

CHAPTER 3

OFFICE OF AMUSEMENT GAMES CONTROL

Authority

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

Source and Effective Date

R.1998 d.249, effective April 24, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Executive Order No. 66(1978) Expiration Date

Chapter 3, Office of Amusement Games Control, expires on April 24, 2003.

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Subchapter 8, Forms, was repealed by R.1982 d.498, effective January 17, 1983.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: Source and Effective Date. See, also, section annotations.

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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).

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.

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 nontransferable 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.

13:3-1.5 Requisites for municipal license

(a) No license shall be issued in any municipality unless and until an ordinance shall have been adopted by the municipal governing body:

(b) Notice of any such amendment shall be certified to the Commission by the municipal governing body within three days, along with a \$25.00 amendment fee, payable by the licensee to the Commission.

(c) No licensee who has applied for an amended license shall operate a game other than that which has been licensed by the Commission until an amended license certificate has been issued.

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), added that application must be submitted to the Commissioner. In (b), notice of any amendment must be made in 10 days. Amended by R.1988 d.227, effective May 16, 1988.

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

Substantially amended.

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

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

Rewrote the section.

13:3-1.17 Devolution of license upon death, bankruptcy, receivership or incompetency of licensee

(a) In case of death, bankruptcy, receivership or incompetency of the licensee, or if for any other reason the operation of the business covered by the license shall devolve by operation of law upon a person other than the licensee, application for extension of the license for a limited time, not exceeding its term, shall be made promptly by the executor, administrator, trustee, receiver or other person upon whom operation of the business covered by the license shall have devolved by operation of the law.

(b) Application for such extension shall be made in the form of a petition addressed to and acted upon by the municipal governing body.

(c) If the petition for extension is granted, the license certificate shall be appropriately endorsed by the municipal governing body, without fee, and a report of the extension shall be made to the Commission by the municipal governing body within 10 days.

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

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

In (c) report must be made to Commissioner within 10 days.

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

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

In (c), substituted a reference to the Commission for a reference to the Commissioner.

13:3-1.18 Reporting change in application facts

Whenever any change, including, but not limited to, a change of seasonal or permanent address, shall occur in the facts as set forth in any application for a license, the licensee shall file with the Commission and the municipal governing body a notice in writing of such change within 10 days after the occurrence.

As amended, R.1983 d.90, eff. April 2, 1984.

See: 16 N.J.R. 208(a), 16 N.J.R. 737(a).

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

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

Inserted a reference to changes of seasonal and permanent addresses, and substituted a reference to the Commission for a reference to the Commissioner.

13:3-1.19 Agriculture Department approval of agricultural fair license

No license shall be issued in any municipality for a place where an agricultural fair and exhibition is held unless and until a photostatic or other copy of the certificate of the State Department of Agriculture has been submitted to the municipality evidencing that the fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions and is approved by the Department for participation in any or all State-sponsored programs relative to the promotion of agriculture and the advancement of agricultural interests in New Jersey. A second copy of the certificate shall be transmitted to the Commission. A State license may be issued for a place where the agricultural fair and exhibition is to be held.

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

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

Rewrote the former second sentence as the second and third sentences.

SUBCHAPTER 2. ISSUANCE OF LICENSES BY COMMISSION

13:3-2.1 Need for municipal license

No municipal approval of a license shall become operative unless and until the licensee shall have been issued the State license certificate by the Legalized Games of Chance Control Commission.

As amended, R.1983 d.90, eff. April 2, 1984.

See: 16 N.J.R. 208(a), 16 N.J.R. 737(a).

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 to the State Commissioner of Amusement Control.

13:3-2.2 License fees

Application for a State license shall be made upon a form prescribed and furnished by the Commission, accompanied by the requisite fee in money order or certified check drawn to the order of the Legalized Games of Chance Control Commission in such amount as is prescribed by N.J.S.A. 5:8-102 for games at an amusement park or seashore resort, or other resort, or by N.J.S.A. 5:8-125 for games at an agricultural fair and exhibition.

As amended, R.1982, d.498, eff. January 17, 1983.

See: 14 N.J.R. 1194(a), 15 N.J.R. 93(a).

Deleted reference to sections 8.1 and 8.5. Added accompaniment of fee. Recodified and increased fee schedule.

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

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

Deleted list of license fees and added amounts to be charged as prescribed by N.J.S.A. 5:8-102 and 5:8-125.
Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Deleted (a) designation, substituted references to the Legalized Games of Chance Control Commission for references to the New Jersey Amusement Games Control Commissioner throughout, deleted "cash," preceding "money order", and inserted a reference to other resorts.

13:3-2.3 Separate application and fee for specific games and separate premises

(a) A separate application shall be made, and separate fee paid, for each specific kind of game to be authorized to be held, operated and conducted by the applicant pursuant to municipal and State license and for each place at which the applicant seeks authorization to hold, operate and conduct such game or games, except that a single license may be issued for all games classified under Certification No. 2 pursuant to N.J.A.C. 13:3-7.9(a)2 and operated in an arcade at a single location.

As amended, R.1983 d.90, eff. April 2, 1984.
See: 16 N.J.R. 208(a), 16 N.J.R. 737(a).

Language concerning when no fee payable deleted.
Amended by R.1988 d.227, effective May 16, 1988.
See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a).
Added text "except that a single ...".

13:3-2.4 Duration of license; prorating fees

(a) All State licenses shall be issued on a calendar year basis with a maximum term from January 1 to December 31 of the year within which the license is to be operative, or for such shorter term within the year as may be fixed by the Commission to accord with the municipal license.

(b) In any event, the full annual fee, where required, for each license shall be payable without proration.

(c) In the event of denial or withdrawal, the Commission shall retain as and for an investigation fee, from the fee submitted with each application denied or withdrawn, the sum of \$10.00 and the remaining sum paid, if any, shall be refunded to the applicant.

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), substituted a reference to the Commission for a reference to the Commissioner; and rewrote (c).

13:3-2.5 Reporting change of application facts

Whenever any change, including, but not limited to, a change of seasonal or permanent address, shall occur in the facts as set forth in any application for State license, the licensee shall file with the Commission a notice in writing of such change within 10 days after the occurrence.

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Inserted a reference to changes of seasonal and permanent addresses, and substituted a reference to the Commission for a reference to the Commissioner.

13:3-2.6 Cancellation of license

Any State license issued by the Commission may be cancelled in the event that after its issuance it appears that the municipal license rendered operative thereby has been issued in violation of any provision of the Amusement Games Control Law (P.L. 1959, c.108) or the Amusement Games Licensing Law (P.L. 1959, c.109) or any of the rules and regulations promulgated by the Commission.

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Substituted references to the Commission for references to the Commissioner throughout.

SUBCHAPTER 3. CONDUCT OF LICENSEES AND OPERATION OF LICENSED GAMES

13:3-3.1 Conspicuous display of license

No licensee shall hold, operate, conduct or allow any amusement game on the licensed premises unless a current license certificate is conspicuously posted. The license certificate shall be suitably weather-proofed and in such plain view and location as to be easily read by all persons visiting such premises.

As amended, R.1983 d.90, eff. April 2, 1984.
See: 16 N.J.R. 208(a), 16 N.J.R. 737(a).
Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).
Rewrote the section.

Case Notes

Nude dancing was not allowed within separate room adjacent to or within licensed premises. Division of Alcohol Beverage Control v. J & M Restaurant, 95 N.J.A.R.2d (ABC) 11.

13:3-3.2 Method of operating licensed games

(a) No licensee shall hold, operate or conduct any licensed game which is inconsistent with the requirements, limitations and restrictions contained in the Permissible Amusement Games Certification Number in N.J.A.C. 13:3-7, Certification of Permissible Games, under which the license has been issued.

(b) No licensee shall hold, operate or conduct any licensed game where the outcome of the game is controllable or may be influenced in any way by the operator by any arrangement, installation, plan or scheme, or by electrical, electronic, sonic, mechanical or other device, or allow, permit or suffer any such arrangement, installation or device on the license premises.

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).
Rewrote the section.

13:3-3.3 Hours and days license in effect

No licensee shall hold, operate or conduct or allow, permit or suffer the holding, operation or conduct of any amusement game on the licensed premises during hours or on days prohibited by municipal ordinance or during hours or on days not authorized by the license as indicated on the license certificate.

13:3-3.4 Maximum fee for participation in game

(a) No licensee shall charge or accept, directly or indirectly, more than \$2.00 from any one player for an opportunity to participate in any one amusement game.

(b) All prizes, or tickets or tokens redeemable for a prize, awarded in a game shall be awarded immediately upon completion of the game and before making or accepting a charge for participation in any subsequent game.

(c) No charge may be made or accepted for participation in a game in excess of the posted charge for the opportunity to participate in the game. Nothing in this section shall be construed to prohibit a licensee from offering a discounted entry fee for multiple opportunities to participate in a single game not in excess of \$2.00.

(d) Upon receipt of currency greater than the charge to play a game, the licensee shall immediately remit the appropriate change to the player.

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

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

Increased maximum fee from \$0.25 to \$1.00 except that maximum charge for arcade games shall not exceed \$0.50.

Amended by R.1986 d.218, effective June 16, 1986.

See: 18 N.J.R. 613(a), 18 N.J.R. 1306(a).

Added text "Upon receipt of . . . player immediately."

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

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

Deleted "except that the maximum . . ." and added (b) through (f).

Amended by R.1990 d.465, effective September 17, 1990.

See: 22 N.J.R. 1435(b), 22 N.J.R. 2982(a).

Specified when a bill acceptor may be used.

Amended by R.1995 d.175, effective March 20, 1995.

See: 26 N.J.R. 4951(a), 27 N.J.R. 1191(b).

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), deleted "or allow or permit," following "accept," and deleted "the charging or accepting of" following "indirectly,".

13:3-3.5 Types of prizes permitted; value of prize

(a) No licensee shall offer or give, directly or indirectly, any prize in any single amusement game except merchandise other than alcoholic beverages; drug or narcotic paraphernalia; obscene or indecent recordings, printings, writing, pictures or other matter; or weapons as defined in N.J.S.A. 2C:39-1r.

(b) The retail value of such merchandise prize or prizes to be offered or awarded in any game or for an accumulation of wins from a series of games or plays shall not exceed an average retail value of \$500.00, except that the maximum average retail value of any prize which may be offered and

given for accumulation of tickets or tokens in any arcade or parlor certified in N.J.A.C. 13:3-7.9(a)2 or (a)4 under Certifications No. 2 or No. 4 ("Skilo" and "Fascination") only shall not exceed \$999.99.

1. There shall be no limit on the time within which tokens or tickets must be redeemed in any arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2, or in any "Skilo" and "Fascination" parlor licensed pursuant to N.J.A.C. 13:3-7.9(a)4 under Certification No. 4.

2. The transfer of any arcade or parlor license in N.J.A.C. 13:3-7.9(a)2 or (a)4 under Certification Nos. 2 or 4 ("Skilo" or "Fascination" only) shall specifically provide that all tickets and tokens awarded by the transferor shall be honored by the transferee.

(c) All winners shall be determined and all prizes or tickets or tokens that may be accumulated for a prize shall be awarded in any game forthwith upon the completion of the game and before making or accepting any charge for participation in any subsequent game or play.

(d) Where games licensed and certified pursuant to N.J.A.C. 13:3-7.9(a)1, 3, 5, 6, 7, 8 or 9 are operated in conjunction with an arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2, such arcade may also award as prizes tickets redeemable toward merchandise prizes available in the arcade, provided that the value of any single prize ticket shall not permit redemption for a prize valued in excess of an average retail value of \$500.00. Such tickets may be combined with tickets or tokens awarded in the arcade for redemption purposes.

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), added drug or narcotic paraphernalia not permitted. In (b), retail value of prizes increased from \$15.00 to \$300.00. In (c), added nontransferable tickets or tokens may be accumulated.

Amended by R.1985 d.334, effective July 1, 1985.

See: 17 N.J.R. 1058(a), 17 N.J.R. 1664(a).

Substantially amended.

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

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

Substantially amended.

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), substituted "or indecent" for " , indecent, filthy, lewd, lascivious or disgusting" following "obscene"; in (b)2, deleted "and certified" following "license"; and in (c), deleted "nontransferable" following "prizes or".

13:3-3.6 Determination of value of prizes

(a) No licensee shall offer, award or display any prize in the licensed premises which prize's retail value is in excess of the limits established in N.J.A.C. 13:3-3.5(b).

(b) For the purpose of this subchapter, the "average retail value" of the merchandise awarded as prizes shall be based on the manufacturer's suggested retail price or commonly advertised price.

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), retail value of prizes increased from \$15.00 to \$300.00.

In (b), changed retail value from not to exceed \$15.00 to manufacturer's suggested retail value.

Old (c) deleted.

Amended by R.1985 d.334, effective July 1, 1985.

See: 17 N.J.R. 1058(a), 17 N.J.R. 1664(a).

Retail value of prize changed from \$300.00 to \$500.00.

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

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

Added text in (a) "the limits established in N.J.A.C. 13:3-3.5(b)".

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

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

13:3-3.7 Redemption of prize or cash

No licensee shall, directly or indirectly, redeem for money or for the playing of any additional game or games, any prize or ticket or token offered or given nor shall any licensee allow or permit such redemption.

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

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

Added text "or ticket or token" and "nor shall any licensee".

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

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

Substituted "or permit" for " , permit, suffer or participate in" following "allow".

13:3-3.8 Deceptive, fraudulent or misleading advertising or practice; conduct of games

(a) No licensee shall allow or engage in any deceptive, misleading or fraudulent advertising or practice in connection with the holding, operating or conducting of any licensed game.

(b) All games, including free, sample or tryout games, must be conducted in their original certified form. No licensee or operator shall demonstrate any game from any position other than the position from which the player will participate.

(c) All prizes that are available to be won shall be displayed, and requirements to win such prizes shall be clearly stated. If multiple wins are required for a prize, such requirements shall be clearly posted.

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

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

(b)-(d) added.

Amended by R.1986 d.218, effective June 16, 1986.

See: 18 N.J.R. 613(a), 18 N.J.R. 1306(a).

Deleted subchapter (d).

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

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

Rewrote the section.

13:3-3.9 Employees qualification, list

(a) No licensee shall employ in any capacity on the licensed premises any person who would fail to qualify as a licensee by reason of conviction of crime or otherwise.

(b) A copy of an employee list shall be kept with each individual license. This list must contain the name and home and seasonal address of every person authorized to operate the licensed game, his date of birth, and the date of commencement and termination of employment. The list must be kept current.

(c) The licensee may require employees to complete an application or affidavit certifying the employee's eligibility for employment under the terms of this section.

As amended, R.1982 d.498, eff. January 17, 1983.

See: 14 N.J.R. 1194(a), 15 N.J.R. 93(a).

Deleted reference to section 8.8.

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), added within 72 hours of employment. In (b), added employee list. Also added new (c).

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

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

Deleted old (b); renumbered old (c) to (b) and added new (c).

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), substituted a reference to the Legalized Games of Chance Control Commission for a reference to the State Commissioner of Amusement Control.

Administrative correction.

See: 31 N.J.R. 4286(b).

13:3-3.10 Fingerprinting employees

No licensee shall employ or have connected with him in any business capacity whatsoever any adult person who refuses to submit himself or herself for fingerprinting when required to do so by any agent of the municipal governing body concerned or the Commission.

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

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

"Adult" added to person.

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

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

Neutralized a gender reference, and substituted a reference to the Commission for a reference to the Commissioner.

13:3-3.11 Interest held in business by person other than licensee

No licensee shall allow any person other than the licensee to exercise or attempt to exercise, or hold himself or herself out as authorized to exercise, the rights and privileges of the license issued to the licensee, or allow any person other than the licensee to share in the profits of the licensed business except by way of *bona fide* rental agreements with landlords, *bona fide* commission or bonus agreements with operating personnel, first approved by the Commission.

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

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

Deleted " , permit or suffer" following "allow" throughout, neutralized a gender reference, and substituted a reference to the Commission for a reference to the Commissioner.

13:3-3.12 Law enforcement officers holding business interest

No license shall be held by any regular police officer, any peace officer or any other person whose powers or duties include the enforcement of the Amusement Games Control Law or the Amusement Games Licensing Law or the Legal-

ized Games of Chance Control Commission Regulations governing amusement games, or by any profit corporation or association in which any such officer or person is interested, directly or indirectly, nor shall any licensee employ or have connected with him in any business capacity whatsoever any such officer or person.

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Substituted "the Legalized Games of Chance Control Commission Regulations governing amusement games," for "Regulations" following "Law or".

13:3-3.13 Hindering inspection or investigation

No licensee or employee, agent or representative shall, directly or indirectly, hinder or delay or cause the hindrance or delay of any investigation by the Commission or the municipal governing body or its agents, or fail to facilitate such inspection or investigation in anyway whatsoever.

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).
Rewrote the section.

13:3-3.14 Requirement for license

No licensee shall hold, operate or conduct on the licensed premises any unlicensed game required to be licensed pursuant to the Amusement Games Control Law or the Amusement Games Licensing Law or the Legalized Games of Chance Control Commission Regulations.

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Deleted ", or allow, permit or suffer the holding, operating or conducting" following "conduct", and inserted "the Legalized Games of Chance Control Commission" following "Law or".

13:3-3.15 Gambling on licensed premises

No licensee shall allow on the licensed premises any playing for money or other valuable thing at any game other than that permitted by the license issued pursuant to the application and description of the game for that licensed premises, and in no event shall any prize be conditioned in any way upon any occurrence at or upon the outcome of any athletic, sporting game or contest or lottery.

As amended, R.1983 d.303, eff. August 1, 1983.
See: 15 N.J.R. 680(a), 15 N.J.R. 1254(b).

Deleted prohibited games of play and added prohibition of any game other than that permitted by the license issued pursuant to the application and description of the game for the licensed premises. Also deleted old (b).

Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Deleted ", permit or suffer" following "allow".

13:3-3.16 Licensee responsible for acts of employees

(a) In any disciplinary proceedings to suspend or revoke any amusement games license, it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the licensee.

(b) The fact that the licensee did not participate in the violation or that his agent, representative or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence, shall constitute no defense to the charges preferred in such disciplinary proceedings.

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 representatives for a reference to servants.

13:3-3.17 Required signs

(a) Rules and instructions for the game shall be clearly and conspicuously posted on a sign entitled "Rules." Minimum size for rule signs is 8 ½ inches by 11 inches with readable letters at least one-half inch high. The color of the print and background material shall be contrasting.

(b) The price to play shall be clearly posted and visible from all player positions. If the price to play is not on the rules sign, it shall be on a sign with the minimum dimensions of five inches by five inches, with the color of the print and background material contrasting.

New Rule R.1986 d.218, effective June 16, 1986.
See: 18 N.J.R. 613(a), 18 N.J.R. 1306(a).
Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

SUBCHAPTER 4. SUBMISSION OF REPORTS BY LICENSEES

13:3-4.1 Books of account, entries; inspection

Every licensee shall keep a true book or books of account in which the licensee shall enter all moneys received and the specific source of such receipts, all moneys expended from such receipts, and the name of the person receiving such expenditures, and the purpose for which such expenditures were made. All books and records pertaining to such receipts or expenditures shall be made available for inspection by the Legalized Games of Chance Control Commission and the municipal governing body and their agents.

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 to the State Commissioner of Amusement Games Control in the last sentence.

13:3-4.2 Invoices of cost of prizes retained

Every licensee shall retain for a period of one year from the date thereof, all delivery slips, invoices, manifests, way-bills or similar documents received from suppliers of merchandise to be awarded as prizes. These records shall be readily available for inspection by agents of the Commission.

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 Commission for a reference to the Commissioner.

13:3-4.3 Report of conduct of game by licensee

(a) Every licensee shall, not later than the 15th day of February, file with the Commission a report of the conduct of games for the previous license year or period, in a form prescribed by the Commission.

(b) Licensees holding, operating and conducting games at agricultural fairs and exhibitions shall file such reports not later than the 15th day after the closing date of the fair or exhibition with respect to which the license is issued.

(c) Such reports shall contain information relating to type of games, number of days game operated, income, prizes and operating expenses, and shall be fully and truthfully completed, without fraud, misrepresentations, false or misleading statements, or evasion or suppression of any fact.

As amended, R.1982 d.498, effective January 17, 1983.

See: 14 N.J.R. 1194(a), 15 N.J.R. 93(a).

Deleted reference to section 8.6.

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

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

Added "15th day of the month following the last day of operation of the game during the license year."

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

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

Substantially amended (a).

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), substituted references to the Commission for references to the Commissioner throughout; in (b), deleted "license" following "conducting"; and rewrote (c).

13:3-4.4 Reports confidential

Reports required to be submitted, and the information contained therein, shall not be disclosed by the Commission except so far as may be necessary for the purpose of carrying out the provisions of the Amusement Games Control Law (P.L. 1959 c.108) and the Amusement Games Licensing Law (P.L. 1959 c.109).

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 Commission for a reference to the Commissioner.

13:3-4.5 Failure to file report; incomplete report; false report

Failure or refusal by any licensee to make timely filing of any report required by this subchapter, or the filing of any report either incomplete or false in fact, shall constitute cause for suspension or revocation of license or bar to future license.

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 this subchapter for a reference to this regulation, and added "or bar to future license" at the end.

SUBCHAPTER 5. DISCIPLINARY PROCEEDINGS

13:3-5.1 Five-day notice prior to hearing; violation specified

(a) No license shall be suspended or revoked until a five-day notice of the alleged violation against the licensee shall have been given to him personally or by mailing the same by certified mail addressed to him at the licensed premises or at the address listed on the application for licensure and a reasonable opportunity to be heard thereon afforded to the licensee.

(b) If brought by the Legalized Games of Chance Control Commission, such charges shall be signed in the name of the Commission or, if brought by a municipal governing body, such charges shall be signed in the name of such governing body and shall specify the section of the law or the rule and regulation alleged to have been violated and the time and place fixed for the hearing.

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), substituted references to violations for references to charges, and inserted "or at the address listed on the application for licensure" following "premises" and in (b), substituted references to the Legalized Games of Chance Control Commission for references to the State Commissioner of Amusement Games Control throughout.

13:3-5.2 Uncontested disciplinary proceedings

(a) At any time prior to two days before the date fixed for hearing, the licensee may enter a written plea of guilty or non vult to the charges and, thereafter, no hearing shall be held therein.

(b) Where a written plea of guilty or non vult is received, written argument as to penalty may be submitted to the Commission or to the municipal governing body, as the case may be, simultaneously with the entry of the plea.

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

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

In (b), substituted a reference to the Commission for a reference to the Commissioner, and substituted "simultaneously with the" for "five days after" preceding "entry".

13:3-5.3 Conduct of hearing

Hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:3-5.4 Commission's decision changing penalty

The Commission may adopt, modify or reject the initial decision; provided, however, that the Commission shall not increase any recommended penalty or change a recommended finding of not guilty without first affording the licensee an opportunity to present oral argument before the Commission.

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

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

Substituted references to the Commission for references to the Commissioner throughout.

13:3-5.5 Transmittal of charges and result to Commission

When charges have been preferred against a licensee by the governing body of any municipality, such governing body shall transmit to the Commission forthwith a copy of such charges and, when the charges have been finally adjudicated, a copy of the Resolution and Order shall be promptly transmitted to the Commission.

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

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