

5. "License renewal fee" means the total fee which is required by the Act and these regulations to be paid prior to the renewal of a plenary casino license under Section 88 of the Act and which is based upon the cost of investigating and considering the application and of maintaining control and regulatory activities of the Commission and the Division.

(b) No application for the issuance or renewal of a casino license shall be accepted for filing by the Chairman unless a nonrefundable deposit of \$100,000 shall first have been paid in full. Such deposit shall be applied to the initial license fee or renewal fee if the application is approved.

(c) No casino license shall be issued unless the applicant shall first have paid in full an issuance fee of not less than \$200,000.

(d) No casino license shall be renewed unless the applicant shall first have paid in full a renewal fee of not less than \$100,000 for each one-year license renewal, and not less than \$200,000 for each four-year license renewal.

(e) As a component of its initial license fee or renewal fee and as a condition of casino licensure, each applicant or licensee shall be required to pay for the efforts of the Commission and the Division on matters directly related to the applicant or licensee at hourly rates to be set by the Commission in accordance with this subsection, and to reimburse any unusual costs or out of pocket expenses incurred by the Commission or the Division in regard to such matters.

1. Prior to the start of each fiscal year, the Commission shall determine the hourly fee rates to be paid by licensees and applicants pursuant to this subchapter. These rates shall be based upon the hourly costs of services provided by Commission professional staff, Commission inspection staff and Division professional staff during the fiscal year, as estimated from the projected fiscal year budget for the Commission and the Division.

2. The projected hourly fee rates established pursuant to (e)1 above may be adjusted by the Commission during the fiscal year based upon the final fiscal year budget approved for the Commission and the Division by the Legislature.

3. Notice of the hourly fee rates established pursuant to (e)1 above shall be published in the New Jersey Register.

(f) A licensed casino facility shall be required to pay, as a component of the renewal fee for any casino license necessary to casino or casino simulcasting operations therein and as a condition of any such casino license renewal, a share of the amount of any liability of the Casino Control Fund existing as of the close of business on June 30 of each fiscal year. The share for each licensed casino facility shall be the amount which bears the same proportion to the total liability

of all licensees as the proportion which that licensed casino facility's average daily authorized casino room and casino simulcasting facility square footage bears to the total average daily authorized casino room and casino simulcasting facility square footage for all licensed casino facilities. For purposes of this calculation any part of a calendar day shall be considered a full day. Any days during which a necessary casino license or operation certificate for a licensed casino facility has been suspended shall also be counted in determining the share of such facility. Further, the operation of the facility by a conservator or trustee shall be deemed continued operation by the casino operator for these purposes. The obligation to pay the assessed share of a licensed casino facility shall be that of the casino operator; provided, however, that if a change of casino operators occurs during the fiscal year, each such operator shall be liable for an amount of the share apportioned according to the time during which each operator functioned. Any share calculated in accordance with this section shall be paid in full by December 31 of the year following the fiscal year. The Commission, through its Division of Financial Evaluation, may estimate from time to time during the fiscal year the share for each licensed casino facility incurred to that time and require payment of such estimated share on a monthly or other periodic basis during the fiscal year.

Amended by R.1981 d.367, effective October 8, 1981.

See: 13 N.J.R. 531(b), 13 N.J.R. 709(a).

Added (f).

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(e) Substantially amended.

Amended by R.1985 d.583, effective November 18, 1985.

See: 17 N.J.R. 2242(a), 17 N.J.R. 2788(a).

Added text to (f) "Any share calculated ... such estimated share."

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Deleted old (e)1 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (d): added text setting forth \$200,000 renewal fee for each two-year license renewal; added "one-year license" renewal in sentence setting forth \$100,000 renewal fee.

In (e): deleted specific hourly rates and added "... hourly rates to be set by the Commission in accordance with this subsection ..."

Added new (e)1-3, recodifying existing (e)1-2 as part of subsection (e).

Public Notice: hourly fee rates.

See: 25 N.J.R. 1012(a).

Amended by R.1993 d.253, effective June 7, 1993 (operative July 1, 1993).

See: 25 N.J.R. 1080(a), 25 N.J.R. 2506(c).

Public Notice: hourly fee.

See: 25 N.J.R. 2775(c).

Public Notice: hourly fee.

See: 26 N.J.R. 2476(a).

Public Notice: hourly fee rates.

See: 26 N.J.R. 3216(c).

Amended by R.2000 d.196, effective May 15, 2000.

See: 32 N.J.R. 645(a), 32 N.J.R. 1784(b).

In (d), substituted a reference to four-year license renewals for a reference to two-year license renewals.

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

Case Notes

Assessment procedure consistent with Casino Control Act and necessary for its implementation. *Atlantic City Casino Hotel Assn. v. Casino Control Commission*, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.5 Fees for testing of gaming and simulcast wagering equipment and related devices and software

(a) Any person seeking to have prototype gaming or simulcast wagering equipment or related devices or software approved pursuant to N.J.A.C. 19:46-1.20(a)1 and, if applicable, 1.28 shall be required to pay the following fee:

1. An initial minimum charge of \$500.00, which shall be credited to the total fee;
2. Payment for the efforts of the Commission and the Division on matters directly related to the examination, testing and consideration of the prototype at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and
3. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division for matters directly related to the examination, testing and consideration of the prototype.

New Rule, R.1999 d.173, effective June 7, 1999.

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

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

19:41-9.6 Slot machine fees

In addition to any other tax or fee imposed by the Act or the regulations of the Commission and as required by Section 140 of the Act, each casino operator shall pay an annual license fee of \$500.00 upon every slot machine maintained for use in or in use in the licensed casino establishment. The annual slot machine license fee shall be imposed as of the first day of July of each year with regard to all slot machines maintained for use or in use on that date, and a pro rata basis thereafter during the year with regard to all slot machines maintained for use or placed in use after July 1.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Subsection (h) amended.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(a).

Added text to (b) "at the rate . . ."; deleted text in (b) "at the rate of \$40.00 per hour".

Amended by R.1992 d.118, effective March 16, 1992.

See: 23 N.J.R. 3729(a), 24 N.J.R. 970(c).

Deleted existing subsection (c) on permits for out-of-state slot machine manufacturers and distributors. Deleted \$500.00 permit fee.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b): Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)."

Public Notice: Hourly fee rate \$68, effective March 1, 1993.

See: 25 N.J.R. 1012(a).

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

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

Deleted former (a) designation; and deleted a former (b).

19:41-9.7 Casino hotel alcoholic beverage licenses

(a) Under Section 103 of the Act no business may expose for sale, solicit or promote the sale of, possess with intent to sell, give, dispense, or otherwise transfer or dispose of alcoholic beverages in, on or about any portion of the premises of a casino hotel unless said business possesses an appropriate casino hotel alcoholic beverage license.

(b) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino licensee conducting alcoholic beverage activity in a casino hotel shall be assessed as follows:

1. Payment for the efforts of the Commission and the Division on matters directly related to the casino hotel alcoholic beverage license or application at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and
2. Payment for any unusual or out-of-pocket expenses incurred by agents or employees of the Commission and Division on matters directly related to the casino hotel alcoholic beverage license or application.

(c) The fee for the issuance or renewal of a casino hotel alcoholic beverage license for a casino service industry licensee which is not affiliated with any casino licensee shall be \$1,000 for each location approved by the Commission for any or all of the activities listed in section 103.

(d) The fee for the issuance or renewal of a restricted brewery authorization shall be assessed as follows:

1. For a casino licensee, in accordance with (b) above; and
2. For a casino service industry licensee which is not affiliated with any casino licensee, a fee of \$1,000.

(e) The fee for the issuance of any permit or approval required by the Act or Title 33 of the Revised Statutes for an alcoholic beverage activity which is not included within a casino hotel alcoholic beverage license shall be assessed:

1. For a casino licensee, in accordance with (b) above;
2. For all other persons, at a rate of \$50.00 per day.

Amended by R.1983 d.80, effective March 21, 1983.

See: 14 N.J.R. 1364(a), 15 N.J.R. 449(c).

Added \$5,000 fee to be assessed for each location within the casino hotel. All storage areas to be deemed a licensable location. Fee to be pro rated for after acquired licenses.

New Rule, R.1987 d.109, effective February 17, 1987.

See: 18 N.J.R. 2379(a), 19 N.J.R. 381(a).

Deleted old text.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Added new (b)1 and deleted old (b)1; deleted (e).
Amended by R.1992 d.256, effective June 15, 1992.
See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).

In (b)1: Deleted specific hourly rates and added text regarding hourly rates "to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e)."

Public Notice: Hourly fee rates.

See: 25 N.J.R. 1012(a).

Public Notice: Hourly fee rates.

See: 25 N.J.R. 2775(c).

Public Notice: Hourly fee rates.

See: 26 N.J.R. 3216(c).

Amended by R.1997 d.460, effective November 3, 1997.

See: 29 N.J.R. 3706(a), 29 N.J.R. 4715(b).

Inserted new (d), and recodified existing (d) as (e).

Public Notice: Hourly fee rates.

See: 32 N.J.R. 4481(a).

Public Notice: Hourly fee rates.

See: 34 N.J.R. 316(a).

19:41-9.8 Gaming related casino service industry enterprise license fee

(a) In accordance with subsections 92a and b of the Act, all casino service industry enterprises offering goods and services which directly relate to casino, simulcast wagering or gaming activity, including gaming equipment manufacturers, suppliers and repairers, and casino security services, shall meet the standards established for casino key employees in order to be licensed. Such a license shall be issued for an initial term of three years and for a term of five years for all subsequent renewals.

(b) In order to recover the cost of the investigation and consideration of license applications by enterprises engaged in these industries, the initial license application and issuance fee for a subsection 92a casino service industry enterprise license shall be assessed as follows:

1. A minimum application charge of \$5,000 shall be due at the time of application;
2. An additional application charge of \$5,000 shall be due when the total number of hours of Commission and Division professional staff time expended on matters directly related to the applicant exceeds 333 hours;
3. An additional application charge of \$5,000 shall be due when the total number of hours of Commission and Division professional staff time expended on matters directly related to the applicant exceeds 667 hours;
4. An additional application charge, at an hourly rate to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e), shall be due and payable upon demand by the Commission for each hour of Commission and Division professional staff time that is expended on matters directly related to the applicant that is in excess of 1,000 total hours; and
5. Payment for all unusual or out of pocket expenses incurred by the Commission or the Division for matters directly related to the processing and investigation of the application.

(c) In order to recover costs for monitoring compliance with the Act and the regulations and for assuring the continued fitness of enterprises engaged in gaming related casino service industries, the application and issuance fee for the renewal of a subsection 92a casino service industry enterprise license shall be assessed in accordance with (b) above.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92a casino service industry enterprise license may request an installment plan for payment of the application fee. The Division of Financial Evaluation shall propose a payment plan for the applicant which shall include, if the applicant chooses to accept the payment plan, an additional fee of \$100.00 for the cost of processing the payment plan.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

In (a), added biennial renewal provision. In (b), deleted \$3,000 fee and added \$5,000-\$10,000 fee structure. Revised (c) to reflect changes in (b); added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Amended by R.1995 d.282, effective June 5, 1995.

See: 27 N.J.R. 1171(a), 27 N.J.R. 2251(a).

Amended by R.2006 d.252, effective July 3, 2006.

See: 38 N.J.R. 1418(a), 38 N.J.R. 2888(a).

In (a), removed "schools teaching gaming and dealing techniques," and substituted "three" for "two" and "five" for "four"; in (b)1, added "shall be due at the time of application"; rewrote (b)2; inserted present (b)3 and (b)4; recodified former (b)3 as (b)5; and rewrote (d).

Case Notes

Validity upheld. Atlantic City Casino Hotel Assn. v. Casino Control Commission, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.9 Non-gaming related casino service industry license fee

(a) In accordance with subsection 92c of the Act, all casino service industry enterprises offering goods and services not directly related to gaming operations to casino licensees or applicants on a regular or continuing basis shall be licensed to the standards established by the Commission. Under subsection 94d of the Act, such license shall be issued for a three year period and shall be renewable for additional four year periods.

(b) The initial application and issuance fee for a three year non-gaming related casino service industry enterprise license shall be \$2,000.

(c) The application and issuance fee for the renewal of a four year non-gaming related casino service industry enterprise license shall be \$2,500.

(d) Any enterprise required to apply for the issuance or renewal of a subsection 92c casino service industry enterprise

license may request an installment plan for payment of the application fee in accordance with the following schedule:

1. Upon filing of the application, an initial installment payment equal to one-fourth of the total application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Fees raised from \$1,500 to \$3,000; added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

Case Notes

Validity upheld. *Atlantic City Casino Hotel Assn. v. Casino Control Commission*, 203 N.J.Super. 230 (App.Div.1985), certiorari denied 102 N.J. 326 (1985).

19:41-9.9A Junket enterprise license fees

(a) In accordance with subsection 102c of the Act, all qualifiers of junket enterprises shall meet the standards established for casino key employees in order for the junket enterprise to be licensed. Under subsection 94d of the Act, a junket enterprise license shall be issued for a three year period and shall be renewable for additional four year periods.

(b) The initial application and issuance fee for a three year junket enterprise license shall be \$3,000.

(c) The application and issuance fee for the renewal of a four year junket enterprise license shall be \$3,750.

(d) Any enterprise required to apply for the issuance or renewal of a junket enterprise license may request an installment plan for payment of the application fee in accordance with the following schedule:

1. Upon filing of the application, an initial installment payment equal to one-fourth of the total application fee and an additional fee of \$100.00 for the cost of processing such payment plan; and

2. Three subsequent payments each equal to one-fourth of the total application fee, to be paid within 90 days, 180 days and 270 days from the date that the application is filed.

New Rule, R.1983 d.112, effective March 29, 1983.

See: 15 N.J.R. 257(a), 15 N.J.R. 627(b).

Originally filed as an emergency adoption (R.1983 d.37) on January 27, 1983. Readopted as R.1983 d.112.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

Section substantially amended.

Amended by R.1988 d.200, effective May 2, 1988.

See: 20 N.J.R. 381(a), 20 N.J.R. 998(c).

Fees raised from \$1,500 to \$3,000.

Amended by R.1992 d.412, effective October 19, 1992.

See: 24 N.J.R. 2695(b), 24 N.J.R. 3738(a).

Stylistic changes.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Added (d).

Amended by R.1994 d.216, effective May 2, 1994.

See: 26 N.J.R. 780(a), 26 N.J.R. 1846(a).

19:41-9.10 Labor organization registration fee

Under section 93 of the Act, each labor organization seeking to represent employees licensed or registered under the Act and employed by a casino hotel or a casino licensee shall register with the Commission annually. The fee for each annual registration of a labor organization shall be \$250.00.

Amended by R.1993 d.85, effective February 16, 1993 (operative March 1, 1993).

See: 24 N.J.R. 4337(a), 25 N.J.R. 713(a).

Fee increased from \$100 to \$250.

19:41-9.11 Casino key employee license fees

(a) Under section 89 of the Act, no person may be employed as a casino key employee unless such person is the holder of a valid casino key employee license.

(b) The fee for the issuance of a casino key employee license shall be as follows:

1. A minimum application charge of \$750.00, which shall be credited to the total fee; and

2. Payment for the efforts of the Commission and the Division on matters directly related to the applicant at hourly rates to be set by the Commission in accordance with N.J.A.C. 19:41-9.4(e); and

3. Payment for all unusual or out of pocket expenses incurred by the Commission and the Division on matters directly related to the applicant or licensee; provided, however, that the amount of the issuance fee shall not exceed \$4,000.

(c) The fee for the renewal of a casino key employee license shall be \$750.00.

Amended by R.1984 d.272, effective July 2, 1984.

See: 16 N.J.R. 1066(a), 16 N.J.R. 1809(a).

(b) and (c) substantially amended.

Amended by R.1988 d.255, effective June 6, 1988.

See: 20 N.J.R. 763(a), 20 N.J.R. 1209(a).

The establishment of the renewal fee for a casino key employee license is a flat fee of \$500.00.

Amended by R.1988 d.591, effective December 19, 1988 (operative January 1, 1989).

See: 20 N.J.R. 2539(a), 20 N.J.R. 3146(c).

Deleted old (b)2 and substituted new.

Amended by R.1992 d.256, effective June 15, 1992.

See: 24 N.J.R. 1247(a), 24 N.J.R. 2295(a).