8% of the gross table game revenue to be

distributed as follows: 60% to a nonhost city of the third class located solely in the nonhost county in which the host city of the third class is also located or 60% to the nonhost city of the third class located both in the host and nonhost counties of the third class, 35% to the nonhost county and 5% to the nonhost county for the purpose of making municipal grants within the county.

(E) A county of the fourth class: 2% of the gross table game revenue from each licensed table game facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects, job training, community improvement projects, other projects in the public interest and reasonable administrative costs. Notwithstanding the provisions of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross table game revenue from each licensed table game facility shall be deposited into a restricted account established in the

1 Department of Community and Economic Development to  
2 be used exclusively for grants to the county.

3 (G) Any county not specifically enumerated in  
4 clauses (A) through (F), 2% of the gross table game  
5 revenue to the county hosting the licensed table game  
6 facility from each facility.

7 (ii) If the licensed table game facility is also a  
8 Category 1 licensed facility pursuant to 4 Pa.C.S. § 1302  
9 and is located at a thoroughbred racetrack and the county  
10 in which the licensed facility is located is:

11 (A) A county of the first class: 2% of the  
12 gross table game revenue to the county hosting the  
13 licensed table game facility from each facility.  
14 Notwithstanding any other provision to the contrary,  
15 funds from licensed gaming entities located within  
16 the county of the first class shall not be  
17 distributed outside of a county of the first class.

18 (B) A county of the second class: 2% of the  
19 gross table game revenue to the county hosting the  
20 licensed table game facility from each licensed  
21 facility.

22 (C) A county of the second class A: 1% of the  
23 gross table game revenue to the county hosting the  
24 licensed table game facility from each facility and  
25 an additional 1% of the gross table game revenue to  
26 the county hosting the licensed table game facility  
27 from each facility for the purpose of municipal  
28 grants within the county in which the licensee is  
29 located.

30 (D) A county of the third class: 1% of the

1 gross table game revenue to the county hosting the  
2 licensed table game facility from each licensed  
3 facility and an additional 1% of the gross table game  
4 revenue to the county hosting the licensed table game  
5 facility from each licensed table game facility for  
6 the purpose of municipal grants within the county in  
7 which the licensee is located.

8 (E) A county of the fourth class: 2% of the  
9 gross table game revenue from each licensed table  
10 game facility shall be deposited into a restricted  
11 account established by the Department of Community  
12 and Economic Development to be used exclusively for  
13 grants to the county, to economic development  
14 authorities or organizations within the county or  
15 redevelopment authorities within the county for  
16 grants for economic development projects, community  
17 improvement projects, job training, other projects in  
18 the public interest and reasonable administrative  
19 costs. Notwithstanding the Capital Facilities Debt  
20 Enabling Act, grants made under this clause may be  
21 utilized as local matching funds for other grants or  
22 loans from the Commonwealth.

23 (F) Counties of the fifth through eighth  
24 classes: 2% of the gross table game revenue from  
25 each licensed table game facility shall be deposited  
26 into a restricted account established in the  
27 Department of Community and Economic Development to  
28 be used exclusively for grants to the county.

29 (G) Any county not specifically enumerated in  
30 clauses (A) through (F): 2% of the gross table game

1 revenue to the county hosting the licensed table game  
2 facility from each licensed table game facility.

3 (iii) If the table game facility is also a Category  
4 2 licensed facility pursuant to 4 Pa.C.S. § 1304  
5 (relating to Category 2 slot machine license) and if the  
6 county in which the facility is located is:

7 (A) A county of the first class: 2% of the  
8 gross table game revenue to the county hosting the  
9 licensed table game facility from each facility.  
10 Notwithstanding any other provision to the contrary,  
11 funds from licensed table game entities located  
12 within the county of the first class shall not be  
13 distributed outside of a county of the first class.

14 (B) A county of the second class: 2% of the  
15 gross table game revenue to the county hosting the  
16 licensed table game facility from each facility.

17 (C) A county of the second class A: 1% of the  
18 gross table game revenue to the county hosting the  
19 licensed table game facility from each facility. An  
20 additional 1% of the gross table game revenue to the  
21 county hosting the licensed table game facility from  
22 each facility for the purpose of municipal grants  
23 within the county in which the licensee is located.

24 (D) A county of the third class: 1% of the  
25 gross table game revenue to the county hosting the  
26 licensed table game facility from each licensed  
27 facility. An additional 1% of the gross table game  
28 revenue to the county hosting the licensed table game  
29 facility from each facility for the purpose of  
30 municipal grants within the county in which the

1 licensee is located.

2 (D.1) If a licensed facility is located in one  
3 of two counties of the third class where a city of  
4 the third class is located in both counties of the  
5 third class, the county in which the licensed  
6 facility is located shall receive 1.2% of the gross  
7 table game revenue to be distributed as follows: 20%  
8 to the host city, 30% to the host county and 50% to  
9 the host county for the purpose of making municipal  
10 grants within the county, with priority given to  
11 municipalities contiguous to the host city. The  
12 county of the third class, which includes a city of  
13 the third class that is located in two counties of  
14 the third class and is not the host county for the  
15 licensed table game facility, shall receive .8% of  
16 the gross table game revenue to be distributed as  
17 follows: 60% to a nonhost city of the third class  
18 located solely in the nonhost county in which the  
19 host city of the third class is also located or 60%  
20 to the nonhost city of the third class located both  
21 in the host and nonhost counties of the third class;  
22 35% to the nonhost county and 5% to the nonhost  
23 county for the purpose of making municipal grants  
24 within the county.

25 (E) A county of the fourth class: 2% of the  
26 gross table game revenue from each licensed table  
27 game facility shall be deposited into a restricted  
28 account established in the Department of Community  
29 and Economic Development to be used exclusively for  
30 grants to the county, to economic development



1 authorities or organizations within the county or  
2 redevelopment authorities within the county for  
3 grants for economic development projects, community  
4 improvement projects, job training, other projects in  
5 the public interest and reasonable administrative  
6 costs. Notwithstanding the Capital Facilities Debt  
7 Enabling Act, grants made under this clause may be  
8 utilized as local matching funds for other grants or  
9 loans from the Commonwealth.

10 (F) Counties of the fifth class: 2% of the  
11 gross table game revenue from each licensed table  
12 game facility shall be deposited and distributed as  
13 follows:

14 (I) One percent shall be deposited into a  
15 restricted receipts account in the Department of  
16 Community and Economic Development to be used  
17 exclusively for grants within the county for  
18 economic development projects, community  
19 improvement projects and other projects in the  
20 public interest within the county. The amount  
21 distributed under this subclause shall include  
22 reasonable administrative costs.

23 (II) One percent shall be deposited into a  
24 restricted receipts account in the Department of  
25 Community and Economic Development to be used  
26 exclusively for grants within contiguous counties  
27 for economic development projects, community  
28 improvement projects and other projects in the  
29 public interest within contiguous counties. The  
30 amount distributed under this subclause shall

1 include reasonable administrative costs.

2 (G) Any county not specifically enumerated in  
3 clauses (A) through (F): 1% of the gross table game  
4 revenue to the county hosting the licensed table game  
5 facility from each licensed table game facility.

6 (iv) If the licensed table game facility is also a  
7 Category 3 licensed facility pursuant to 4 Pa.C.S. § 1305  
8 (relating to Category 3 slot machine license), 1% of the  
9 gross table game revenue from each facility shall be  
10 deposited into a restricted account established in the  
11 Department of Community and Economic Development to be  
12 used exclusively for grants to the county, to economic  
13 development authorities or redevelopment authorities  
14 within the county for grants for economic development  
15 projects and community improvement projects.

16 (v) Unless otherwise specified, for the purposes of  
17 this paragraph, money designated for municipal grants  
18 within a county, other than a county of the first class  
19 in which a licensed table game facility is located shall  
20 be used to fund grants to the municipality in which the  
21 licensed table game facility is located, to the county in  
22 which the licensed table game facility is located and to  
23 the municipalities that are contiguous to the  
24 municipality in which the facility is located and that  
25 are located within the county in which the licensed table  
26 game facility is located. Grants shall be administered by  
27 the county through its economic development or  
28 redevelopment authority in which the licensed table game  
29 facility is located. Grants shall be used to fund the  
30 costs of human services, infrastructure improvements,

1 facilities, emergency services, health and public safety  
2 expenses. If at the end of a fiscal year uncommitted  
3 funds exist, the county shall pay such uncommitted funds  
4 to the economic development or redevelopment authority of  
5 the county in which the licensed table game facility is  
6 located.

7 (vi) If the licensed table game facility is located  
8 in more than one county, the amount available shall be  
9 distributed on a ratio basis determined by the ratio of  
10 acreage located in each county to the total acreage of  
11 all counties occupied by the licensed facility.

12 (vii) The distributions provided in this paragraph  
13 shall be based upon county classifications in effect on  
14 the effective date of this section. Any reclassification  
15 of counties as a result of a Federal decennial census or  
16 of a State statute shall not apply to this subparagraph.

17 (viii) If any provision of this paragraph is found  
18 to be unenforceable for any reason, the distribution  
19 provided for in the unenforceable provision shall be made  
20 to the county in which the licensed table game facility  
21 is located for the purposes of grants to municipalities  
22 in that county, including municipal grants as specified  
23 in subparagraph (v).

24 (ix) Nothing in this paragraph shall prevent any of  
25 the counties which directly receive a distribution under  
26 this section from entering into intergovernmental  
27 cooperative agreements with other jurisdictions for the  
28 sharing of gross table game revenue.

29 (3) From the local share assessment established in  
30 subsection (b), make quarterly distributions among the

1 municipalities, including home rule municipalities, hosting a  
2 licensed table game facility in accordance with the following  
3 schedule:

4 (i) To a city of the second class hosting a licensed  
5 table game facility or facilities that are not operated  
6 in a Category 3 licensed facility, 1% of the gross table  
7 game revenue or \$5,000,000 annually, whichever is  
8 greater, shall be paid by each licensed table game entity  
9 operating a licensed table game facility in that city. In  
10 the event the revenues generated by the 1% do not meet  
11 the \$5,000,000 minimum specified in this subparagraph,  
12 the department shall collect the remainder of the minimum  
13 amount of \$5,000,000 from each licensed table game entity  
14 operating a licensed table game facility or facilities in  
15 the city and deposit that amount in the city treasury.

16 (ii) To a city of the second class A hosting a  
17 licensed table game facility or facilities that are not  
18 operated in a Category 3 licensed facility, 1% of the  
19 gross table game revenue or \$5,000,000 annually,  
20 whichever is greater, shall be paid by each licensed  
21 table game entity operating a licensed table game  
22 facility located in that city, subject, however, to the  
23 budgetary limitation in this subparagraph. The amount  
24 allocated to the designated municipalities shall not  
25 exceed 50% of their total budget for fiscal year 2007-  
26 2008, adjusted for inflation in subsequent years by an  
27 amount not to exceed an annual cost-of-living adjustment  
28 calculated by applying the percentage change in the  
29 Consumer Price Index, immediately prior to the date the  
30 adjustment is due to take effect. Any remaining moneys

1 shall be collected by the department from each licensed  
2 table game entity and distributed in accordance with  
3 paragraph (2) based upon the classification of the county  
4 where the licensed table game facility or facilities are  
5 located. In the event that the revenues generated by the  
6 1% do not meet the \$5,000,000 minimum specified in this  
7 subparagraph, the department shall collect the remainder  
8 of the minimum amount of \$5,000,000 from each licensed  
9 table game entity operating a licensed table game  
10 facility in the city, pay any balance due to the city and  
11 transfer any remaining balance in accordance with  
12 paragraph (2).

13 (iii) To a city of the third class hosting a  
14 licensed table game facility or facilities that are not a  
15 Category 3 licensed facility, 1% of the gross table game  
16 revenue or \$5,000,000 annually, whichever is greater,  
17 shall be paid by each licensed table game entity  
18 operating a licensed table game facility located in that  
19 city, subject, however, to the budgetary limitation in  
20 this subparagraph. In the event that the city has  
21 executed a written agreement with the licensed table game  
22 entity prior to the effective date of this act, the  
23 amount paid pursuant to the written agreement to the city  
24 shall be applied and credited to the difference between  
25 1% of gross table game revenue and the \$5,000,000 owed  
26 under this subparagraph, if the 1% of the gross table  
27 game is less than \$5,000,000. If 1% of the gross table  
28 game revenue is greater than the \$5,000,000 required to  
29 be paid under this subparagraph, the credit shall not  
30 apply. The amount of gross table game revenue required to

1 be paid pursuant to the agreement shall be deemed to be  
2 gross terminal revenue for the purposes of this  
3 subparagraph. The amount allocated to the designated  
4 municipalities shall not exceed 50% of their total budget  
5 for fiscal year 2007-2008, adjusted for inflation in  
6 subsequent years by an amount not to exceed an annual  
7 cost-of-living adjustment calculated by applying the  
8 percentage change in the Consumer Price Index,  
9 immediately prior to the date the adjustment is due to  
10 take effect. Any remaining moneys shall be collected by  
11 the department from each licensed table game entity and  
12 distributed in accordance with paragraph (2) based upon  
13 the classification of the county where the licensed table  
14 game facility is located. In the event that the revenues  
15 generated by the 1% do not meet the \$5,000,000 minimum  
16 specified in this subparagraph, the department shall  
17 collect the remainder of the minimum amount of \$5,000,000  
18 from each licensed table game entity operating a licensed  
19 table game facility or facilities in the city, pay any  
20 balance due to the city of the third class and transfer  
21 any remainder in accordance with paragraph (2).

22 (iii.1) If a licensed table game facility is located  
23 in a city of the third class and the city is located in  
24 more than one county of the third class, 1% of the gross  
25 table game revenue or \$5,000,000 annually, whichever is  
26 greater, shall be distributed as follows: 80% to the  
27 host city and 20% to the city of the third class located  
28 solely in the nonhost county in which the host city of  
29 the third class is also located. If a licensed table game  
30 facility is located in a city of the third class and that

1 city is located solely in a host county of the third  
2 class in which a nonhost city of the third class is also  
3 located, 1% of gross table game revenues or \$5,000,000  
4 annually, whichever is greater, shall be distributed as  
5 follows: 80% to the host city and 20% to a city of the  
6 third class located both in a nonhost county of the third  
7 class and in a host county of the third class and in a  
8 host county of the third class in which the host city of  
9 the third class is located.

10 (iv) To a township of the first class hosting a  
11 licensed table game facility or facilities that are not  
12 operated in a Category 3 licensed facility, 1% of the  
13 gross table game revenue or \$5,000,000 annually,  
14 whichever is greater, shall be paid by each licensed  
15 table game entity operating a licensed table game  
16 facility or facilities located in the township, subject,  
17 however, to the budgetary limitation in this  
18 subparagraph. The amount allocated to the designated  
19 municipalities shall not exceed 50% of their total budget  
20 for fiscal year 2007-2008, adjusted for inflation in  
21 subsequent years by an amount not to exceed an annual  
22 cost-of-living adjustment calculated by applying the  
23 percentage change in the Consumer Price Index immediately  
24 prior to the date the adjustment is due to take effect.  
25 Any remaining money shall be collected by the department  
26 from each licensed table game entity and distributed in  
27 accordance with paragraph (2) based upon the  
28 classification of the county where the licensed table  
29 game facility or facilities are located. In the event  
30 that the revenues generated by the 1% do not meet the

1       \$5,000,000 minimum specified in this subparagraph, the  
2       department shall collect the remainder of the minimum  
3       amount of \$5,000,000 from each licensed table game entity  
4       operating a licensed table game facility in the township,  
5       pay any balance due to the township and transfer any  
6       remainder in accordance with paragraph (2).

7       (v) To a township of the second class hosting a  
8       licensed table game facility or facilities that are not  
9       operated in a Category 3 licensed facility, 1% of the  
10      gross table game revenue or \$5,000,000 annually,  
11      whichever is greater, shall be paid by each licensed  
12      table game entity operating a licensed table game  
13      facility or facilities in the township, subject, however,  
14      to the budgetary limitation in this subparagraph. The  
15      amount allocated to the designated municipalities shall  
16      not exceed 50% of their total budget for fiscal year  
17      2007-2008, adjusted for inflation in subsequent years by  
18      an amount not to exceed an annual cost-of-living  
19      adjustment calculated by applying the percentage change  
20      in the Consumer Price Index immediately prior to the date  
21      the adjustment is due to take effect. Any remaining money  
22      shall be collected by the department from each licensed  
23      table game entity and distributed in accordance with  
24      paragraph (2) based upon the classification of the county  
25      where the licensed table game facility or facilities are  
26      located. Where the licensed table game facility is other  
27      than a Category 3 facility and is located in more than  
28      one second class township, the county commissioners of  
29      the county of the third class in which the table game  
30      facility or facilities are located shall appoint an



1 advisory committee for the purpose of advising the county  
2 as to the need for municipal grants for health, safety,  
3 transportation and other projects in the public interest  
4 to be comprised of two individuals from the host  
5 municipality, two from contiguous municipalities within  
6 the county of the third class and one from the host  
7 county. A county other than a county of the third class  
8 in which the licensed table game facility or facilities  
9 are located shall not be required to appoint an advisory  
10 committee and may use gross table game revenue received  
11 under this subparagraph for purposes other than municipal  
12 grants. In the event that the revenues generated by the  
13 1% do not meet the \$5,000,000 minimum specified in this  
14 subparagraph, the department shall collect the remainder  
15 of the minimum amount of \$5,000,000 from each licensed  
16 table game entity operating a licensed table game  
17 facility or facilities in the township, pay any balance  
18 due to the township and transfer any remainder in  
19 accordance with paragraph (2).

20 (vi) To a borough hosting a licensed table game  
21 facility or facilities that are not operated in a  
22 Category 3 licensed facility, 1% of the gross table game  
23 revenue or \$5,000,000 annually, whichever is greater,  
24 shall be paid by each licensed table game entity  
25 operating a licensed facility or facilities in that  
26 borough, subject, however, to the budgetary limitation in  
27 this subparagraph. The amount allocated to the designated  
28 municipalities shall not exceed 50% of their total budget  
29 for fiscal year 2007-2008, adjusted for inflation in  
30 subsequent years by an amount not to exceed an annual

1 cost-of-living adjustment calculated by applying the  
2 percentage change in the Consumer Price Index immediately  
3 prior to the date the adjustment is due to take effect.  
4 Any remaining money shall be collected by the department  
5 from each licensed table game entity and distributed in  
6 accordance with paragraph (2) based upon the  
7 classification of the county where the licensed table  
8 game facility or facilities are located. In the event  
9 that the revenues generated by the 1% do not meet the  
10 \$5,000,000 minimum specified in this subparagraph, the  
11 department shall collect the remainder of the minimum  
12 amount of \$5,000,000 from each licensed table game entity  
13 operating the licensed table game facility or facilities  
14 in the borough, pay any balance due to the borough and  
15 transfer any remainder in accordance with paragraph (2).

16 (vii) To an incorporated town hosting a licensed  
17 table game facility or facilities that are not operated  
18 in a Category 3 licensed facility, 1% of the gross table  
19 game revenue or \$5,000,000 annually, whichever is  
20 greater, shall be paid by each licensed table game entity  
21 operating a licensed table game facility located in the  
22 town, subject, however, to the budgetary limitation in  
23 this subparagraph. The amount allocated to the designated  
24 municipalities shall not exceed 50% of their total budget  
25 for fiscal year 2007-2008, adjusted for inflation in  
26 subsequent years by an amount not to exceed an annual  
27 cost-of-living adjustment calculated by applying the  
28 percentage change in the Consumer Price Index immediately  
29 prior to the date the adjustment is due to take effect.

30 Any remaining money shall be collected by the department

1 from each licensed table game entity and distributed in  
2 accordance with paragraph (2) based upon the  
3 classification of the county where the licensed table  
4 game facility or facilities are located. In the event  
5 that the revenues generated by the 1% do not meet the  
6 \$5,000,000 minimum specified in this subparagraph, the  
7 department shall collect the remainder of the minimum  
8 amount of \$5,000,000 from each licensed table gaming  
9 entity operating a licensed table game facility or  
10 facilities in the incorporated town, pay any balance due  
11 to the town and transfer any remainder in accordance with  
12 paragraph (2).

13 (viii) To a municipality of any class hosting a  
14 Category 3 facility, 1% of the gross table game revenue  
15 from the Category 3 licensed table game facility located  
16 in the municipality, subject, however, to the budgetary  
17 limitation in this subparagraph. The amount allocated to  
18 the designated municipalities shall not exceed 50% of  
19 their total budget for fiscal year 2007-2008, adjusted  
20 for inflation in subsequent years by an amount not to  
21 exceed an annual cost-of-living adjustment calculated by  
22 applying the percentage change in the Consumer Price  
23 Index immediately prior to the date the adjustment is due  
24 to take effect. Any remaining money shall be collected by  
25 the department from each Category 3 licensed table game  
26 entity and distributed in accordance with paragraph (2)  
27 based upon classification of the county where the  
28 licensed Category 3 table game facility or facilities are  
29 located.

30 (ix) Any municipality not specifically enumerated in

subparagraphs (i) through (viii), 1% of the gross table game revenue to the municipality hosting the licensed table game facility from each such licensed facility.

(x) If the licensed table game facility is located in more than one municipality, the amount available shall be distributed on a pro rata basis determined by the ratio of acreage located in each municipality to the total acreage of all municipalities occupied by the licensed table game facility.

(xi) If the licensed table game facility is located at a resort that is also an incorporated municipality, the municipality shall not be eligible to receive any distribution under this paragraph. The distribution it would have otherwise been entitled to under this paragraph shall instead be distributed in accordance with paragraph (2) based upon the county where the licensed table game facility is located.

(xii) The distributions provided in this paragraph shall be based upon municipal classifications in effect on the effective date of this section. For the purposes of this paragraph, any reclassification of municipalities as a result of a Federal decennial census or of a State statute shall not apply to this paragraph.

(xiii) If any provision of this paragraph is found to be unenforceable for any reason, the distribution provided for in the unenforceable provision shall be made to the municipality in which the licensed table game facility is located.

(xiv) Nothing in this paragraph shall prevent any of the above municipalities from entering into

1 intergovernmental cooperative agreements with other  
2 jurisdictions for sharing of local share from gross table  
3 game revenue.

4 (xv) Notwithstanding any other law, agreement or  
5 provision of this act to the contrary, all table game  
6 revenue provided, directed or earmarked under this  
7 section to or for the benefit of a city of the second  
8 class in which an intergovernmental cooperation authority  
9 has been established and is in existence pursuant to the  
10 act of February 12, 2004 (P.L.73, No.11), known as the  
11 Intergovernmental Cooperation Authority Act for Cities of  
12 the Second Class, shall be directed to and under the  
13 exclusive control of such intergovernmental cooperation  
14 authority to be used:

15 (A) To reduce the debt of the second class city.

16 (B) To increase the level of funding of the  
17 municipal pension funds of the second class city.

18 (C) For any other purposes as determined to be  
19 in the best interest of the city of the second class  
20 by the intergovernmental cooperation authority. Gross  
21 table game revenues shall not be directed to or under  
22 the control of such city of the second class or any  
23 coordinator appointed pursuant to the act of July 10,  
24 1987 (P.L.246, No.47), known as the Municipalities  
25 Financial Recovery Act, for a city of the second  
26 class.

27 (e) Consumer Price Index.--For purposes of subsection (d),  
28 any reference to the Consumer Price Index shall mean the  
29 Consumer Price Index for the Pennsylvania, New Jersey, Delaware  
30 and Maryland area for the most recent 12-month period for which

1 figures have been officially reported by the United States  
2 Department of Labor, Bureau of Labor Statistics.

3 Section 2304. Distribution to Pennsylvania Race Horse  
4 Development Fund.

5 (a) Distributions.--Each licensed table game entity shall  
6 pay a daily assessment of 6% of its daily gross table game  
7 revenue to the Pennsylvania Race Horse Development Fund  
8 established under 4 Pa.C.S. § 1405 (relating to Pennsylvania  
9 Racehorse Development Fund). The daily assessment required to be  
10 paid under this section shall be allocated as follows:

11 (1) Eighty percent of the daily assessment shall be  
12 deposited weekly in the interest-bearing purse account  
13 established under 4 Pa.C.S. § 1406(a)(1)(i) (relating to  
14 distributions from Pennsylvania Race Horse Development Fund).

15 (2) Twenty percent of the daily assessment shall be  
16 allocated to the horsemen's organization for programs for the  
17 benefit of horsemen of this Commonwealth as provided under 4  
18 Pa.C.S. § 1406(a)(1)(iii).

19 (b) Use of funds.--Funds deposited in the Pennsylvania Race  
20 Horse Development Fund under subsection (a) shall be distributed  
21 and used in accordance with the requirements of 4 Pa.C.S. §§  
22 1405 and 1406. In no case shall the funds distributed pursuant  
23 to this subsection be used for any purpose other than the  
24 purposes provided under 4 Pa.C.S. § 1406(a)(1)(i) and (iii) and  
25 recipients of such funds shall be subject to the same  
26 guidelines, eligibility requirements, audits, contract  
27 requirements and penalties provided in 4 Pa.C.S. § 1406.

28 CHAPTER 24

29 ADMINISTRATION AND ENFORCEMENT

30 Section 2401. Authority and responsibility of department.

1 (a) General duties.--The department shall have the authority  
2 to collect the taxes and the local share assessment imposed  
3 under this act and interest imposed pursuant to section 806 of  
4 the act of April 7, 1929 (P.L.343, No.176), known as the Fiscal  
5 Code. The department shall have the authority to prescribe the  
6 forms and the systems of accounting and recordkeeping that shall  
7 be deployed and, through its representatives, shall at all times  
8 have power of access to and examination and audit of any and all  
9 records relating to the table game tax and local share  
10 assessment imposed and collected under section 2303.

11 (b) Inspections.--The department shall have the authority,  
12 without notice, to inspect, examine, audit and impound all  
13 books, records, ledgers and documents pertaining to the  
14 financial affairs of a table game licensee's table game  
15 activities.

16 (c) Regulations.--In collaboration with the board, the  
17 department may promulgate regulations to carry out its duties  
18 under this section.

19 Section 2402. Powers and duties of bureau.

20 The bureau shall have the following powers and duties:

21 (1) Investigate all applications for a license, permit  
22 or registration under this act promptly and in reasonable  
23 order as directed by the board.

24 (2) Provide the board with all information necessary for  
25 all action related to an application for a license, permit or  
26 registration under this act and for all proceedings involving  
27 administrative enforcement of this act.

28 (3) Investigate the qualifications of each applicant  
29 before any license, permit or registration is issued under  
30 this act.

1           (4) Investigate the circumstances surrounding any act or  
2 transaction for which board approval or qualification is  
3 required.

4           (5) Investigate administrative violations of this act  
5 and regulations promulgated under this act.

6           (6) Initiate administrative proceedings before the board  
7 for violations of any provisions of this act or regulations  
8 promulgated pursuant to this act as the board may request.

9           (7) Conduct continuing review of table game operations  
10 through on-site visits and other reasonable means to ensure  
11 compliance with this act and regulations of the board.

12           (8) Receive and take appropriate action on any referral  
13 from the board relating to any evidence of a violation of  
14 this act or regulations promulgated by the board.

15           (9) Conduct audits of table game operations at a time,  
16 under such circumstances, and to the extent the bureau  
17 determines, including audit reviews of accounting,  
18 administrative and financial records and management control  
19 systems, procedures and records utilized by a licensee.

20           (10) Conduct administrative inspections of the premises  
21 of a licensed table game facility to ensure compliance with  
22 this act and the regulations of the board and, in the course  
23 of such inspections, review and make copies of all documents  
24 and records that may be required through on-site observation  
25 and other reasonable means to ensure continual compliance  
26 with this act and regulations promulgated under this act.

27           (11) Refer all suspected criminal violations to the  
28 Pennsylvania State Police for investigation or the Office of  
29 Attorney General and cooperate fully in the investigation and  
30 prosecution of any criminal violation that may arise under



1       this act.

2           (12) Request and receive information, materials and any  
3       other data for any licensee, permittee or registrant, or  
4       applicant for a license, permit or registration under this  
5       act.

6           (13) Inspect and examine all premises in which table  
7       games are conducted or table game devices, apparatuses,  
8       supplies or equipment is manufactured, sold, distributed,  
9       repaired or serviced, or in which any records of these  
10      activities are prepared or maintained.

11          (14) Report to the board recommendations that promote  
12      more efficient operations of the bureau.

13   Section 2403. Duties of Pennsylvania State Police.

14      It shall be the duty of the Pennsylvania State Police to:

15          (1) Promptly investigate all applicants, licensees,  
16      permittees or registrants as may be directed by the board.  
17      The Pennsylvania State Police may contract with other law  
18      enforcement annuitants to assist in the conduct of  
19      investigations under this paragraph.

20          (2) Initiate proceedings for any criminal violations of  
21      this act or regulations promulgated under this act.

22          (3) Provide the board with all the information necessary  
23      for any action under this act for all proceedings involving  
24      criminal enforcement of this act or regulations promulgated  
25      under this act.

26          (4) When warranted for a suspected violation of this  
27      act, inspect all equipment, apparatuses, devices and supplies  
28      in, about, upon or around the premises where table games are  
29      conducted.

30          (5) When warranted for a suspected violation of this

1 act, seize summarily and remove any equipment, apparatuses,  
2 devices or supplies from the premises where table games are  
3 conducted and impound the same for the purposes of  
4 examination and inspection.

5 (6) When warranted for a suspected violation of this  
6 act, inspect, examine and audit all books, records and  
7 documents pertaining to a table game licensee's operation.

8 (7) When warranted for a suspected violation of this  
9 act, seize, impound or assume physical control of any book,  
10 record, ledger, game, device, apparatus, equipment, cash box  
11 or drop box and its contents, counting room equipment or any  
12 other device used in the conduct of table games.

13 (8) When warranted for a suspected violation of this  
14 act, inspect the person and personal effects present in a  
15 table game facility of any holder of a license, permit or  
16 registration issued under this act while that person is  
17 present in the licensed facility.

18 (9) Enforce any criminal violations of this act.

19 (10) Fingerprint applicants for licenses, permits and  
20 registrations under this act.

21 (11) Exchange fingerprint data with and receive national  
22 criminal history record information from the Federal Bureau  
23 of Investigation or from a similar law enforcement agency of  
24 any foreign jurisdiction for use in the investigation of  
25 applicants for any license, permit or registration under this  
26 act. Nothing in this act shall be construed to prohibit the  
27 Pennsylvania State Police from entering into reciprocal  
28 agreements with other gaming jurisdictions, foreign or  
29 domestic, for the receipt and exchange of fingerprint data.

30 (12) Receive and take appropriate action on any referral

1 or request from the board relating to criminal conduct or a  
2 suspected violation of this act.

3 (13) Require the production of any information, material  
4 or other data from any applicant, licensee, permittee or  
5 registrant.

6 Section 2404. Inspections.

7 (a) Authority to inspect.--The bureau and the Pennsylvania  
8 State Police and employees and agents of the bureau and  
9 Pennsylvania State Police shall have the authority, without  
10 notice and without warrant, to:

11 (1) Inspect and examine all premises where table games  
12 are conducted or where table game equipment, apparatuses,  
13 devices and supplies are manufactured, sold, distributed,  
14 serviced or repaired or where any records of these activities  
15 are prepared or maintained.

16 (2) Inspect all table game equipment, apparatuses,  
17 devices and supplies in, about or around such premises  
18 referenced in paragraph (1).

19 (3) Seize and remove from such premises referenced in  
20 paragraph (1), any table game equipment, apparatuses, devices  
21 and supplies for the purpose of examination and inspection.

22 (4) Inspect, examine and audit all books, records and  
23 documents pertaining to a table game licensee's table game  
24 operations and activities.

25 (5) Seize, impound or assume physical control of any  
26 book, record, ledger, game device, cash box and its contents,  
27 counting room or its equipment or lockbox and its contents.

28 (6) Make administrative inspections when appropriate to  
29 check for compliance by any applicant for a license,  
30 licensee, permittee, registrant, intermediary company,

1 subsidiary or holding company with this act and regulations  
2 promulgated pursuant to this act and to investigate  
3 violations thereof.

4 (b) Warrantless searches.--Nothing in this chapter shall be  
5 construed to prohibit or limit warrantless inspections by the  
6 Pennsylvania State Police except in accordance with  
7 constitutional requirements or to prevent entries and  
8 administrative inspections, including seizure of property,  
9 without a warrant as follows:

10 (1) With the consent of the licensee, operator or agent  
11 in charge of the premises.

12 (2) In situations presenting imminent danger to public  
13 health or safety.

14 (3) In situations involving inspection of conveyances  
15 where there is reasonable cause to believe that the mobility  
16 of the conveyance makes it impractical to obtain a warrant or  
17 in any other exceptional or emergency circumstance where time  
18 or opportunity to apply for a warrant is lacking.

19 (4) In accordance with this act or regulations  
20 promulgated pursuant to this act.

21 (5) In any other situations where a warrant is not  
22 constitutionally required.

23 (c) Administrative warrants.--To effectuate the purposes of  
24 this act, the bureau and the Pennsylvania State Police may  
25 obtain administrative warrants for the inspection and seizure of  
26 property possessed, controlled, bailed or otherwise held by an  
27 applicant for a table game licensee, a licensee, permittee,  
28 registrant or an intermediary, subsidiary, affiliate or holding  
29 company.

30 (d) Information sharing.--With respect to the

1 administration, supervision and enforcement of this act, the  
2 bureau, the Pennsylvania State police or the Office of Attorney  
3 General may obtain or provide pertinent information regarding  
4 applicants for a table game license, permit or registration from  
5 or to law enforcement agencies or casino or gaming authorities  
6 of the Commonwealth and other domestic and foreign  
7 jurisdictions, including the Federal Bureau of Investigation or  
8 similarly situated law enforcement agencies of foreign  
9 jurisdictions, and may transmit the information to these  
10 agencies electronically.

11 CHAPTER 25

12 PROHIBITIONS

13 Section 2501. Prohibitions.

14 (a) Prohibitions.--It shall be unlawful:

15 (1) To willfully fail to report, pay or truthfully  
16 account for and pay any fee or tax imposed under this act or  
17 willfully attempt in any manner to evade or defeat payment of  
18 any fee or tax imposed under this act.

19 (2) To permit table games to be conducted, operated,  
20 dealt or carried on in a licensed table game facility by a  
21 person other than a person licensed pursuant to this act.

22 (3) To carry on or expose for play any authorized table  
23 game after a license has expired and prior to the actual  
24 renewal of an expired license.

25 (4) To knowingly conduct, carry on, operate, deal or  
26 allow for the conducting, carrying on, operating or dealing  
27 of any cheating game, device or apparatus.

28 (5) To knowingly deal, conduct, carry on, operate or  
29 expose for play any game or games played with cards, dice or  
30 any device or apparatus, or any combination of games, devices

1 or apparatuses that have in any manner been marked or  
2 tampered with or placed in a condition or operated in a  
3 manner the result of which tends to deceive the public or  
4 tends to alter the normal random selection of characteristics  
5 or the normal chance of the game that could determine or  
6 alter the result of the game.

7 (6) To knowingly use or possess any marked cards, loaded  
8 dice or plug or to tamper with any table game equipment,  
9 apparatus or device.

10 (7) To work in or be employed by a licensed table game  
11 facility without obtaining the required license, permit or  
12 registration.

13 (8) For a table game licensee to employ or continue to  
14 employ an individual not duly licensed, permitted or  
15 registered in accordance with this act.

16 (9) For an applicant or person or other entity licensed  
17 or permitted by or registered with the board to employ or  
18 offer to employ any person who is prohibited from accepting  
19 employment from a table game licensee or applicant for a  
20 table game license or a table game service industry licensee  
21 or applicant for a table game service industry license or any  
22 holding or intermediary company of the table game licensee or  
23 applicant for a table game license or of a table game service  
24 industry or applicant for a table game service industry  
25 license.

26 (10) To notify a person involved in a suspicious  
27 transaction that the suspicious transaction has been reported  
28 to the board or the bureau.

29 Section 2502. Reports of suspicious transactions.

30 (a) Reports required.--

1           (1) The holder of any table game license, permit or  
2 registration under this act or any person acting on behalf of  
3 the holder of a table game license, permit or registration  
4 shall file a report of any suspicious transaction with the  
5 bureau.

6           (2) For the purpose of this subsection, the term  
7 "suspicious transaction" shall mean the acceptance of cash or  
8 the redeeming of chips or markers, if the licensee, permittee  
9 or registrant or person knows or suspects that the amount of  
10 the transaction:

11               (i) Involves funds derived from illegal activities  
12 or is intended or conducted in order to conceal or  
13 disguise funds or assets derived from legal activities.

14               (ii) Is part of a plan to violate or evade any law  
15 or regulation or to avoid any transaction reporting  
16 requirement under the law or regulations of this  
17 Commonwealth or the United States, including a plan to  
18 structure a series of transactions to avoid any  
19 transaction reporting requirement under the laws or  
20 regulations of the Commonwealth or the United States.

21               (iii) Has no business or other apparent lawful  
22 purpose or is not the sort of transaction in which a  
23 person normally would be expected to engage and the  
24 licensee or person knows of no reasonable explanation for  
25 the transaction after examining the available facts,  
26 including the background and possible purpose of the  
27 transaction.

28           (b) Failure to report suspicious transactions.--A table game  
29 licensee, permittee or registrant or person acting on behalf of  
30 a licensee or a permittee or registrant under this act who

1 knowingly fails to file a report of a suspicious transaction or  
2 who knowingly causes any other person having the responsibility  
3 to report a suspicious transaction to fail to file a report  
4 shall be subject to the sanctions set forth under this act.

5 (c) Records of suspicious transaction.--The bureau shall  
6 maintain a record of all reports of suspicious transactions for  
7 a period of five years. The bureau shall make the reports  
8 available to any Federal or State law enforcement agency upon  
9 written request and without the necessity of subpoena. The board  
10 shall promulgate regulations to effectuate the implementation of  
11 the reporting requirements of this subsection. The board may  
12 determine that compliance with applicable Federal reporting  
13 requirements, as may be adopted, revised or amended from time to  
14 time, satisfies the reporting requirements of this subsection.

15 (d) Immunity from civil liability.--Any person required to  
16 file a report of a suspicious transaction pursuant to subsection  
17 (a) who in good faith files the report shall not be liable in  
18 any civil action brought by any person for making the report,  
19 regardless of whether the transaction is later determined to be  
20 suspicious.

21 Section 2503. Specific offenses relating to table games and  
22 penalties.

23 (a) Swindling and cheating.--

24 (1) A person commits the offense of swindling and  
25 cheating if the person purposely or knowingly by any trick or  
26 sleight of hand performance or by fraud or fraudulent scheme,  
27 cards, dice or device, for himself or for another, wins or  
28 attempts to win money or property or a representative of  
29 either or reduces a losing wager or attempts to reduce a  
30 losing wager in connection with a table game.



1           (2) Swindling and cheating as described in subsection  
2           (a)(1) constitutes a single offense; however, each episode,  
3           occurrence or transaction may be the subject of a separate  
4           prosecution and conviction. A charge of swindling and  
5           cheating may be supported by evidence that it was committed  
6           in a manner that would constitute swindling and cheating  
7           under this subsection, notwithstanding the specification of a  
8           different manner in the indictment or accusation, subject  
9           only to the power of the court to ensure a fair trial by  
10          granting a bill or particulars, discovery, continuance or  
11          other appropriate relief when the conduct of the defense  
12          would be prejudiced by a lack of fair notice or by surprise.

13          (3) Swindling and cheating constitutes a felony of the  
14          third degree regardless of the amount involved.

15          (b) Use of certain devices prohibited.--

16               (1) A person commits a misdemeanor of the third degree  
17               if, in playing an authorized table game, the person uses, or  
18               assists another in the use of a computerized, electronic,  
19               electrical or mechanical device that is designed, constructed  
20               or programmed specifically for use in obtaining an advantage  
21               at playing any authorized table game in a table game facility  
22               in this Commonwealth, unless the advantage obtained can be  
23               assessed as providing a monetary value or loss of \$50,000 or  
24               greater, in which case the offense shall be a misdemeanor of  
25               the first degree.

26               (2) Any computerized, electronic, electrical or  
27               mechanical device used in violation of paragraph (1) shall be  
28               considered prima facie contraband and shall be subject to  
29               forfeiture.

30          (c) Publication of notice.--Each table game licensee shall

1 conspicuously post, in the licensed table game facility, notices  
2 of the prohibition against swindling and cheating and the  
3 penalty set forth in this section. The notice shall be posted in  
4 a form and manner determined by the board.

5 (d) Unlawful use of bogus chips or gaming billets, marked  
6 cards, loaded dice or cheating devices.--

7 (1) It shall be unlawful for any person playing any  
8 authorized table game to:

9 (i) Knowingly use bogus or counterfeit chips or  
10 gaming billets, or knowingly substitute and use any cards  
11 or dice that have been marked, loaded or tampered with.

12 (ii) Knowingly use or possess any cheating device  
13 with the intent to cheat or defraud.

14 (iii) Knowingly possess or use while on the premises  
15 of any table game facility any key or device designed for  
16 the purpose of or suitable for opening or entering any  
17 drop box, except that an authorized employee or agent of  
18 a table game licensee or of the board may possess and use  
19 a key or device in the furtherance of the employee's or  
20 agent's employment.

21 (2) A person who violates this subsection commits a  
22 misdemeanor of the third degree.

23 (e) Aiding and abetting.--Any person who aids, abets,  
24 counsels, commands, induces, procures or causes another person  
25 to violate a provision of this act shall be punishable as a  
26 principal and subject to all sanctions and penalties, both civil  
27 and criminal, provided in this act.

28 (f) Possession by employees.--An authorized employee or  
29 agent of a table game licensee or an employee or agent of the  
30 board or bureau may possess and use a cheating or thieving

1 device, counterfeit or altered chip, loaded dice, marked cards  
2 or other such implements, objects or devices only in performance  
3 of the duties of employment.

4 (g) Definition.--As used in this section, the term "cheating  
5 or thieving device" includes, but is not limited to, a device to  
6 facilitate the winning of any table game, including, but not  
7 limited to, any computerized, electronic, electrical, mechanical  
8 or magnetic device or implement.

9 Section 2504. Underage gambling and prohibition.

10 (a) Prohibition.--

11 (1) No individual under 21 years of age shall enter or  
12 wager in a table game facility except that an individual  
13 under 21 years of age may enter a table game facility by way  
14 of passage to another room and an individual 18 years of age  
15 or older who is licensed, permitted or registered under this  
16 act or 4 Pa.C.S. Pt. II (relating to gaming) may enter a  
17 table game facility in the regular course of the individual's  
18 licensed, permitted or registered employment activities. Any  
19 individual under 21 years of age who violates this subsection  
20 commits a summary offense and may, upon conviction:

21 (i) Be fined no less than \$500 nor more than \$1,000.

22 In addition, the court shall suspend or postpone the  
23 issuance of the individual's license to operate a motor  
24 vehicle or learner's permit for six months.

25 (ii) If the individual at the time of imposition of  
26 a sentence pursuant to this subsection is less than 18  
27 years of age and does not hold a driver's license or  
28 junior driver's license, the individual shall not be  
29 eligible to apply for a driver's license or learner's  
30 permit for a period of six months from the day the

1 sentence is imposed or for a period of six months after  
2 the individual reaches 18 years of age.

3 (iii) Upon the conviction of any individual under  
4 this section, the court shall forward a report to the  
5 Department of Transportation stating that the individual  
6 has been convicted of violating this section and  
7 indicating the first and last day of driver's license  
8 suspension, denial or postponement period imposed by the  
9 court pursuant to this subsection.

10 (iv) If an individual at the time of imposition of a  
11 sentence pursuant to this section has a valid driver's  
12 license or junior driver's license issued by this  
13 Commonwealth, the court shall immediately collect the  
14 driver's license or junior driver's license and forward  
15 it to the Department of Transportation with the report  
16 required under subparagraph (iii). If the driver's  
17 license or junior driver's license cannot be collected at  
18 the time the sentence is imposed, the court shall include  
19 in the report the complete name, address, date of birth,  
20 eye color and gender of the individual as well as the  
21 first and last day of the license suspension or  
22 postponement period imposed by the court.

23 (v) The court shall inform the individual orally and  
24 in writing that if the individual is convicted of  
25 operating a motor vehicle during the period of the  
26 driver's license or junior driver's license suspension or  
27 postponement under this section, the individual shall be  
28 subject to the penalties set forth in 75 Pa.C.S. § 1532  
29 (relating to suspension of operating privilege).

30 (b) Actions of licensee.--Any licensee or employee of a

1 table game facility who allows an individual under 21 years of  
2 age to remain or wager in a table game facility commits a  
3 misdemeanor of the third degree. The following facts, if  
4 established by the licensee or employee of the licensee, may  
5 constitute a defense to a prosecution under this section:

6 (1) The underage individual falsely represented in  
7 writing that the individual was 21 or over 21 years of age.

8 (2) The appearance of the underage individual was such  
9 that an ordinary prudent person would believe the individual  
10 to be 21 or over 21 years of age.

11 (3) The admission was made in good faith, relying upon  
12 the written representation and appearance of the underage  
13 individual, and in the reasonable belief that the underage  
14 individual was actually at or over 21 years of age.

15 (c) Permitting underage wagering; penalty.--A person who  
16 knowingly allows or permits an individual who is under that  
17 person's lawful care, custody or control and who is under 21  
18 years of age to wager or attempt to wager in a licensed table  
19 game facility in violation of this subsection commits a  
20 misdemeanor of the third degree and, upon conviction, may be  
21 subject to the payment of a fine not exceeding \$2,500 or to a  
22 term of imprisonment, or both.

23 Section 2505. Authority to detain.

24 (a) Authority to detain.--A table game licensee or the  
25 officers, employees or agents of a table game licensee may:

26 (1) Question any individual in the table game facility  
27 reasonably suspected of violating any provision of this act  
28 or any other activity declared unlawful pursuant to this act.  
29 No licensee or its officers, employees or agents shall be  
30 criminally or civilly liable by reason of any questioning or

1 detention authorized under this section.

2 (2) Refuse to allow a person to continue to play table  
3 games or take the person into custody and detain the person  
4 in a reasonable manner for a reasonable period of time to  
5 notify law enforcement if the licensee or its officers,  
6 employees or agents have probable cause to believe that a  
7 person has violated section 2504. The licensee may notify the  
8 board of any detention. The refusal to permit a person to  
9 play table games or the taking into custody and detention  
10 shall not render the licensee or its officers, employees or  
11 agents criminally or civilly liable for false arrest, false  
12 imprisonment, slander or unlawful detention, unless the  
13 refusal or taking into custody or detention is unreasonable  
14 under all of the circumstances.

15 (b) Limitation on immunity.--No table game licensee or any  
16 officers, employees or agents of a table game licensee shall be  
17 entitled to immunity from civil or criminal liability provided  
18 under this section unless there is conspicuously displayed in  
19 the gaming area or areas of a table game facility a notice in  
20 bold face type similar to the following:

21 WARNING: ANY TABLE GAME LICENSEE OR OFFICER, EMPLOYEE OR  
22 AGENT OF A TABLE GAME LICENSEE WHO HAS PROBABLE CAUSE TO  
23 BELIEVE THAT A PERSON IS VIOLATING ANY OF THE PROVISIONS  
24 OF THE TABLE GAME AUTHORIZATION AND CONTROL ACT MAY  
25 DETAIN THE PERSON IN THE ESTABLISHMENT FOR A REASONABLE  
26 PERIOD OF TIME FOR THE PURPOSE OF NOTIFYING APPROPRIATE  
27 LAW ENFORCEMENT AGENCIES.

28 Section 2506. Additional prohibitions and penalties.

29 (a) Criminal offenses.--

30 (1) The provisions of 18 Pa.C.S. § 4902 (relating to

1 perjury), 4903 (relating to false swearing) or 4904 (relating  
2 to unsworn falsification to authorities) shall apply to any  
3 person providing information or making any statement, whether  
4 written or oral, to the board, the bureau, the department,  
5 the Pennsylvania State Police or the Office of Attorney  
6 General, as required by this act.

7 (2) It shall be unlawful for any licensed table game  
8 entity or any employee or key employee of such licensee or  
9 any other person to permit table games to be operated,  
10 transported, repaired or opened on the premises of a licensed  
11 table game facility by a person other than a person licensed,  
12 permitted or registered by the board pursuant to this act.

13 (3) It shall be unlawful for any licensed table game  
14 entity or other person to manufacture, supply or place table  
15 games into play or display table games on the premises of a  
16 licensed facility without the authority of the board.

17 (4) Except as provided for in this act, it shall be  
18 unlawful for a licensed table game entity or other person to  
19 manufacture, supply, operate, carry on or expose for play any  
20 table game after the person's table game license has expired  
21 and prior to the actual renewal of the license.

22 (5) It shall be unlawful for an individual on the  
23 premises of a licensed table game facility to knowingly use  
24 currency other than lawful coin or legal tender of the United  
25 States to play any authorized table game.

26 (6) It shall be unlawful for a table game licensee or an  
27 agent or employee of a table game licensee to possess any  
28 device, apparatus, equipment or supplies that the licensee,  
29 agent or employee knows has been manufactured, distributed,  
30 sold, leased, tampered with, repaired or serviced in

1 violation of this act.

2 (7) It shall be unlawful for an individual to work or be  
3 employed in a position the duties of which would require  
4 licensing, permitting or registering under this act without  
5 first obtaining the requisite license, permit or registration  
6 as provided for in this act.

7 (8) It shall be unlawful for a licensed table gaming  
8 entity that is a licensed racing entity and that has had its  
9 racing license revoked or suspended by either the State Horse  
10 Racing Commission or the State Harness Racing Commission  
11 under the act of December 17, 1981 (P.L.435, No.135), known  
12 as the Race Horse Industry Reform Act, to continue to operate  
13 table games at the racetrack for which its racing license was  
14 issued unless the racing license is or will be subsequently  
15 reissued or reinstated within 60 days after its revocation or  
16 suspension or without approval of the board.

17 (9) It shall be unlawful for a table game licensee to  
18 employ or continue to employ in a position the duties of  
19 which require a license, permit or registration under this  
20 act:

21 (i) An individual not licensed, permitted or  
22 registered under this act.

23 (ii) An individual who is prohibited from accepting  
24 employment from a table game licensee.

25 (10) It shall be unlawful for any person under 18 years  
26 of age to be in any area where table games are operated.

27 (b) Criminal penalties and fines.--

28 (1) (i) A person that violates subsection (a)(1)  
29 commits an offense to be graded in accordance with 18

30 Pa.C.S. § 4902, 4903 or 4904, as applicable, for a first



conviction. A person that is convicted of a second or subsequent violation of subsection (a)(1) commits a felony of the second degree.

(ii) A person that violates subsection (a)(2) through (10) commits a misdemeanor of the first degree. A person that is convicted of a second or subsequent violation of subsection (a)(2) through (10) commits a felony of the second degree.

(2) (i) For a first violation of subsection (a)(1) through (10), a person shall be sentenced to pay a fine of:

(A) No less than \$75,000 nor more than \$150,000 if the person is an individual.

(B) No less than \$300,000 nor more than \$600,000 if the person is a licensed table game entity.

(C) No less than \$150,000 nor more than \$300,000 if the person is a licensed manufacturer, licensed supplier or licensed table game service industry.

(ii) For a second or subsequent violation of subsection (a)(1) through (10), a person shall be sentenced to pay a fine of:

(A) No less than \$150,000 nor more than \$300,000 if the person is an individual.

(B) No less than \$600,000 nor more than \$1,200,000 if the person is a licensed table game entity.

(C) No less than \$300,000 nor more than \$600,000 if the person is a licensed manufacturer, licensed supplier or licensed table game service industry.

Section 2507. Sanctions.

1 (a) Imposition of sanctions.--In addition to any penalty,  
2 fine or term of imprisonment authorized under law or under this  
3 act, the board shall, after hearing, have the authority to  
4 impose the following sanctions upon any person licensed,  
5 permitted or registered under this act:

6 (1) Revoke the license, permit or registration of any  
7 person for the conviction of any criminal offense or for  
8 committing any other offense or violation of this act which  
9 would disqualify the person from holding the license, permit  
10 or registration.

11 (2) Refuse to issue or revoke the license, permit or  
12 registration of any person for willfully and knowingly  
13 violating an order of the board, bureau, Pennsylvania State  
14 Police or the Attorney General.

15 (3) Suspend the license, permit or registration of any  
16 person pending hearing and determination in any case in which  
17 license, permit or registration revocation is authorized.

18 (4) Refuse to issue or suspend the operation certificate  
19 of any table game licensee for a violation of this act or  
20 regulations promulgated under this act relating to the  
21 operation of the licensed table game facility including table  
22 games operations, slot machine operations, internal controls  
23 and security.

24 (5) Assess any civil penalty as may be necessary to  
25 punish misconduct and to deter future violations. The civil  
26 penalty may not exceed \$10,000 in the case of any individual  
27 licensee, permittee or registrant. In the case of a table  
28 game licensee, manufacturer licensee, supplier licensee,  
29 service industry licensee or any applicant for any such  
30 license, the civil penalty may not exceed \$100,000.

1           (6) Order restitution of any moneys or property  
2           unlawfully obtained or retained by an applicant, licensee,  
3           permittee or registrant or any person acting on the behalf of  
4           any licensee, permittee or registrant.

5           (7) Enter a cease and desist order that specifies the  
6           conduct that is to be discontinued, altered or implemented by  
7           the table game applicant, licensee, permittee or registrant.

8           (8) Issue letters of reprimand or censure. The letters  
9           shall be made a permanent part of the file of each applicant,  
10          licensee, permittee or registrant so sanctioned.

11          (9) Impose any or all of the foregoing sanctions in  
12          combination with each other.

13          (b) Considerations for imposition of sanctions.--In  
14          considering appropriate sanctions in a particular case, the  
15          board shall consider:

16                (1) The risk to the public and to the integrity of table  
17                game operations and the gaming industry created by the  
18                conduct of the applicant, licensee, permittee or registrant.

19                (2) The nature and seriousness of the conduct of the  
20                table game licensee, permittee or registrant, and whether the  
21                conduct was purposeful or negligent and with knowledge that  
22                it was in contravention of the provisions of this act or the  
23                regulations promulgated under this act.

24                (3) Any justification or excuse for the conduct by the  
25                applicant, licensee, permittee or registrant.

26                (4) The prior history of the particular licensee,  
27                permittee or registrant involved with respect to table game  
28                activity.

29                (5) The corrective action taken by the applicant,  
30                licensee, permittee or registrant to prevent future

misconduct of a like nature from occurring.

(6) In the case of a monetary penalty, the amount of the penalty in relation to the severity of the misconduct and the financial means of the applicant, licensee, permittee or registrant. The board may impose any schedule or terms of payment of such penalty as it may deem appropriate.

(c) Certain defense not allowed.--It shall be no defense to disciplinary action before the board that an applicant for a table game license or a licensee, permittee, registrant or any intermediary company or holding company of such applicant, licensee, permittee or registrant inadvertently, unintentionally or unknowingly violated a provision of this act. Such factors shall only go to the degree of the penalty to be imposed by the board and not to a finding of a violation itself.

(d) Notification of decision and hearing.--The board shall provide the applicant, licensee, permittee or registrant with written notification of its decision, including a statement of the reasons for its decision by certified mail within five business days of the decision, if the board:

(1) Refuses to issue or renew a license, permit or registration.

(2) Suspends or revokes a license, permit or registration.

(3) Assesses civil penalties.

(4) Orders restitution.

(5) Enters a cease and desist order.

(6) Issues a letter of reprimand or censure.

(e) Hearing.--Any applicant or licensee, permittee or registrant who has received notice of a refusal, suspension or revocation of a license, permit or registration, the assessment

1 of civil penalties, an order of restitution, the entrance of a  
2 cease and desist order or the issuance of a letter of reprimand  
3 or censure from the board shall have the right to an  
4 administrative hearing before the board in accordance with 2  
5 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of  
6 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial  
7 review of Commonwealth agency action).

8 (f) Authority to increase penalty for certain acts.--In  
9 addition to any other fines or penalties that the board may  
10 impose under this act or regulations of the board, if a person  
11 violates section 2501(a)(1) (relating to prohibitions), the  
12 board shall impose an administrative penalty of three times the  
13 amount of the license fee, tax or other assessment evaded and  
14 not paid, collected or paid over. This subsection is subject to  
15 2 Pa.C.S. Ch. 5 Subch. A and Ch. 7 Subch. A.  
16 Section 2508. Continuing offenses.

17 Any violation of this act that is determined to be an offense  
18 of a continuing nature shall be deemed to be a separate offense  
19 on each day during which the violation occurs. Nothing in this  
20 section shall be construed to preclude the commission of  
21 multiple violations of the provisions of this act in any one day  
22 that establish offenses consisting of separate and distinct acts  
23 or violations of the provisions of this act or regulations  
24 promulgated under this act.

25 Section 2509. Property subject to seizure, confiscation,  
26 destruction or forfeiture.

27 Any equipment, device or apparatus, money, material of  
28 gaming, proceeds or substituted proceeds or real or personal  
29 property used, obtained or received or any attempt to use,  
30 obtain or receive such device, apparatus, money, material,

1 proceeds or real or personal property in violation of this act  
2 shall be subject to seizure, confiscation, destruction or  
3 forfeiture.

4 CHAPTER 26

5 RACKETEERING AND CORRUPT ORGANIZATIONS

6 Section 2601. Racketeering and corrupt organizations.

7 (a) Applicability.--Any person or individual subject to the  
8 provisions of this act shall be subject to 18 Pa.C.S. § 911  
9 (relating to corrupt organizations). The prohibited activities  
10 set forth in 18 Pa.C.S. § 911(b) shall apply to any individual  
11 or person, organization or entity subject to the requirements of  
12 this act and to any enterprise that is engaged in activities  
13 that affect table game operations or ancillary industries that  
14 do business with any table game licensee, permittee, registrant  
15 or any other person subject to qualification or approval under  
16 the provisions of this act.

17 (b) Authority of the Attorney General.--The Attorney General  
18 is hereby authorized and empowered to investigate and institute  
19 criminal proceedings for violation of any provision of this act  
20 upon the request of the board, the bureau, the Pennsylvania  
21 State Police or upon its own motion. The Attorney General may  
22 establish a division within the Office of Attorney General to  
23 investigate violations of provisions of this act and any  
24 regulations promulgated pursuant to this act.

25 Section 2602. Racketeering activity.

26 In addition to the meaning given to it under 18 Pa.C.S. §  
27 911(h) (relating to corrupt organizations) and for the purposes  
28 of this act, the term "racketeering activity" shall be further  
29 defined to include any of the following:

30 (1) Any act that is indictable under any of the

1 following provisions of 18 U.S.C. (relating to Crimes and  
2 Criminal Procedure) or under any subsequent amendments or  
3 revisions to 18 U.S.C. that may be enacted after the  
4 effective date of this act:

5 (i) Section 201 (relating to bribery of public  
6 officials and witnesses).

7 (ii) Section 224 (relating to bribery in sporting  
8 contests).

9 (iii) Sections 471 (relating to obligations or  
10 securities of United States) through 509 (relating to  
11 possessing and making plates or stones for Government  
12 transportation requests).

13 (iv) Section 659 (relating to interstate or foreign  
14 shipments by carrier; State prosecutions), if the act  
15 indictable under section 659 is felonious.

16 (v) Section 664 (relating to theft or embezzlement  
17 from employee benefit plan).

18 (vi) Sections 891 (relating to definitions and rules  
19 of construction) through 894 (relating to collection of  
20 extensions of credit by extortionate means).

21 (vii) Section 1084 (relating to transmission of  
22 wagering information; penalties).

23 (viii) Section 1341 (relating to frauds and  
24 swindles).

25 (ix) Section 1343 (relating to fraud by wire, radio,  
26 or television).

27 (x) Section 1503 (relating to influencing or  
28 injuring officer or juror generally).

29 (xi) Section 1510 (relating to obstruction of  
30 criminal investigations).

(xii) Section 1511 (relating to obstruction of State or local law enforcement).

(xiii) Section 1951 (relating to interference with commerce by threats or violence).

(xiv) Section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises).

(xv) Section 1953 (relating to interstate transportation of wagering paraphernalia).

(xvi) Section 1954 (relating to offer, acceptance, or solicitation to influence operations of employee benefit plan).

(xvii) Section 1955 (relating to prohibition of illegal gambling businesses).

(xviii) Sections 2314 (relating to transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting) and 2315 (relating to sale or receipt of stolen goods, securities, moneys, or fraudulent State tax stamps).

(xix) Sections 2421 (relating to transportation generally) through 2424 (relating to filing factual statement about alien individual).

(2) Any act that is indictable under the following provisions:

(i) Section 302 of the Labor Management Relations Act, 1947 (61 Stat. 136, 29 U.S.C. § 186).

(ii) Section 501(c) of the Labor Management Reporting and Disclosure Act of 1959 (Public Law 86-257, 29 U.S.C. § 401 et seq.).

(3) Any offense involving bankruptcy fraud, fraud in the



1 sale of securities, or the felonious manufacture,  
2 importation, receiving, concealment, buying, selling or  
3 otherwise dealing in narcotic or other dangerous drugs,  
4 punishable under any law of the United States. The Attorney  
5 General shall report any suspected racketeering activity  
6 under this section to the United States Department of  
7 Justice.

8 (c) Definition.--Notwithstanding any other provision of law  
9 to the contrary and for the purposes of this act, the definition  
10 of "enterprise" under 18 Pa.C.S. § 911(h) (relating to corrupt  
11 organizations) shall include any enterprise that is engaged in,  
12 or conduct activities that affect table game operations or  
13 ancillary industries that do business with any table game  
14 licensee, permittee or registrant or other licensee or person  
15 required to be qualified under this act.

## 16 CHAPTER 27

### 17 PUBLIC OFFICIALS

18 Section 2701. Financial interest and prohibitions.

19 (a) General rule.--Except as may be provided for the  
20 judiciary by rule or order of the Pennsylvania Supreme Court, an  
21 executive-level public employee, public official or party  
22 officer, or an immediate family member thereof, shall not  
23 intentionally or knowingly hold a financial interest in an  
24 applicant or a table game licensee or a table game manufacturer  
25 licensee, supplier licensee, service industry licensee or  
26 licensed racing entity, or in a holding company, affiliate,  
27 intermediary or subsidiary thereof, while the individual is an  
28 executive-level public employee, public official or party  
29 officer and for one year following termination of the  
30 individual's status as an executive-level public employee,

1 public official or party officer.

2 (b) Employment.--Except as may be provided by rule or order  
3 of the Pennsylvania Supreme Court, no executive-level public  
4 employee, public official or party officer, or an immediate  
5 family member thereof, shall be employed by an applicant or a  
6 table game licensee or a table game manufacturer licensee,  
7 supplier licensee, service industry licensee or licensed racing  
8 entity, or by any holding company, affiliate, intermediary or  
9 subsidiary thereof, while the individual is an executive-level  
10 public employee, public official or party officer and for one  
11 year following termination of the individual's status as an  
12 executive-level public employee, public official or party  
13 officer.

14 (c) Grading.--An individual who violates this section  
15 commits a misdemeanor of the third degree and shall, upon  
16 conviction, be sentenced to pay a fine of not more than \$1,000  
17 or to a term of imprisonment of not more than one year, or both.

18 (d) Divestiture.--An executive-level public employee, public  
19 official or party officer, or an immediate family member  
20 thereof, who holds a financial interest prohibited by this  
21 section shall divest the financial interest within three months  
22 of the effective date of the restrictions set forth in  
23 subsection (a), as applicable. Thereafter, any executive-level  
24 public employee, public official, party officer or immediate  
25 family member shall have 30 days from the date the individual  
26 knew or had reason to know or should have known of the violation  
27 or 30 days from the publication in the Pennsylvania Bulletin of  
28 a complete list of all persons or entities who have applied for  
29 or who hold a table game license or table game manufacturer,  
30 supplier or service industry license and all intermediaries,

1 affiliates, subsidiaries and holding companies thereof. Such  
2 publication shall conform with the requirements of 4 Pa.C.S. §  
3 1202(b)(27) (relating to general and specific powers). The  
4 Ethics Commission may, for good cause, extend the time period  
5 under this subsection.

6 (e) Ethics Commission.--The Ethics Commission shall publish  
7 a list of all State, county, municipal and other government  
8 positions that meet the definitions of "public official" or  
9 "executive-level public employee" under subsection (f). The  
10 Office of Administration shall assist the Ethics Commission in  
11 the development of the list, which shall be published in the  
12 Pennsylvania Bulletin biennially and on the board's Internet  
13 website. Upon request, each public official shall have a duty to  
14 provide the Ethics Commission with adequate information to  
15 accurately develop and maintain the list. The Ethics Commission  
16 may impose a civil penalty under 65 Pa.C.S. § 1109(f) (relating  
17 to penalties) upon any public official or executive-level public  
18 employee who fails to cooperate with the Ethics Commission under  
19 this subsection.

20 (f) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection:

23 "Executive-level public employee." The term shall include  
24 the following:

25 (1) Deputy secretaries of the Commonwealth and the  
26 Governor's Office executive staff.

27 (2) An employee of the Executive Branch with  
28 discretionary power that may affect or influence the outcome  
29 of a State agency's action or decision and who is involved in  
30 the development of regulations or policies relating to a

1 licensed table game entity or who is involved in other  
2 matters under this chapter. The term shall include an  
3 employee with law enforcement authority.

4 (3) An employee of a county or municipality with  
5 discretionary powers that may affect or influence the outcome  
6 of the county's or municipality's action or decision and who  
7 is involved in the development of law, regulation or policy  
8 relating to a licensed table game entity or who is involved  
9 in other matters under this chapter. The term shall include  
10 an employee with law enforcement authority.

11 (4) An employee of a department, agency, board,  
12 commission, authority or other governmental body not included  
13 in paragraph (1), (2) or (3) with discretionary power that  
14 may affect or influence the outcome of the governmental  
15 body's action or decision and who is involved in the  
16 development of regulation or policy relating to a licensed  
17 table game entity or who is involved in other matters under  
18 this chapter. The term shall include an employee with law  
19 enforcement authority.

20 "Financial interest." Owning or holding, or being deemed to  
21 hold, debt or equity securities or other ownership interest or  
22 profits interest. A financial interest shall not include any  
23 debt or equity security, or other ownership interest or profits  
24 interest, that is held or deemed to be held in any of the  
25 following:

26 (1) A blind trust over which the executive-level public  
27 employee, public official, party officer or immediate family  
28 member thereof may not exercise any managerial control or  
29 receive income during the tenure of office and the period  
30 under subsection (a). The provisions of this paragraph shall

1 apply only to blind trusts established prior to the effective  
2 date of this paragraph.

3 (2) Securities that are held in a pension plan, profit-  
4 sharing plan, individual retirement account, tax-sheltered  
5 annuity, a plan established pursuant to section 457 of the  
6 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
7 1 et seq.) or any successor provision deferred compensation  
8 plan whether qualified or not qualified under the Internal  
9 Revenue Code of 1986 or any successor provision or other  
10 retirement plan that:

11 (i) is not self-directed by the individual; and

12 (ii) is advised by an independent investment adviser  
13 who has sole authority to make investment decisions with  
14 respect to contributions made by the individual to these  
15 plans.

16 (3) A tuition account plan organized and operated  
17 pursuant to section 529 of the Internal Revenue Code of 1986  
18 that is not self-directed by the individual.

19 (4) A mutual fund where the interest owned by the mutual  
20 fund in a licensed table game entity does not constitute a  
21 controlling interest as defined in this act.

22 "Immediate family." A spouse, minor child or unemancipated  
23 child.

24 "Law enforcement authority." The power to conduct  
25 investigations of or to make arrests for criminal offenses.

26 "Party officer." A member of a national committee; a  
27 chairman, vice chairman, secretary, treasurer or counsel of a  
28 State committee or member of the executive committee of a State  
29 committee; a county chairman, vice chairman, counsel, secretary  
30 or treasurer of a county committee in which a licensed table

1 game facility is located; or a city chairman, vice chairman,  
2 counsel, secretary or treasurer of a city committee of a city in  
3 which a licensed table game facility is located.

4 "Public official." The term shall include the following:

5 (1) The Governor, Lieutenant Governor, a member of the  
6 Governor's cabinet, State Treasurer, Auditor General and  
7 Attorney General of the Commonwealth.

8 (2) A member of the Senate or House of Representatives  
9 of the Commonwealth.

10 (3) An individual elected or appointed to any office of  
11 a county or municipality that directly receives a  
12 distribution of revenue under this act.

13 (4) An individual elected or appointed to a department,  
14 agency, board, commission, authority or other governmental  
15 body not included in paragraph (1), (2) or (3) that directly  
16 receives a distribution of revenue under this act.

17 (5) An individual elected or appointed to a department,  
18 agency, board, commission, authority, county, municipality or  
19 other governmental body not included in paragraph (1), (2) or  
20 (3) with discretionary power that may influence or affect the  
21 outcome of an action or decision and who is involved in the  
22 development of regulation or policy relating to a licensed  
23 table game entity or who is involved in other matters under  
24 this act. The term does not include a member of a school  
25 board or an individual who held an uncompensated office with  
26 a governmental body prior to January 1, 2007, and who no  
27 longer holds the office as of January 1, 2007. The term  
28 includes a member of an advisory board or commission that  
29 makes recommendations relating to a licensed table game  
30 facility.

1 § 2702. Political influence.

2 (a) Contribution restriction.--The following persons shall  
3 be prohibited from contributing monetarily or in-kind to a  
4 candidate for nomination or election to any public office in  
5 this Commonwealth, or to any political party committee or other  
6 political committee in this Commonwealth or to any group,  
7 committee or association organized in support of a candidate,  
8 political party committee or other political committee in this  
9 Commonwealth:

10 (1) An applicant for a table game license; table game  
11 manufacturer license, supplier license or service industry  
12 license; principal employee license, key employee license or  
13 horse or harness racing license.

14 (2) A table game licensee, manufacturer licensee,  
15 supplier licensee, service industry licensee or licensed  
16 racing entity.

17 (3) A licensed principal employee or licensed key  
18 employee of a table game licensee, licensed manufacturer,  
19 licensed supplier, licensed service industry or licensed  
20 racing entity.

21 (4) An affiliate, intermediary, subsidiary or holding  
22 company of a table game licensee, licensed manufacturer,  
23 licensed supplier, licensed service industry or licensed  
24 racing entity.

25 (5) A licensed principal employee or licensed key  
26 employee of an affiliate, intermediary, subsidiary or holding  
27 company of a table game licensee, licensed manufacturer,  
28 licensed supplier, licensed service industry or licensed  
29 racing entity.

30 (6) A person who holds a similar gaming license in any

jurisdiction, foreign or domestic, and the affiliates, intermediaries, subsidiaries, holding companies, principal employees or key employees thereof.

(b) Contributions to certain associates and organizations barred.--The persons prohibited from making political contributions under subsection (a) shall not make a political contribution, monetarily or in-kind, to any association or organization, including a nonprofit organization, that has been solicited by an elected official, executive-level public employee or candidate for nomination or election to a public office in this Commonwealth, if the person knows that the contribution or any portion thereof will be contributed to the official, employee or candidate for nomination or election to public office in this Commonwealth.

(c) Internet website.--

(1) The board shall establish an Internet website that includes a list of all applicants for and holders of a table game license, table game manufacturer license, table game supplier license, table game service industry license or racing entity license, and the affiliates, intermediaries, subsidiaries, holding companies, principals and key employees thereof, all persons holding a similar gaming license in another jurisdiction, foreign and domestic, and the affiliates, intermediaries, subsidiaries, holding companies, principals and key employees thereof, and any other entity in which the applicant or licensee has any debt or equity security or other ownership or profits interest. An applicant or licensee shall notify the board within seven days of the discovery of any change in or addition to the information.

The list shall be published semiannually in the Pennsylvania



1 Bulletin.

2 (2) A person who acts in good faith and in reliance on  
3 the information on the Internet website shall not be subject  
4 to any penalties or liabilities imposed for a violation of  
5 this section.

6 (3) The board shall request the information required  
7 under paragraph (1) from persons licensed in another  
8 jurisdiction who do not hold a license in this Commonwealth  
9 and from regulatory agencies in the other jurisdiction. If a  
10 licensee in another jurisdiction refuses to provide the  
11 information required under paragraph (1), the person and its  
12 officers, directors or persons with a controlling interest  
13 shall be ineligible to receive any license under this act.

14 (d) Annual certification.--The chief executive officer, or  
15 other appropriate individual, of each applicant for a table game  
16 license, table game manufacturer license, table game supplier  
17 license, table game service industry license or table game  
18 licensee, licensed table game supplier, licensed table game  
19 manufacturer, licensed table games service industry or licensed  
20 racing entity shall annually certify under oath to the board and  
21 the Department of State that such applicant or table game  
22 licensee, licensed supplier, licensed manufacturer, licensed  
23 service industry or licensed racing entity has developed and  
24 implemented internal safeguards and policies intended to prevent  
25 a violation of this section and that such applicant, licensee or  
26 licensed racing entity has conducted a good faith investigation  
27 that has not revealed any violation of this section during the  
28 preceding year.

29 (e) Penalties.--The first violation of this section by a  
30 licensed table game entity or any person that holds a

1 controlling interest in such table game entity, or a subsidiary  
2 company thereof, and any officer, director or management-level  
3 principal or key employee of such table game licensee shall be  
4 punishable by a fine of not less than an average single day's  
5 gross table game revenue of the licensed table game entity  
6 derived from the operation of table games in this Commonwealth;  
7 a second violation of this section, within five years of the  
8 first violation, shall be punishable by at least a one-day  
9 suspension of the table game license held by the licensed table  
10 game entity and a fine of no less than an average two days'  
11 gross table game revenue of the licensed table game entity; a  
12 third violation of this section within five years of the second  
13 violation shall be punishable by the immediate revocation of the  
14 table game license held by the licensed table game entity. The  
15 first violation of this section by a table game manufacturer,  
16 table game supplier or table game service industry licensed  
17 pursuant to this act or by any person that holds a controlling  
18 interest in such licensed manufacturer, supplier or service  
19 industry or any affiliate, intermediary, subsidiary or holding  
20 company thereof, and any officer, director or management-level  
21 employee of such a licensee or any affiliate, intermediary,  
22 subsidiary or holding company thereof, shall be punishable by a  
23 fine of not less than one day's average of the gross profit from  
24 sales made by the manufacturer, supplier or service industry in  
25 this Commonwealth during the preceding 12-month period or  
26 portion thereof in the event the manufacturer, supplier or  
27 service industry has not operated in this Commonwealth for 12  
28 months; a second violation of this section within five years of  
29 the first violation shall be punishable by a one-month  
30 suspension of the table game license held by the manufacturer,

1 supplier or service industry and a fine of not less than two  
2 times one day's average of the gross profit from sales made by  
3 the manufacturer, supplier or service industry in this  
4 Commonwealth during the preceding 12-month period or portion  
5 thereof in the event the manufacturer, supplier or service  
6 industry has not operated in this Commonwealth for 12 months. In  
7 no event shall the fine imposed under this section be in an  
8 amount less than \$50,000 for each violation. In addition to any  
9 fine or sanction that may be imposed by the board, any person  
10 who makes a contribution in violation of this section commits a  
11 misdemeanor of the third degree.

12 (f) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection:

15 "Contribution." Any payment, gift, subscription, assessment,  
16 contract, payment for services, dues, loan, forbearance, advance  
17 or deposit of money or any valuable thing made to a candidate or  
18 political committee for the purpose of influencing any election  
19 in this Commonwealth or for paying debts incurred by or for a  
20 candidate or committee before or after any election. The term  
21 shall include the purchase of tickets for events including  
22 dinners, luncheons, rallies and other fundraising events; the  
23 granting of discounts or rebates not available to the general  
24 public; or the granting of discounts or rebates by television  
25 and radio stations and newspapers not extended on an equal basis  
26 to all candidates for the same office; and any payments provided  
27 for the benefit of any candidate, including payments for the  
28 services of a person serving as an agent of a candidate or  
29 committee by a person other than the candidate or committee must  
30 report. The term also includes any receipt or use of anything of

1 value received by a political committee from another political  
2 committee and also includes any return on investments by a  
3 political committee.

4 "Political committee." Any committee, club, association or  
5 other group of persons that receive contributions or make  
6 expenditures.

## 7 CHAPTER 28

### 8 COMPULSIVE GAMBLING ASSISTANCE

9 Section 2801. Establishment of program; duties of licensee.

10 (a) General rule.--Each applicant for a table game license  
11 shall submit a compulsive gambling assistance plan to the board  
12 for approval, modification or disapproval. The plan shall  
13 provide standards, methods, procedures and practices for  
14 assisting in the prevention, education and treatment of  
15 compulsive and problem gambling. The compulsive gambling  
16 assistance plan shall be submitted with a person's application  
17 for a table game license. The development of the plan by an  
18 applicant and the approval of the plan by the board, in  
19 collaboration with the Department of Health, shall be a  
20 condition for the approval and issuance of a table game license  
21 under this act. The preservation and maintenance of the approved  
22 plan shall be a condition for the renewal of a table game  
23 license.

24 (b) Criteria for plan development.--Each compulsive gambling  
25 assistance plan shall include all of the following:

26 (1) A mission statement that identifies the goals of the  
27 table game licensee administering the plan.

28 (2) The identification of a plan manager or other person  
29 responsible for ensuring that the plan, as approved by the  
30 board, is implemented, monitored and maintained in accordance

1 with the requirements of this act.

2 (3) An identification of the job classifications of each  
3 table game employee who, because of a particular job or  
4 employment function at the licensed table game facility, will  
5 be required to obtain compulsive and problem gambling  
6 training in accordance with the requirements of this chapter.

7 (4) Policies concerning the handling of compulsive  
8 gambling problems, including, but not limited to:

9 (i) Commitment to training.

10 (ii) Commitment to intervention.

11 (iii) Role and duties of a licensee's employees,  
12 including management employees.

13 (iv) Responsibility of patrons.

14 (5) Specific, detailed procedures for:

15 (i) Identifying compulsive gaming behavior or  
16 potential behavior in patrons and employees.

17 (ii) Determining appropriate intervention techniques  
18 in a given circumstance.

19 (iii) Carrying out the intervention techniques.

20 (6) Printed literature to educate patrons about  
21 compulsive gambling and inform them of local, Statewide or  
22 national resources available to compulsive gamblers and their  
23 families. The materials may include signs and posters  
24 conspicuously displayed in gaming areas and brochures on  
25 compulsive gambling issues and sources of treatment and  
26 information. The plan shall specify the source of the printed  
27 literature and proposed method of dissemination to patrons  
28 and employees.

29 (7) Policy and procedures to prohibit facilitating,  
30 participating in or allowing the issuance of any loans or

1 extension of credit, except as provided in this act, to a  
2 patron for gaming purposes.

3 (8) A comprehensive employee training plan, including  
4 training manuals and other materials and literature necessary  
5 to educate employees about compulsive gambling issues.

6 (9) A form for certifying, to the board's satisfaction,  
7 that each employee required to obtain compulsive gambling  
8 training has completed the training within the time period  
9 specified by the board. The certification program shall be  
10 approved by the Department of Health.

11 (10) Details of a follow-up compulsive gambling training  
12 program to periodically reinforce employee training.

13 (11) A timetable and procedures for implementing the  
14 compulsive gambling assistance plan.

15 (12) Any other policies and procedures designed to  
16 encourage responsible gaming, including methods for  
17 preventing gaming by minors and problem gamblers.

18 (c) Establishment of training program.--Each applicant for a  
19 table game license and each licensee shall include an employee  
20 training program in its compulsive gambling plan. The employee  
21 training program shall include:

22 (1) Characteristics and symptoms of compulsive behavior,  
23 including compulsive and problem gambling.

24 (2) Prevalence of compulsive and problem gambling.

25 (3) Relationship of compulsive gambling and other  
26 addictions.

27 (4) Social and economic consequences of compulsive and  
28 problem gambling, such as indebtedness, costs of treatment,  
29 suicide prevention and suicide, criminal behavior,  
30 unemployment and counseling for family.

1           (5) Identification of vulnerable demographic, including  
2 women, low-income individuals, senior citizens, the  
3 underemployed or unemployed and individuals who abuse drugs  
4 and/or alcohol or who display other characteristics of  
5 compulsive behavior.

6           (6) Intervention techniques to be employed where a  
7 compulsive or problem gambling problem is identified or  
8 suspected.

9           (7) Assistance and referral programs, including specific  
10 resources and training on how to approach and discuss  
11 compulsive or problem gambling with a patron and give advice  
12 and assistance relative to accessing available community,  
13 public and private professional behavior health services.

14           (8) Procedures designed to prevent the serving of  
15 alcohol to visibly intoxicated patrons, including procedures  
16 to prevent visibly intoxicated patrons from participating in  
17 all gaming activity.

18           (9) Procedures for removing self-excluded persons from a  
19 licensed facility, including, if necessary and appropriate,  
20 procedures that include obtaining assistance from law  
21 enforcement personnel.

22           (10) Procedures for the immediate removal of persons  
23 identified on the self-exclusion list from all rewards,  
24 promotional programs or other such programs or activities.

25           (11) Procedures to prevent any person identified on the  
26 self-exclusion list from receiving any advertisement,  
27 promotion or other targeted mailers after 30 days of  
28 receiving notice from the board that the person has been  
29 placed on the self-exclusion list.

30           (12) Procedures for the dissemination of written

1 compulsive and problem gambling literature to patrons that  
2 explains the self-exclusion program.

3 (13) Procedures to prevent any person identified on the  
4 self-exclusion list from having access to or from receiving  
5 complimentary services or other like benefits of any kind or  
6 value.

7 (d) Conduct of and time-period for training.--Compulsive  
8 gambling training shall be conducted by professionals in  
9 behavioral health or addiction within 60 days of the start date  
10 of each new employee of the licensee that is required to receive  
11 training pursuant to the requirements of this chapter.

12 (e) Employee responsibility.--Each table game employee  
13 shall, as a condition of employment with a licensee, be required  
14 to identify patrons who the employee knows or suspects are  
15 compulsive or problem gamblers and inform an immediate  
16 supervisor or other managerial-level employee of the licensee of  
17 that knowledge or suspicion.

## 18 CHAPTER 29

### 19 MISCELLANEOUS PROVISIONS

20 Section 2901. Electronic funds transfer terminal; automatic  
21 teller machines.

22 (a) Restriction on placement.--A person who holds a table  
23 game license shall not install, own or operate or allow another  
24 person to install, own or operate an electronic funds transfer  
25 terminal on the premises of a licensed table game facility that  
26 is less than 100 feet away from any table game in the facility.

27 (b) Prohibition on transfer of funds.--A person who holds a  
28 table game license shall not install, own or operate or allow  
29 another person to install, own or operate on the premises of the  
30 table game facility a game that is played with a device that



1 allows a player to operate the game by transferring funds  
2 electronically from a credit or debit card.

3 (c) Definition.--As used in this section "electronic funds  
4 transfer terminal" means an information-processing device or an  
5 automatic teller machine used for executing deposit account  
6 transactions between financial institutions and their account  
7 holders by either the direct transmission of electronic impulses  
8 or the recording of electronic impulses for delayed processing.  
9 The fact that a device is used for other purposes does not  
10 prevent it from being an electronic funds transfer terminal  
11 pursuant to this definition.

12 Section 2902. Liquor license.

13 Notwithstanding any other provision of law to the contrary,  
14 an applicant for or a holder of a table game license issued  
15 under the provisions of this act who is licensed to sell liquor  
16 or malt or brewed beverages pursuant to the act of December 12,  
17 1951 (P.L.90, No.21), known as the Liquor Code, and who is  
18 authorized to sell, furnish or give away such beverages in a  
19 licensed slot machine facility pursuant to 4 Pa.C.S. Pt. II  
20 (relating to gaming) shall be permitted to sell, furnish or give  
21 liquor or malt or brewed beverages on premises of the licensed  
22 table game facility so long as the liquor or malt or brewed  
23 beverage remains in and is consumed in the licensed facility.  
24 The provisions of 4 Pa.C.S. § 1521(c) (relating to liquor  
25 licenses at licensed facilities) shall apply to any applicant  
26 for or holder of a table game license under this act who is not  
27 a holder of a license pursuant to the Liquor Code and who is not  
28 a holder of a slot machine license of the time of licensure as a  
29 table game facility under this act.

30 Section 2903. Exclusive jurisdiction of Pennsylvania Supreme

1 Court.

2 The Pennsylvania Supreme Court shall have exclusive  
3 jurisdiction to hear any challenge to or to render a declaratory  
4 judgment concerning the constitutionality of this act. The  
5 Supreme Court is authorized to take such action as it deems  
6 appropriate, consistent with the Supreme Court retaining  
7 jurisdiction over the matter, to find facts or to expedite a  
8 final judgment in connection with any challenge or request for  
9 declaratory relief.

10 Section 2904. Appropriations.

11 (a) Appropriation to board.--The sum of \$3,500,000 is hereby  
12 appropriated to the Pennsylvania Gaming Control Board for the  
13 fiscal year July 1, 2007, to June 30, 2008, to implement and  
14 administer the provisions of this act. The money appropriated  
15 pursuant to this subsection shall be considered a loan from the  
16 General Fund and shall be repaid to the General Fund quarterly  
17 commencing with the date table game licensees commence operation  
18 of table games in accordance with this act. This appropriation  
19 shall be a continuing appropriation and shall not lapse until  
20 June 30, 2010.

21 (b) Appropriation to Pennsylvania State Police.--The sum of  
22 \$3,500,000 is hereby appropriated from the General Fund to the  
23 Pennsylvania State Police for the fiscal year July 1, 2007, to  
24 June 30, 2008, to carry out the powers, duties and  
25 responsibilities conferred upon it under the applicable  
26 provisions of this act. The money appropriated under this  
27 subsection shall be considered a loan from the General Fund and  
28 shall be repaid by the board to the General Fund quarterly  
29 commencing when all table game licensees begin operation of  
30 table games in accordance with this act. This appropriation

1 shall be a continuing appropriation and shall not lapse until  
2 June 30, 2010.

3 (c) Appropriation to department.--The sum of \$2,000,000 is  
4 hereby appropriated from the General Fund to the Department of  
5 Revenue for the fiscal year July 1, 2007, to June 30, 2008, to  
6 carry out the powers, duties and responsibilities conferred upon  
7 it under the applicable provisions of this act. The money  
8 appropriated under this subsection shall be considered a loan  
9 from the General Fund and shall be repaid to the General Fund by  
10 the board quarterly commencing with the date table game  
11 licensees begin operation of authorized table games in  
12 accordance with this act. This appropriation shall be a  
13 continuing appropriation and shall not lapse until June 30,  
14 2010.

15 (d) Appropriation to the Office of Attorney General.--The  
16 sum of \$2,000,000 is hereby appropriated from the General Fund  
17 to the Office of Attorney General for the fiscal year July 1,  
18 2007, to June 30, 2008, to carry out the powers and duties  
19 conferred upon it under the applicable provisions of this act.  
20 The money appropriated under this subsection shall be considered  
21 a loan from the General Fund and shall be repaid to the General  
22 Fund by the board quarterly commencing with the date table game  
23 licensees begin operation of authorized table games in  
24 accordance with this act. This appropriation shall be a  
25 continuing appropriation and shall not lapse until June 20,  
26 2010.

27 Section 2905. Severability.

28 The provisions of this act are severable. If any provision of  
29 this act or its application to any person or circumstance is  
30 held invalid, the invalidity shall not affect other provisions

1 or applications of this act that can be given effect without the  
2 invalid provision or application.

3 Section 2906. Repeals.

4 (a) Specific.--Repeals are as follows:

5 (1) The General Assembly declares that the repeals under  
6 paragraphs (2) and (3) are necessary to effectuate the  
7 provisions of this act.

8 (2) Section 493(2) of the act of April 12, 1951 (P.L.90,  
9 No.21), known as the Liquor Code, is repealed absolutely.

10 (3) The provisions of 18 Pa.C.S. § 5513(a) are repealed  
11 insofar as they are inconsistent with this act.

12 (b) General.--All other acts or parts of acts are repealed  
13 insofar as they are inconsistent with this act.

14 Section 2907. Effective date.

15 This act shall take effect in 60 days.