

CHAPTER 3

OFFICE OF AMUSEMENT GAMES CONTROL

Authority

N.J.S.A. 5:8-6 and 5:8-79.1

Source and Effective Date

R.2008 d.365, effective November 3, 2008.
See: 40 N.J.R. 3583(a), 40 N.J.R. 6815(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 3, Office of Amusement Games Control, expires on November 3, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 3, Office of Amusement Games Control, became effective on April 11, 1966.

Subchapter 8, Forms, was repealed by R.1982 d.498, effective January 17, 1983. See: 14 N.J.R. 1194(a), 15 N.J.R. 93(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Office of Amusement Games Control, was readopted as R.1988 d.227, effective April 25, 1988. See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a). Subchapter 5, Disciplinary Proceedings, and Subchapter 6, Appeals, were adopted as R.1988 d.500, effective November 7, 1988. See: 20 N.J.R. 2032(a), 20 N.J.R. 2787(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Office of Amusement Games Control, was readopted as R.1993 d.233, effective April 26, 1993. See: 25 N.J.R. 891(b), 25 N.J.R. 1987(a).

Administrative Correction. See: 25 N.J.R. 2689(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Office of Amusement Games Control, was readopted as R.1998 d.249, effective April 24, 1998. See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Chapter 3, Office of Amusement Games Control, was readopted as R.2003 d.447, effective October 15, 2003. See: 35 N.J.R. 2398(a), 35 N.J.R. 5250(a).

Chapter 3, Office of Amusement Games Control, was readopted as R.2008 d.365, effective November 3, 2008. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 1. ISSUANCE OF LICENSES BY MUNICIPAL GOVERNING BODIES

13:3-1.1 Definitions: Location of games

(a) The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Arcade” means a place where a single player may play any one of a number of machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize, or to attempt to attain a score or result upon the basis of which a prize, ticket or token is awarded.

“Recognized amusement park” means a commercially operated permanent business, open to the public at least 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements incorporating rides or water slides licensed in accordance with N.J.S.A. 5:3-31, et seq., and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location which has had a license issued prior to (the effective date of this amendment).

“Resort” means a place providing recreation and entertainment especially to visitors.

“Seashore resort” means a “resort” as defined in this subsection that borders tidal waters.

(b) No amusement games license shall be issued in any municipality unless:

1. Such municipality has authorized the licensing of amusement games by referendum in the 1959 general election or subsequent referendum pursuant to P.L. 1959, c.109; and
2. The premises to be licensed are situated at:
 - i. A recognized amusement park; or
 - ii. A seashore or other resort but only in that part thereof customarily constituting an amusement or entertainment area according to the customary understanding of these terms in the community; or

- iii. A place where an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture holds an agricultural fair and exhibition.

Amended by R.1988 d.227, effective May 16, 1988.

See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a).

Added (a) Definitions and moved old (a) to (b).

13:3-1.2 License restrictions

(a) No license shall be issued to authorize the operation and conduct of any amusement game unless the game is:

1. Played for amusement or entertainment;
2. One in which the person or player actively participates;
3. One in which the outcome is not in the control of the operator; and
4. One which is so conducted that when and where all of the players are present there occurs in continuous sequence:
 - i. The sale of a right to participate;
 - ii. The event which determines whether a player wins or loses; and
 - iii. The award of a merchandise prize or tokens or tickets which may be accumulated or immediately redeemable for a merchandise prize.

As amended, R.1983 d.303, eff. August 1, 1983.

See: 15 N.J.R. 680(a), 15 N.J.R. 1254(b).

In (a)4iii, added “nontransferable tokens on tickets which may be accumulated and redeemable for a prize”.

Amended by R.1998 d.249, effective May 18, 1998.

See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

In (a)4iii, substituted a reference to tokens for a reference to non-transferable tokens.

13:3-1.3 Bingo or raffles

No license shall be issued under the Amusement Games Licensing Law (P.L. 1959, c.109) to authorize the holding, operation or conduct of any bingo game nor for any draw raffle.

13:3-1.4 Certification requirements

No license shall be issued to authorize the holding, operation or conduct of any game not certified as permissible by the Legalized Games of Chance Control Commission pursuant to N.J.A.C. 13:3-7, Certification, and any license issued with respect to any certified game shall authorize it to be held, operated and conducted only with the limitations and restrictions of its certification.

Amended by R.1998 d.249, effective May 18, 1998.

See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Substituted a reference to the Legalized Games of Chance Control Commission for a reference the State Commissioner of Amusement Games Control.