

RULES AND REGULATIONS

TITLE 58. RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 439]

Response to Public Comment

Subpart B. LICENSING, REGISTERING, CERTIFYING AND

PERMITTING

CHAPTER 439. JUNKET ENTERPRISES

General Comments

Comment:

The Task Force is significantly concerned about the impact that buses will have on the streets and highways of Philadelphia. Even applying a conservative estimate of 8 percent motor coach arrival, the Task Force estimates that approximately half-a-million visitors annually will arrive at Philadelphia casinos on dedicated bus junkets.

As detailed on pages 71-73 of the Task Force's final report, the City is exploring how best to address these issues, and the solutions will likely require cooperation with local, state and federal highway officials. Whatever solution is adopted, junket regulation and control will be an essential part of how the solution is enforced. Towards that end, any arrival by bus (other than regularly

scheduled local transportation authority buses and casino employee shuttles) should be treated as a junket, whether or not it is arranged by casino employees and whether or not \$200 in consideration is provided.

The Task Force suggests that the Board require that all junket schedules and amended schedules require that the junket operator and casino certify (i) the expected route to be taken by any motor coach, (ii) whether the bus involved will be stored on-site, off-site or whether it will be stored on public roadways—storage on public roadways should be grounds for rejection, (iii) where the bus will be stored off-site and routes from the casino to and from such storage area, and (iv) whether the routes and storage plan have been pre-approved by local (and if applicable state roadway officials. Additionally, bus junkets should not be permitted to utilize any road not certified for the weight of the vehicle when fully loaded.

Any junket schedule or amended junket schedule that relies on bus transportation should also be furnished to the municipality at the time of filing with the Board, and no amended schedule utilizing motor coaches should be permitted to be filed less than two full business days before the proposed date of the junket.

Additionally, all junket final reports for junkets involving buses should indicate the routes taken to and from the casino and (if appropriate) to and from storage and identify where the bus was stored.

Finally, any casino that will utilize bus junkets must have the capacity of expected buses in a manner that does not require store or stacking onto public roadway. This should include designated areas on-site to load and unload passengers, a minimum number of bays on-site (in Philadelphia the Task Force recommends at least ten bays, but this amount should be set to allow the casino's schedule to operate without stacking), and should require that any bus standing more than ten minutes must be required to shut down its engines in all weather conditions.

Municipal Tax Clearance

Junket operators should be required to submit tax clearance forms from the jurisdiction hosting the casino as well as from the Commonwealth. The Task Force understands that the Board can only require that the operator has sought such clearance, but if no clearance for is available, operators should certify that they have provided all information sought by the municipality.

Nondiscrimination

The junket prohibitions in section 439.11 should be amended to include a prohibition on discrimination based upon race, color, religion, national origin or ancestry, sex, sexual orientation, or age (other than requiring the participant be of legal gambling age). This prohibition should extend to, but not be limited to, both participation in the junket and employment with the junket enterprise.

Response:

The Board wants to clarify the concept of a junket enterprise. A junket involves unique circumstances. The selection or approval of persons to be included in a junket is based upon their propensity to gamble and the terms of compensation to a junket enterprise are directly tied to the actual or theoretical losses of the persons on the junket. A Chartered Motorcoach, in contrast, is a trip upon which any patron may be included by merely paying for a seat on the bus and the bus company receives only a flat fee form of compensation. Because the Chartered Motorcoach fits neither the intent nor the definition of a junket, it is a vendor. The application of the Board's diversity regulations is already referenced in the junket regulations.