CHAPTER 807. INTERACTIVE GAMING SERVICE PROVIDERS—TEMPORARY REGULATIONS

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Authority
The temporary provisions of this Chapter 807 issued under 4 Pa.C.S. §§ 1202(b)(30) and 13B03(b), unless otherwise noted.

Source
The temporary provisions of this Chapter 807 adopted March 16, 2018, effective March 17, 2018, expire March 17, 2020, 48 Pa.B. 1513, unless otherwise noted.

§ 807.1. General interactive gaming service provider requirements.
(a) Except as provided in § 807.9 (relating to duty to investigate), an interactive gaming service provider or person seeking to conduct business with an interactive gaming certificate holder or interactive gaming operator shall apply to the Board for certification if the interactive gaming service provider or person is providing:
   (1) Data warehousing hosting services unless the hosting service is in a jurisdiction, the standards of which are recognized by the Board, with which the Commonwealth has an interactive agreement, the owner of the hardware is licensed as an interactive gaming operator by the Board and the facility is approved by the Board.
   (2) Payment processing and related money-transmitting services with direct contact with a patron’s interactive gaming certificate holder account or the interactive gaming platform.
   (3) Customer identity, age verification and geo-location verification used in the conduct of interactive and mobile gaming, regardless of the interactive gaming service provider or person’s contractual relationship with an interactive certificate holder.
   (4) Interactive affiliate goods or services and the interactive affiliate is being paid a revenue share. As used in this subsection, “interactive affiliate” means as an individual or entity involved in promoting, marketing and directing business to online gaming sites in exchange for compensation paid based on player activity not a flat fee.
   (5) Any other person as determined by the Board.

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(b) Except as provided in § 807.9, a gaming service provider or person seeking to conduct business with an interactive gaming certificate holder or interactive gaming operator shall apply to the Board for a registration if the interactive gaming service provider or person is providing goods or services related to interactive gaming or interactive wagering and the interactive gaming service provider or person is not required to be certified as an interactive gaming service provider. This subsection applies to interactive affiliates involved in promoting, marketing and directing business to online gaming sites in exchange for a flat fee.

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

Cross References
This section cited in 58 Pa. Code § 807.7 (relating to permission to conduct business prior to certification or registration); and 58 Pa. Code § 1405.1 (relating to general sports wagering gaming service provider requirements).

§ 807.2. Interactive gaming service provider certification applications.

(a) An interactive gaming service provider seeking certification shall submit an original and one copy of a Certification Application and Disclosure Form. The original, copy and the application fee toward the cost of the investigation of the applicant, as posted on the Board’s web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

(b) In addition to the requirements in subsection (a), an applicant for an interactive gaming service provider certification shall do all of the following:

1. Submit applications and release authorizations for each individual required to be qualified under § 807.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

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

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

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

Cross References
This section cited in 58 Pa. Code § 807.7 (relating to permission to conduct business prior to certification or registration).
§ 807.3. Interactive gaming service provider registration applications.

(a) An interactive gaming service provider seeking registration shall complete an original and one copy of a Gaming Service Provider Registration Form. The original, copy and the application fee toward the cost of the investigation of the applicant, as posted on the Board’s web site, shall be submitted to the Bureau of Licensing by the interactive gaming service provider unless otherwise directed by the Bureau of Licensing.

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

1. Submit release authorizations for each individual required to be qualified under § 807.4 (relating to qualification of individuals and entities of certified interactive gaming service providers).

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

3. Submit fingerprints of all of the following individuals in a manner prescribed by the Bureau:

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

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

   iii. Each salesperson of a registered interactive gaming service provider applicant who solicits business from, or has regular contact with, any representatives of an interactive certificate holder or interactive gaming operator or any employee of a registered interactive gaming service provider applicant who will be engaging in that conduct.

(c) A person who holds any direct or indirect ownership or beneficial interest in a registered interactive gaming service provider or applicant for interactive gaming service provider registration, or has the right to any profits or distributions directly or indirectly, from the registered interactive gaming service provider or applicant for interactive gaming service provider registration may be required to submit fingerprints if the Bureau determines that the submission of fingerprints of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth.

(d) Each of the individuals required to submit fingerprints under subsection (b)(3) shall be found qualified by the Board. An individual who is a gaming or nongaming employee as defined in §§ 401a.3 and 801.2 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with §§ 435a.3
and 808.4 (relating to occupation permit; and interactive gaming employees) or a nongaming employee registration in accordance with §§ 435a.5 and 808.5 (relating to nongaming employee registration; and interactive nongaming employees).

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

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

Cross References

This section cited in 58 Pa. Code § 807.7 (relating to permission to conduct business prior to certification or registration).

§ 807.4. Qualification of individuals and entities of certified interactive gaming service providers.

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

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

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

(3) Each salesperson of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who solicits business from, or has regular contact with, any representatives of an interactive certificate holder or interactive gaming operator or any employee of a certified interactive gaming service provider or applicant for interactive gaming service provider certification who will be engaging in that conduct.

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

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

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

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

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

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

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

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

(1) The individual’s presence in an interactive gaming restricted area is needed.

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

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

(f) An employee of a certified or registered interactive gaming service provider who is a gaming or nongaming employee as defined in §§ 401a.3 and 801.2 (relating to definitions) shall obtain a permit under §§ 435a.3 and 808.4 (relating to occupation permit; and interactive gaming employees) or registration under §§ 435a.5 and 808.5 (relating to nongaming employee registration; and interactive nongaming employees).

Cross References

This section cited in 58 Pa. Code § 807.2 (relating to interactive gaming service provider certification applications); and 58 Pa. Code § 807.3 (relating to interactive gaming service provider registration applications).
§ 807.5. Interactive gaming service provider registration and certification term and renewal.

(a) Interactive gaming service provider certifications, registrations and renewals issued under this subpart will be valid for 5 years from the date of Board approval.

(b) Registered and certified interactive gaming service providers shall submit to the Board a completed renewal application or form and renewal fee at least 180 days prior to the expiration of a certification, registration or authorization.

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

§ 807.6. Authorized interactive gaming service providers list; prohibited interactive gaming service providers.

(a) The Board will maintain a list of authorized interactive gaming service providers and a list of prohibited interactive gaming service providers. The authorized list will contain the names of persons who have been:

(1) Registered or certified.

(2) Authorized to conduct business with interactive certificate holder or interactive gaming operator under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under §§ 437a.1(a)(2), (d) and (g) and 437a.10 (relating to general gaming service provider requirements; and emergency gaming service provider), an interactive gaming certificate holder or interactive gaming operator may not purchase goods or services from an interactive gaming service provider unless the interactive gaming service provider is on the authorized interactive gaming service provider list. A slot machine licensee, interactive gaming certificate holder or interactive gaming operator or applicant or any affiliate, intermediary, subsidiary or holding company thereof acting on behalf of the slot machine licensee, interactive gaming certificate holder, interactive gaming operator or applicant may not enter into an agreement or continue to do business with an interactive gaming service provider on the prohibited gaming service providers list.

(c) The Board may place a person on the prohibited interactive gaming service provider list if all of the following apply:

(1) The interactive gaming service provider has failed to comply with this chapter.

(2) The interactive gaming service provider has failed to cooperate with Board staff in its review and investigation of the interactive gaming service provider’s application.
(3) The interactive gaming service provider’s application for certification or registration has been denied or withdrawn with prejudice or the interactive gaming service provider has had its interactive gaming service provider certification or registration suspended or revoked.

(4) The interactive gaming service provider has failed to provide information to a slot machine licensee, an interactive gaming certificate holder or interactive gaming operator that is necessary for the slot machine licensee, interactive gaming certificate holder or interactive gaming operator to comply with this chapter.

(d) A person seeking to be removed from the list of prohibited interactive gaming service providers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally) and shall be responsible for all costs associated with the person’s petition for removal from the list of prohibited interactive gaming service providers. The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited interactive gaming service providers list and how the interactive gaming service provider has cured any deficiencies that led to the interactive gaming service provider being placed on the prohibited interactive gaming service providers list.

(e) The Board may impose a monetary penalty or other appropriate sanction in connection with the removal of a person from the list of prohibited interactive gaming service providers, or attach any reasonable condition to the removal of a person from the list of prohibited interactive gaming service providers.

§ 807.7. Permission to conduct business prior to certification or registration.

(a) Notwithstanding § 807.1 (relating to general interactive gaming service provider requirements), the Bureau of Licensing may authorize an applicant for an interactive gaming service provider certification or registration to conduct business with a slot machine licensee, an interactive gaming certificate holder or interactive gaming operator prior to the certification or registration of the interactive gaming service provider applicant if all of the following criteria are met:

(1) A completed Gaming Service Provider Registration Form has been filed by the interactive gaming service provider or a completed Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the slot machine licensee, interactive gaming certificate holder or interactive gaming operator in accordance with § 807.2 or § 807.3 (relating to interactive gaming service provider certification applications; and interactive gaming service provider registration applications).

(2) The slot machine licensee, interactive gaming certificate holder or interactive gaming operator certifies that it has performed due diligence on the interactive gaming service provider.

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

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation
for Denial to an applicant for certification or registration, the Bureau of Licens-
ing may rescind the permission granted to the applicant for certification or regis-
tration to conduct business with a slot machine licensee, interactive gaming cer-
tificate holder, interactive gaming operator or applicant under subsection (a). If
the permission is rescinded, the applicant for certification or registration shall
cease conducting business with the slot machine licensee, interactive gaming cer-
tificate holder, interactive gaming operator or applicant by the date specified in
the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for certification or reg-
istration and the slot machine licensee, interactive gaming certificate holder,
interactive gaming operator or applicant by registered mail and e-mail that per-
mission for the applicant for certification or registration to conduct business with
the slot machine licensee, interactive gaming certificate holder, interactive gam-
ing operator or applicant under subsection (a) has been rescinded and that the slot
machine licensee, interactive gaming certificate holder, interactive gaming opera-
tor or applicant shall cease conducting business with the applicant for certifica-

Cross References
This section cited in 58 Pa. Code § 807.8 (relating to emergency interactive gaming service pro-
vider).

§ 807.8. Emergency interactive gaming service provider.

(a) An interactive gaming certificate holder or interactive gaming operator
may utilize an interactive gaming service provider that is not registered, certified
or authorized to conduct business in accordance with § 807.7 (relating to permis-
son to conduct business prior to certification or registration) when a threat to
public health, welfare or safety exists or circumstances outside the control of the
slot machine licensee, interactive gaming certificate holder or interactive gaming
operator create an urgency of need which does not permit the delay involved in
using the formal method of interactive gaming service provider certification or
registration. A slot machine licensee, interactive gaming certificate holder or
interactive gaming operator may not use an interactive gaming service provider
on the prohibited list.

(b) When using an interactive gaming service provider that is not registered,
certified or authorized to conduct business to respond to an emergency, the slot
machine licensee, interactive gaming certificate holder or interactive gaming operator shall do all of the following:

(1) Immediately notify the Bureau of Licensing of the emergency and the interactive gaming service provider that was selected to provide emergency services.

(2) File an Interactive Gaming Service Provider Emergency Notification Form with the Bureau of Licensing within 72 hours after commencement of the interactive gaming service provider’s services and a written explanation of the basis for the procurement of the emergency interactive gaming service provider.

(c) An employee of the emergency interactive gaming service provider who is providing emergency services that requires access to an interactive gaming restricted area shall obtain a temporary access credential in accordance with § 808.7 (relating to emergency and temporary credentials) prior to performing any work.

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

§ 807.9. Duty to investigate.

(a) A slot machine licensee, interactive gaming certificate holder or interactive gaming operator shall investigate the background and qualifications of the applicants for interactive gaming service provider registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

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

(c) A slot machine licensee, an interactive gaming certificate holder or interactive gaming operator shall have a duty to inform the Board of an action by an applicant for or holder of an interactive gaming service provider registration or certification, which the slot machine licensee, interactive gaming certificate holder or interactive gaming operator believes would constitute a violation of the act or this part.
Cross References

This section cited in 58 Pa. Code § 807.1 (relating to general interactive gaming service provider requirements).