

(j) Slot machines shall not be permissible in casino simulcasting facilities.

R.1978 d.160, effective May 17, 1978.

See: 10 N.J.R. 176(c), 10 N.J.R. 266(c).

Amended by R.1979 d.82, effective March 2, 1979.

See: 11 N.J.R. 52(c), 11 N.J.R. 214(a).

Amended by R.1984 d.422, effective October 1, 1984.

See: 15 N.J.R. 1465(a), 16 N.J.R. 2689(c).

Added (i) through (k) referring to slot stools.

Amended by R.1992 d.90, effective February 18, 1992.

See: 23 N.J.R. 3252(a), 23 N.J.R. 649(a).

Deleted subsection (d) which had minimum requirements for the percentage of nickel and quarter denomination slot machines.

Recodified existing (e)-(k) as (d)-(j) with no change in text.

Amended by R.1992 d.363, effective September 21, 1992.

See: 24 N.J.R. 2138(a), 24 N.J.R. 3338(b).

Method of calculation of floor area for slots specified; with possible increases resulting.

Amended by R.1993 d.37, effective January 19, 1993.

See: 24 N.J.R. 3695(a), 25 N.J.R. 348(b).

Slot machines prohibited at (k).

Amended by R.1995 d.284, effective June 5, 1995.

See: 27 N.J.R. 1173(a), 27 N.J.R. 2264(a).

Amended by R.1996 d.563, effective December 2, 1996.

See: 28 N.J.R. 3907(b), 28 N.J.R. 5083(a).

Administrative correction.

See: 29 N.J.R. 1519(a).

In (h), amended subsection references.

**19:46-1.28 Testing of designated gaming or simulcast wagering equipment or related devices or software by the Division**

(a) The following items of gaming or simulcast wagering equipment or related devices or software shall not be utilized in a casino, casino simulcasting facility or hub facility unless they are identical in all mechanical, electrical, electronic and other aspects to a prototype thereof which has been specifically tested by the Division pursuant to this section and approved for use by the Commission in accordance with N.J.A.C. 19:46-1.20:

1. Slot machines;
2. Progressive slot machine and table game progressive payout wager systems;
3. Slot monitoring systems;
4. Bill changers;
5. Coin acceptors;
6. Keno systems;

7. Software related to (a)1 through 6 above;

8. Totalisators;

9. Pari-mutuel machines, self-service pari-mutuel machines and credit voucher machines; and

10. Any other gaming or simulcast wagering equipment or related device or software that is determined by the Commission to require testing by the Division in order to contribute to the integrity of gaming or simulcast wagering operations.

(b) Any manufacturer or distributor proposing to offer any equipment, device or software that requires testing pursuant to (a) above prior to its use in an Atlantic City casino, casino simulcasting facility or hub facility, shall submit a written request for the testing of the equipment, device or software to the Division's Technical Services Bureau, Citicenter Building, 1300 Atlantic Avenue, Atlantic City, New Jersey 08401. The manufacturer or distributor shall transport, at its own expense, a prototype of the equipment, device or software to a location specified by the Division for testing, examination and analysis in accordance with this section.

(c) Each prototype submitted pursuant to (b) above shall be accompanied by, without limitation, the following information, as applicable:

1. A hardware block diagram of the major subsystems;
2. A complete set of schematics for all subsystems;
3. A wiring loom/harness connection diagram;
4. Operation and/or service manuals;
  - i. An operation manual for bill acceptors incorporated into or connected with slot machines shall describe the operation of the device and its fault conditions, and shall include a software version thereof;
5. Details for coin hopper operation, including, but not limited to, capacities for various denominations, hopper fill detection, hopper jam detection, hopper empty detection and illegal or extra coin out detection;
6. A description of all meters required by N.J.A.C. 19:45 or 19:46;

7. Detailed information on the battery backup power, including, without limitation, identification of the components being backed up, type of battery or energy storage capability, expected operational life of the unit, information stored in the battery backed-up component, and a description of the low battery voltage indicator circuit;

8. A description of all tower light functions and what each situation indicates;

9. A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations and, where a game requires or permits player strategy in the theoretical derivations of the payout return, the source of strategy;

10. For fault conditions, the condition name and code, if applicable, the type of machine alarm (for example, bell or video message), a description of the fault and whether the machine locks up in this condition, and how the machine is reset from each fault condition;

11. A description of the use and function of all dip switch settings or selectable operations;

12. Information on special test connections and communication requirements for evaluation purposes;

13. A description of the random number generators used to determine game outcome, including a detailed explanation of operation methodology, and a description of the manner by which the random number generator and random number selection process is impervious to outside influences including, without limitation, electromagnetic interference, electro-static interference, radio frequency interference and influence from associated equipment via data communications;

14. If a slot machine includes more than one game, a description of each game, an indication that each game has separate meters and an indication that each such game complies with the minimum payout requirements in N.J.A.C. 19:45-1.37;

15. Software listings, in a format to be provided by the Division; and

16. Any other information or documentation that is deemed necessary by the Division in order to complete the testing of the prototype.

(d) In lieu of the information required by (c) above, the manufacturer or distributor may certify that a component of a prototype is identical in all aspects to a component of a prototype previously submitted to the Division for testing.

(e) The testing, examination and analysis of a prototype pursuant to this section may require the dismantling of the prototype and tests that may result in damage to or destruction of one or more systems or components of the prototype. Once submitted for testing pursuant to this section, no prototype shall be returned to the manufacturer or

distributor thereof unless otherwise determined by the Division.

(f) Upon completion of its testing, examination and analysis of a prototype, the Division shall submit a report of its findings, conclusions and recommendations to the Commission, which report shall specify any recommendations for modifications or additions to the prototype.

(g) Prior to a decision on whether to approve a particular prototype tested by the Division, the Commission may require a trial period of such duration as it may deem necessary to assess the operation of the prototype in a licensed casino. During the trial period;

1. Minor changes in the operation or design of the prototype may be made with the prior approval of the Division; and

2. The manufacturer or distributor of the prototype shall not be entitled to receive revenue of any kind whatsoever due to the use of the prototype.

R.1978 d.160, effective May 17, 1978.

See: 10 N.J.R. 176(c), 10 N.J.R. 266(c).

Amended by R.1999 d.173, effective June 7, 1999.

See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).

Rewrote the section.

Administrative change.

See: 33 N.J.R. 1018(a).

Amended by R.2001 d.402, effective November 5, 2001.

See: 33 N.J.R. 2633(a), 33 N.J.R. 3762(a).

In (a)2, inserted "and table game progressive payout wager" preceding "systems".

#### **19:46-1.28A Standards for the approval of a slot machine game**

(a) No slot machine game shall be approved by the Commission for casino gaming unless it complies with the requirements of this section.

(b) Except as otherwise provided in this section, each slot machine game shall have a theoretical payout percentage equal to or greater than 83 percent but less than 100 percent. A game-within-a-game may have a theoretical payout percentage equal to or greater than 100 percent if the theoretical payout percentage of the game-within-a-game and the primary slot machine game within which it is included, when determined together, is less than 100 percent.

(c) Except as otherwise provided in this section, each play offered by a slot machine game shall have a theoretical payout percentage equal to or greater than 83 percent. A particular play may have a theoretical payout percentage that is equal to or greater than 100 percent if the primary slot machine game in which the play is included has a theoretical payout percentage that is less than 100 percent. No play offered by a slot machine game shall have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that slot

machine game which is activated by a slot machine wager in a lesser amount than the slot machine wager required for that play. Notwithstanding the foregoing, the theoretical payout percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

1. The aggregate total of the decreases in the theoretical payout percentage for plays offered by the slot machine game is no more than one-half of one percent; and
2. The theoretical payout percentage for every play offered by the slot machine game is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the slot machine game.

(d) When determining whether a slot machine game or play meets the minimum 83 percent payout requirement, the following shall not be included as a payout:

1. A payout of merchandise or thing of value pursuant to N.J.S.A. 5:12-45 and N.J.A.C. 19:45-1.40A;
2. The amount of a progressive jackpot in excess of the initial or reset amount;
3. A cash or noncash complimentary issued pursuant to N.J.A.C. 19:45-1.9(i); and
4. A limited time payout.

(e) A slot machine game that includes a play with a skill feature and does not automatically disclose the choice that represents optimal strategy or provide mathematically sufficient information for a patron to derive optimal strategy shall have a theoretical payout percentage equal to or greater than 85 percent.

(f) The theoretical payout percentage of a play and slot machine game with a strategy feature or skill feature shall be calculated on the assumption that a patron will always exercise optimal strategy.

(g) A slot machine game that offers one or more games-within-a-game shall comply with the following requirements:

1. The primary slot machine game shall satisfy the 83 percent minimum payout requirement independently of any game-within-a-game;
2. Each game-within-a-game shall satisfy the 83 percent minimum payout requirement independently of the primary slot machine game within which it is included;
3. Each game-within-a-game, other than a game with a theoretical payout percentage equal to 100 percent, shall have an in meter, jackpot meter and manual jackpot meter that operate independently of the metering of the primary slot machine game, and the meters for the primary slot machine game shall be inclusive of all game-within-a-game activity;
4. The last game recall of the primary slot machine game shall include all game-within-a game activity; and

5. The theoretical payout percentage of a game-within-a-game that can be played through the use of a free play award shall be equal to or greater than the theoretical payout percentage of the primary slot machine game.

(h) A slot machine game that includes plays with one or more strategy features shall comply with the following requirements:

1. Whenever a patron has an option to make a strategy choice, the slot machine game shall, in a manner approved by the Commission including, without limitation, through a readily available help screen, automatically disclose the choice that represents optimal strategy or information that is mathematically sufficient for a patron to derive optimal strategy; and

2. Once a patron has achieved the highest award offered on a play by a strategy feature, the slot machine game shall not permit the patron to risk the award by making an additional strategy choice.

(i) Unless the Commission expressly finds, after consultation with the Division, that a particular type of proposed scripting would not be deceptive, or unless otherwise provided in this subsection, scripting shall not be permitted in any slot machine game. Jackpot scripting shall be permitted if:

1. It does not occur in the primary slot machine game;
2. It does not include any outcome in which no award will be received;
3. It does not display any unachievable result; and
4. It is not otherwise misleading.

(j) A slot machine game that offers free play awards shall not display as a possible outcome of a wager any amount that could only be won through the consecutive activation of free play awards won on the wager. For example, if the highest jackpot offered by a slot machine game is \$1,000 and it is possible to win two free play awards on one wager, the slot machine game shall not display \$2,000 as a possible jackpot.

New Rule, R.2001 d.451, effective December 3, 2001.  
See: 33 N.J.R. 772(a), 33 N.J.R. 4151(b).

**19:46-1.29 Operation of gaming and simulcast wagering equipment and related devices and software in conformance with Commission approval**

(a) The responsibility for final assembly and initial operation of any gaming or simulcast wagering equipment or related device or software in the manner approved by the Commission rests with the manufacturer and distributor. Any subsequent change in the manner of assembly or operation of an approved piece of gaming or simulcast wagering equipment or a related device or software shall be deemed unsuitable unless prior to the institution of the change the manufacturer or distributor or operator shall have obtained approval from the Commission in accordance with this section, N.J.A.C. 19:46-1.20 and, if applicable, N.J.A.C. 19:46-1.28.

(b) Any request for changes to an approved piece of gaming or simulcast wagering equipment or any related device or software shall be filed with the Commission and shall include the following:

1. A description of the modification and the reasons therefor;
2. Any relevant documentation that describes the operational impact of the modification; and
3. Diagrams or mathematical explanations as necessary.

(c) Any hardware or software modification to an approved prototype that was previously tested by the Division pursuant to N.J.A.C. 19:46-1.28 shall be submitted to the Division for review and approved by the Commission prior to implementation.

(d) Each piece of gaming or simulcast wagering equipment or related device or software approved by the Commission shall, at all times, operate or function in accordance with all representations made by the manufacturer, distributor or operator to the Commission, the Division and the public.

R.1978 d.160, effective May 17, 1978.

See: 10 N.J.R. 176(c), 10 N.J.R. 266(c).

Amended by R.1988 d.495, effective October 17, 1988.

See: 20 N.J.R. 52(a), 20 N.J.R. 2591(b).

Deleted (a)2.

Amended by R.1999 d.173, effective June 7, 1999.

See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).

Rewrote the section.

#### 19:46-1.30 (Reserved)

R.1978 d.160, effective May 17, 1978.

See: 10 N.J.R. 176(c), 10 N.J.R. 266(c).

Repealed by R.1999 d.173, effective June 7, 1999.

See: 30 N.J.R. 2164(a), 31 N.J.R. 1502(a).

Section was "Disciplinary procedures".

#### 19:46-1.31 Records and reports

(a) Each casino licensee shall maintain a complete record of all customer complaints registered and repairs made with regard to each slot machine in the possession of the licensee. A copy of such records shall be made available to authorized employees and agents of the Commission or Division upon request.

(b) Each casino licensee shall record in a log whenever any logic board in any slot machine is replaced with another logic board. Such log shall include the date, slot machine asset number, serial number on the logic board and the signature of the individual completing the log. Such log shall be maintained by the casino licensee's slot department and shall be available for inspection by the Commission and Division upon request.

R.1978 d.160, effective May 17, 1978.

See: 10 N.J.R. 176(c), 10 N.J.R. 266(c).

Amended by R.1996 d.350, effective August 5, 1996.

See: 28 N.J.R. 2348(a), 28 N.J.R. 3816(a).

#### 19:46-1.32 (Reserved)

R.1979 d.255, effective June 28, 1979.

See: 11 N.J.R. 108(a), 11 N.J.R. 420(b).

Amended by R.1988 d.34, effective January 19, 1988.

See: 19 N.J.R. 1890(a), 20 N.J.R. 205(a).

Added (c) renumbered old (c)-(d) to (d)-(e).

Petition for rulemaking.

See: 28 N.J.R. 1315(b).

Repealed by R.1996 d.301, effective July 1, 1996.

See: 28 N.J.R. 1952(a), 28 N.J.R. 3330(a).

Section was "Limitation on utilization of slot machines of any one manufacturer".

#### 19:46-1.33 Issuance and use of slot tokens for gaming and simulcast wagering; prize tokens; slot token and prize token specifications; promotional non-gaming tokens

(a) Each casino licensee may, with Commission approval, issue the following types of metal disks having two faces and an edge:

1. A "slot token" that is:

i. Designed for gaming use in the hoppers of the casino licensee's slot machines, in keno and in simulcast wagering within the casino licensee's casino simulcast facility;

ii. Capable, upon insertion into the coin acceptor of a designated slot machine operated by the casino licensee that issued the slot token, of activating the play of that slot machine;

iii. Issuable, in an exchange with a patron upon request, only from a slot booth, the cashiers' cage, a change machine or bill changer, or by a changeperson; provided, however, that each casino licensee may issue slot tokens as complimentary services or items in accordance with a distribution program authorized pursuant to N.J.A.C. 19:45-1.46;

iv. Exchangeable, by a patron at the casino where the slot token was issued, in the manner provided by N.J.A.C. 19:45-1.34 and 19:45-1.35; and

v. Redeemable, by the issuing casino licensee promptly upon request of the patron surrendering one or more slot tokens, only at a coin redemption booth, a slot booth or the cashiers' cage for an equivalent amount of cash or for a casino check of that casino licensee in the amount of the slot tokens surrendered and dated the day of the redemption; and, at the option of the issuing casino licensee, redeemable upon request of the patron by mail, provided such redemption shall be effectuated by a cage supervisor as defined in N.J.A.C. 19:45-1.1, in accordance with internal controls approved by the Commission which, at a minimum, shall detail procedures for the issuance of a casino check and the transfer of the surrendered slot tokens to the master coin bank in a transaction fully supported by proper documentation; and

2. A "prize token" that is:

i. Designed to be awarded and issued only as a payout from a payout-only hopper of a designated slot machine that is operated by the casino licensee using the token;

ii. Incapable of activating slot machine play at any slot machine which is capable of accepting coin or slot tokens of a denomination that is greater than the denomination of the prize token;

iii. Unavailable for use in keno or simulcast wagering;