

## Law Review and Journal Commentaries

Casinos—Blackjack—Card Counters—Contracts—Discrimination—Jurisdiction. P.R. Chenoweth, 137 N.J.L.J. No. 6, 59 (1994).

## Case Notes

Shuffling of cards used in blackjack game by casino when count of cards remaining in deck was favorable to player was not illegal under New Jersey law and casino regulations, so that actions of casino in shuffling cards could not constitute predicate criminal act adequate to support civil claim under Racketeer Influenced and Corrupt Organizations Act (RICO) by card-counting blackjack players. Doug Grant, Inc. v. Greate Bay Casino Corp., 3 F.Supp.2d 518 (D.N.J. 1998).

Shuffling at will was permissible exercise of casino discretion. *Campione v. Adamar of New Jersey, Inc.*, 274 N.J.Super. 63, 643 A.2d 42 (L.1993).

**19:47-2.6 Procedure for dealing cards**

(a) All cards used to game at blackjack shall be dealt from a dealing shoe specifically designed for such purpose and located on the table to the left of the dealer.

(b) Each dealer shall remove cards from the shoe with his left hand, turn them face upwards, and then place them on the appropriate area of the layout with his right hand, except that the dealer has the option to deal hit cards to the first two positions with his/her left hand.

(c) After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face downwards and place it in the discard rack which shall be located on the table immediately in front of or to the right of the dealer. Each new dealer who comes to the table shall also burn one card as described herein before the new dealer deals any cards to the players. The burn card shall be disclosed if requested by the player. This procedure shall not be applicable to the "Bart Carter Shuffle".

(d) If a double shoe is utilized, the following procedures shall be used in lieu of those set forth in (c) above.

1. Prior to commencement of each round of play, the dealer shall draw a card from either side of the double shoe. The suit of that card shall determine from which side of the shoe that round of play will be dealt. The casino licensee shall designate that the suits of hearts and diamonds shall correspond to the color of the backs of the cards being dealt from one side of the shoe, and that the suits of spades and clubs shall correspond to the color of the backs of the cards being dealt from the other side of the shoe.

2. A determinant card corresponding to the side of the shoe from which it was drawn shall become the player's first card. A determinant card that does not correspond to the side of the shoe from which it was dealt shall be burned by placing it in a segregated area of the dealing shoe.

(e) At the commencement of each round of play, or immediately after the determinant card has been drawn and either burned or used as the player's first card, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

1. One card face upwards to each box on the layout in which a wager is contained;
2. One card face upwards to himself;
3. A second card face upwards to each box in which a wager is contained.

(f) After two cards have been dealt to each player and the appropriate number to the dealer, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether he wishes to surrender, double down, split pairs, stand or draw as provided for by this chapter.

(g) As each player indicates his decision(s), the dealer shall deal face upwards whatever additional cards are necessary to effectuate such decision consistent with these regulations and shall announce the new point total of such player after each additional card is dealt.

(h) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall deal a second card face upward to himself provided, however, that such card shall not be removed from the dealing shoe until the dealer has first announced "Dealer's Card" which shall be stated by the dealer in a tone of voice calculated to be heard by each person at the table. Any additional cards authorized to be dealt to the hand of the dealer by N.J.A.C. 19:47-2.12(b) shall be dealt face upwards at this time after which the dealer shall announce his total point count. In lieu of the requirements of this paragraph, the procedures set forth in (j) or (k) below may be implemented.

(i) At the conclusion of a round of play, all cards still remaining on the layout shall be picked up by the dealer in order and in such a way that they can be readily arranged to indicate each player's hand in case of question or dispute. The dealer shall pick up the cards beginning with those of the player to his far right and moving counterclockwise around the table. After all the players' cards have been collected the dealer shall pick up his cards against the bottom of the players' cards and place them in the discard rack or in a segregated area of the double shoe.

(j) In lieu of the procedures set forth in (h) above, a casino licensee may permit a blackjack dealer to deal his or her hole card face downward after a second card and before additional cards are dealt to the players provided that said dealer not look at the face of his or her hole card until after all other cards requested by the players pursuant to those regulations are dealt to them. Notwithstanding the foregoing, if a casino licensee elects to utilize a card reader device and the dealer's first card is an ace, king, queen, jack or 10 of any suit, the dealer shall determine whether the hole card will give the dealer a blackjack prior to dealing any additional cards to the players at the table, in accordance with procedures approved by the Commission. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone, including the dealer, at the table.

1. If the dealer has a blackjack, no additional cards shall be dealt and each player's wager shall be settled in accordance with N.J.A.C. 19:47-2.3, 2.7, and 2.20.

2. The alternative dealing procedure described in this subsection shall not be used at any blackjack table which offers the progressive blackjack wager authorized by N.J.A.C. 19:47-2.19.

3. If a casino licensee offers the additional wager authorized by N.J.A.C. 19:47-2.17(a)3 at a blackjack table that has a card reader device and the dealer has a blackjack, the dealer shall, starting from his or her left, offer any player that has been dealt two sevens as his or her initial two cards an additional card to complete the hand on which the additional wager has been made.

(k) In lieu of the procedure set forth in (h) above, a casino licensee may permit a blackjack dealer to deal his or her hole card face upward after a second card and before additional cards are dealt to the players, provided that the casino licensee complies with the notice requirements set forth in N.J.A.C. 19:47-8.3. The alternative dealing procedure described in this subsection shall not be used at any blackjack table which offers the progressive blackjack wager authorized by N.J.A.C. 19:47-2.19. Notwithstanding any other provisions of this subchapter, the following rules shall apply whenever cards used to game at blackjack are dealt in accordance with this subsection:

1. Winning wagers shall be determined in accordance with N.J.A.C. 19:47-2.3(a) and (b), provided, however, that a player's wager shall be lost if the score of the player is the same as the dealer, except that a player's wager shall win if both the player and dealer have blackjack;

2. Winning wagers shall be paid in accordance with N.J.A.C. 19:47-2.3(e), except that standard blackjack shall be paid at odds of 1 to 1;

3. Surrender, pursuant to N.J.A.C. 19:47-2.8, and insurance wagers, pursuant to N.J.A.C. 19:47-2.9, shall not be available;

4. A player may double down, pursuant to N.J.A.C. 19:47-2.10, only on a point count of 9, 10 or 11;

5. Any player who elects to split cards of identical value, pursuant to N.J.A.C. 19:47-2.11, may not split pairs again if the second card so dealt is identical in value to a card of the split pair; and

6. If the dealer has a blackjack, no additional cards shall be dealt and each player's wager shall be settled in accordance with N.J.A.C. 19:47-2.3 and 2.7; provided, however, if a casino elects to offer the additional wager authorized by N.J.A.C. 19:47-2.17(a)3 and the dealer has blackjack, the dealer shall, starting from his or her left, offer each player that has been dealt two sevens as his or her initial two cards an additional card to complete the hand on which the additional wager has been made.

(l) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the dealer shall:

1. Collect the cards as provided in (i) above;

2. Prepare to shuffle the cards, as follows:

i. Whenever a single dealing shoe is used, the dealer shall remove the cards remaining in the shoe and place them in the discard rack to ensure that no cards are missing; or

ii. Whenever a double shoe is used, the dealer shall remove the cards remaining in the side of the shoe from which the cutting card was drawn and the cards, if any, that were put in a separate segregated area for the discards from that side of the double shoe, after which the dealer shall place those cards face down in the discard rack in order to ensure that no cards are missing; and then

3. Shuffle the cards. If a double shoe is utilized, the shuffle of the cards shall be limited to the side of the shoe from which the cutting card was drawn.

(m) If the "Bart Carter Shuffle" is utilized and the cards in the discard rack exceed approximately one deck in number, the dealer shall continue dealing the cards until that round of play is completed after which he shall remove the cards from the discard rack and shuffle those cards so that they are randomly intermixed. After the cards taken from the discard rack are shuffled, they shall be split into three separate stacks and each stack shall be inserted into pre-marked locations within the remaining decks contained in the dealing shoe.

(n) No player or spectator shall handle, remove or alter any cards used to game at blackjack except as explicitly permitted by these regulations and no dealer or other casino employee or casino key employee shall permit a player or spectator to engage in such activity.

(o) Each player at the table shall be responsible for correctly computing the point count of his hand and no player shall rely on the point counts required to be announced by the dealer under this section without himself checking the accuracy of such announcement.

Amended by R.1979 d.380, effective September 26, 1979.

See: 11 N.J.R. 420(a), 11 N.J.R. 600(a).

Amended by R.1980 d.132, effective March 31, 1980.

See: 11 N.J.R. 653(a), 12 N.J.R. 294(c).

Amended by R.1980 d.186, effective April 29, 1980.

See: 12 N.J.R. 357(a).

Amended on an emergency basis, R.1981 d.301, effective July 23, 1981.

See: 13 N.J.R. 629(a).

Readopted as R.1981 d.368, effective September 11, 1981.

See: 13 N.J.R. 534(b), 13 N.J.R. 709(b).

(e): "to surrender" deleted after "whether he wishes".

Amended by R.1982 d.255, effective August 2, 1982, operative September 15, 1982.

See: 14 N.J.R. 559(b), 14 N.J.R. 841(b).

Added last sentence to (c); added new (d); recodified old (d) as new (e); recodified old (e)-(f) as new (f)-(g); recodified old (g) as new (h); recodified old (h) as new (i); recodified old (i) as new (j); recodified old (j) as new (k) and added last sentence; added new (l) and recodified old (k)-(l) as new (m)-(n).

Amended by R.1989 d.590, effective December 4, 1989.

See: 21 N.J.R. 2441(a), 21 N.J.R. 3788(b).

Deleted at (f) the making of an insurance wager.

Amended by R.1990 d.35, effective January 16, 1990.

See: 21 N.J.R. 3447(a), 22 N.J.R. 249(b).

In (f): added "surrender" to a player's choice of actions.

Amended by R.1991 d.536, effective November 4, 1991.

See: 23 N.J.R. 1782(a), 23 N.J.R. 3353(a).

Added new subsection (k) and recodified existing (k)-(n) as (l)-(o).

Amended by R.1993 d.38, effective January 19, 1993.

See: 24 N.J.R. 2351(a), 25 N.J.R. 367(a).

Requirements for card reader added at (j).

Amended by R.1993 d.630, effective December 6, 1993.

See: 25 N.J.R. 3953(a), 25 N.J.R. 5521(a).

Amended by R.1994 d.265, effective June 6, 1994.

See: 25 N.J.R. 5893(a), 26 N.J.R. 2463(a).

Amended by R.1996 d.315, effective July 15, 1996.

See: 28 N.J.R. 1947(a), 28 N.J.R. 3623(a).

Amended by R.1996 d.316, effective July 15, 1996.

See: 28 N.J.R. 1950(a), 28 N.J.R. 3625(a).

Amended by R.1999 d.9, effective January 4, 1999.

See: 30 N.J.R. 1217(a), 31 N.J.R. 57(a).

In (j), added an N.J.A.C. reference in 1.

#### 19:47-2.7 Payment of blackjack; consolidated net payout option for certain insurance wagers

(a) If the first face up card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8, or 9 and a player has blackjack, the dealer shall announce and pay the blackjack at odds of 3 to 2 and, unless the player has also made a blackjack bonus wager pursuant to N.J.A.C. 19:47-2.20, shall remove the player's cards before any player receives a third card.

(b) If the first face up card dealt to the dealer is an Ace, King, Queen, Jack or Ten and a player has blackjack, the dealer shall announce the blackjack but shall make no payment nor remove any cards until all other cards are dealt to the players and the dealer receives his second card. If, in such circumstances, the dealer's second card does not give him blackjack, the player having blackjack shall be paid at odds of 3 to 2. If, however, the dealer's second card gives him blackjack, the wager of the player having blackjack shall be void and constitute a stand off.

(c) Notwithstanding (a) and (b) above, at the discretion of a casino licensee, a player who has blackjack and who places an insurance wager pursuant to N.J.A.C. 19:47-2.9 in an amount equal to half of his or her initial wager shall be paid at odds of 1 to 1 on the initial wager as a consolidated net payout for both the blackjack and insurance wagers before any additional cards are dealt, provided that notice of the use of this consolidated net payout option shall be provided by the casino licensee in accordance with N.J.A.C. 19:47-8.3.

Amended by R.1979 d.380, effective September 26, 1979.

See: 11 N.J.R. 420(a), 11 N.J.R. 600(a).

Amended by R.1998 d.562, effective December 7, 1998.

See: 30 N.J.R. 3004(a), 30 N.J.R. 4260(a).

Added a new (c).

Amended by R.1999 d.9, effective January 4, 1999.

See: 30 N.J.R. 1217(a), 31 N.J.R. 57(a).

In (a), inserted " , unless the player has also made a blackjack bonus wager pursuant to N.J.A.C. 19:47-2.20," preceding "shall remove the player's cards".

#### 19:47-2.8 Surrender

(a) After the first two cards are dealt to the player and the player's point total is announced, the player may elect to discontinue play on his hand for that round by surrendering one-half his wager. All decisions to surrender shall be made prior to such player indicating as to whether he wishes to double down, split pairs, stand, and/or draw as provided for in this subchapter.

1. Should the first card dealt to the dealer be other than an ace or 10-value card, the dealer shall immediately collect one-half of the wager and return one-half to the player.

2. Should the first card dealt to the dealer be an ace or 10-value card, the dealer will place the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager should the dealer have blackjack or collecting one-half of the wager and returning one-half of the wager to the player should the dealer not have blackjack.

(b) If the player has made an insurance wager and then elects to surrender, each wager will be settled separately as provided for above and in accordance with N.J.A.C. 19:47-2.9 and one will have no bearing on the other.

(c) Each casino licensee may, at its discretion, offer its patrons the surrender option authorized in this section, except that when a casino licensee offers the rule variation multiple action blackjack pursuant to N.J.A.C. 19:47-2.18 or on any blackjack table which offers the progressive blackjack wager pursuant to N.J.A.C. 19:47-2.19, the surrender option shall not be available. A casino licensee shall not initiate or terminate the use of the surrender option at a table unless the casino licensee complies with the notice requirements set forth in N.J.A.C. 19:47-8.3.

New Rule, "Surrender," was adopted as R.1990 d.35, effective January 16, 1990.

See: 21 N.J.R. 3447(a), 22 N.J.R. 249(b).

A rule concerning blackjack surrender (originally adopted as R.1978 d.186. See: 10 N.J.R. 177(a), 10 N.J.R. 306(e)) was codified at this section, and was repealed, on an emergency basis, by R.1981 d.301, effective July 23, 1981. See: 13 N.J.R. 629(a). The repeal was readopted by R.1981 d.368, effective September 11, 1981. See: 13 N.J.R. 534(b), 13 N.J.R. 709(b). Prior rulemaking as follows:

Amended by R.1979 d.380, effective September 26, 1979.

See: 11 N.J.R. 420(a), 11 N.J.R. 600(a).

Amended by R.1980 d.132, effective March 31, 1980.

See: 11 N.J.R. 653(a), 12 N.J.R. 294(c).

Amended by R.1980 d.186, effective April 29, 1980.

See: 12 N.J.R. 357(a).

Experimental 90-day implementation pursuant to N.J.S.A. 5:12-69, effective March 15, 1989 (expires June 13, 1989).

See: 21 N.J.R. 640(a).

Notice of Receipt of Petition for Rulemaking concerning the surrender option in the game of blackjack.

See: 23 N.J.R. 912(b).

Amended by R.1991 d.535, effective November 4, 1991.

See: 23 N.J.R. 1783(a), 23 N.J.R. 3354(a).

Revised text in subsection (c) to specify "surrender" options.

Amended by R.1993 d.461, effective September 20, 1993.

See: 25 N.J.R. 2234(a), 25 N.J.R. 4508(c).

Amended by R.1996 d.315, effective July 15, 1996.

See: 28 N.J.R. 1947(a), 28 N.J.R. 3623(a).

### 19:47-2.9 Insurance wagers

(a) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance bet which, except as otherwise provided in N.J.A.C. 19:47-2.7(c), shall win if the dealer's second card is a King, Queen, Jack or 10 and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8, or 9.

(b) An insurance bet may be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may bet an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. If a card reader device is not in use, all insurance wagers shall be placed immediately after the second card is dealt to each player and prior to any additional cards being dealt to any player at the table except, at the discretion of the casino licensee, a player may place an insurance wager immediately prior to such player indicating whether he or she wishes to double down, split pairs, stand, and/or draw as provided for in this subchapter and prior to any additional cards being dealt, provided that the casino licensee complies with the notice requirements set forth in N.J.A.C. 19:47-8.3. If a card reader device is in use, all insurance wagers shall be placed prior to the dealer inserting his or her hole card into the card reader device.

(c) All winning insurance wagers shall be paid at odds of 2 to 1.

(d) All losing insurance wagers shall be collected by the dealer immediately after he draws his second face up card or discloses his hole card and before he draws any additional cards.

(e) Insurance wagers shall not apply to the progressive blackjack wager permitted pursuant to N.J.A.C. 19:47-2.19.

(f) An insurance wager does not apply to any of the additional wagers permitted pursuant to N.J.A.C. 19:47-2.17(a).

As amended, R.1979 d.380, effective September 26, 1979.

See: 11 N.J.R. 420(a), 11 N.J.R. 600(a).

Amended by R.1986 d.442, effective October 20, 1986.

See: 18 N.J.R. 1361(a), 18 N.J.R. 3136(a).

Amended (b).

Amended by R.1989 d.590, effective December 4, 1989.

See: 21 N.J.R. 2441(a), 21 N.J.R. 3788(b).

Clarified that an insurance wager must be made prior to any player at the table receiving additional cards.

Amended by R.1993 d.38, effective January 19, 1993.

See: 24 N.J.R. 2351(a), 25 N.J.R. 367(a).

Card reader provisions added.

Amended by R.1996 d.315, effective July 15, 1996.

See: 28 N.J.R. 1947(a), 28 N.J.R. 3623(a).

Amended by R.1996 d.316, effective July 15, 1996.

See: 28 N.J.R. 1950(a), 28 N.J.R. 3625(a).

Amended by R.1998 d.562, effective December 7, 1998.

See: 30 N.J.R. 3004(a), 30 N.J.R. 4260(a).

In (a), inserted "except as otherwise provided in N.J.A.C. 19:47-2.7(c),"; and rewrote (b):

### 19:47-2.10 Doubling down

(a) Except for Blackjack or a point count of twenty-one in two cards, a player may elect to double down, i.e., make an additional wager not in excess of the amount of his original wager, on the first two cards dealt to him or the first two cards of any split pair on the condition that one and only one additional card shall be dealt to the hand on which he has elected to double down. In such circumstances, the one additional card shall be dealt face upwards and placed sideways on the layout.

(b) If a dealer obtains blackjack after a player doubles down, the dealer shall only collect the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down.

### 19:47-2.11 Splitting pairs

(a) Whenever the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand so formed in an amount equal to his original wager.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand.

(c) After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate his decision to stand, draw or double down with respect thereto expect that:

1. A player may not split pairs again if the second card so dealt is identical in value to a card of the split pair; and

2. A player splitting aces shall have only one card dealt to each ace and may not elect to receive additional cards.

(d) If the dealer obtains blackjack after a player splits pairs, the dealer shall only collect the amount of the original wager of such player and shall not collect the additional amount wagered in splitting pairs.

(e) Notwithstanding the provisions of (c)1 above, a casino licensee may, at its discretion, permit a player to split pairs up to three times (a total of four hands) at a blackjack table with up to six player boxes or twice (a total of three hands) at a blackjack table with seven player boxes if notice of the option is provided as set forth in N.J.A.C. 19:47-8.3, except that this option shall not be available in games in which the rule variation multiple action blackjack is available pursuant to N.J.A.C. 19:47-2.18. If a casino licensee elects to offer the option of splitting pairs more than once, it may, at its discretion, prohibit a player from splitting a pair of aces more than once (a total of two hands) if notice is provided as set forth in N.J.A.C. 19:47-8.3. All other requirements of this section shall apply to each hand which is formed as a result of splitting pairs more than once.

(f) If a player has made the additional wager authorized by N.J.A.C. 19:47-2.17(a)3, is dealt two sevens as his or her initial two cards and elects to split the pair of sevens, the dealer shall announce that the player is splitting sevens and forfeiting any potential payout for three sevens. The player shall be paid for the additional winning wager prior to any additional cards being dealt to either of the split hands.

Amended by R.1980 d.186, effective April 29, 1980.

See: 12 N.J.R. 357(a).

Amended by R.1991 d.537, effective November 4, 1991.

See: 23 N.J.R. 1783(b), 23 N.J.R. 3354(b).

In (b): revised text regarding rules for splitting pairs.

Added new subsection (e).

Amended by R.1992 d.320, effective August 17, 1992.

See: 24 N.J.R. 1872(a), 24 N.J.R. 2925(c).

Text added to (e) requiring notice prior to limitation on splitting a pair of aces.

Amended by R.1993 d.461, effective September 20, 1993.

See: 25 N.J.R. 2234(a), 25 N.J.R. 4508(c).

Amended by R.1996 d.316, effective July 15, 1996.

See: 28 N.J.R. 1950(a), 28 N.J.R. 3625(a).

#### 19:47-2.12 Drawing of additional cards by players and dealers

(a) A player may elect to draw additional cards whenever his point count total is less than 21 except that:

1. A player having Blackjack or a hard or soft total of 21 may not draw additional cards;
2. A player electing to double down shall draw one and only one additional card;
3. A player splitting aces shall only have one card dealt to each ace and may not elect to receive additional cards.

(b) Except as provided in (c) below, a dealer shall draw additional cards to his hand until he has a hard or soft total of 17, 18, 19, 20 or 21 at which point no additional cards shall be drawn.

(c) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's

hand will have no effect on the outcome of the round of play.

Amended by R.1981 d.388, effective November 2, 1981.

See: 13 N.J.R. 534(b), 13 N.J.R. 780(c).

(b): "Except as provided in (c) below" added.

(c) added.

Amended by R.1984 d.49, effective March 5, 1984.

See: 15 N.J.R. 1242(a), 16 N.J.R. 433(b).

"Soft total" of 21 added to prohibition against drawing additional cards.

#### 19:47-2.13 More than one player wagering on a box

(a) Unless otherwise directed by the Commission, a casino licensee may permit from one to three people to wager on any one box of the blackjack layout provided that the first person wagering on that box consent to additional players wagering on such box and provided further that the casino licensee adhere to such procedures and limitations imposed by the Commission as dictated by the particular circumstances. This option may not be used at any blackjack table which offers the progressive blackjack wager authorized by N.J.A.C. 19:47-2.19.

(b) Whenever more than one player wagers on a box, the player who is seated at that box shall have the exclusive right to call the decisions with regard to the cards dealt to such box. In the case of no seated player, the person with the highest wager in the box shall have such right.

(c) The player calling the decisions with respect to any box shall place his wager in that portion of the box closest to the dealer's side of the table and all other players wagering on such box shall place their wagers immediately behind and in a vertical line with the aforementioned wager.

(d) Whenever more than one player is wagering on a box and the player calling the decisions decides to double down, the other players may also double their wagers but shall not be required to do so. In any event, only one additional card shall be dealt to the hand that is subject to the double down decision.

(e) Whenever more than one player is wagering on a box and the player calling the decisions decides to split pairs, the other players shall either make an additional wager as provided for in N.J.A.C. 19:47-2.11 to cover each split pair or designate which of the split pairs they wish their initial wager to apply.

(f) Whenever more than one player is wagering on a box, each player shall have the right to make an insurance bet in accordance with N.J.A.C. 19:47-2.9 regardless of whether the other players on that box make such a bet.

(g) The Commission and its agents shall have the discretion and authority to limit, control and regulate the implementation of this section as is appropriate under the circumstances which shall include, without limitation, the right to limit the number of tables at which this procedure is permit-

ted, the right to limit the number of boxes at each table on which more than one person can wager and the right to require the casino licensee to establish the ability of its dealers to implement this section.

Amended on an emergency basis as R.1981 d.301, effective July 23, 1981.

See: 13 N.J.R. 629(a).

Readopted as R.1981 d.368, effective September 11, 1981.

See: 13 N.J.R. 543(b), 13 N.J.R. 709(b).

(g): text deleted, (h) renumbered as (g).

Amended by R.1996 d.315, effective July 15, 1996.

See: 28 N.J.R. 1947(a), 28 N.J.R. 3623(a).

#### 19:47-2.14 A player wagering on more than one box

A casino licensee may permit a player to wager on more than one box at a Blackjack table.

Temporary Amendment: 90 days to test a blackjack layout with eight betting areas arranged in four sets of two.

See: 22 N.J.R. 2343(a).

Amended by R.1991 d.471, effective September 16, 1991.

See: 23 N.J.R. 1784(a), 23 N.J.R. 2869(b).

Deleted text regarding Commission's authority to prohibit a patron from wagering on more than one box at a blackjack table.

#### Law Review and Journal Commentaries

Casinos—Blackjack—Card Counters—Contracts—Discrimination—Jurisdiction. P.R. Chenoweth, 137 N.J.L.J. No. 6, 59 (1994).

#### Case Notes

Casino could not allow other blackjack players to play two hands while limiting patron to one hand. *Campione v. Adamar of New Jersey, Inc.*, 274 N.J.Super. 63, 643 A.2d 42 (L.1993).

Casinos have discretion in interpretation of rules and regulations. *Campione v. Adamar of New Jersey, Inc.*, 274 N.J.Super. 63, 643 A.2d 42 (L.1993).

#### 19:47-2.15 Irregularities

(a) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, such card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept such card shall not have any additional cards dealt to him during such round. If the card is refused by the player and the dealer cannot use the card, the card shall be burned.

(d) If the dealer has seventeen and accidentally draws a card for himself, such card shall be burned.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack or in a segregated area of the double shoe shall be shuffled and cut according to the procedures outlined in N.J.A.C. 19:47-2.5, the first card shall be drawn face downwards and burned, and the dealer shall complete the round of play.

(g) If no cards are dealt to the player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to the player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(h) Any round of play drawn from the inappropriate side of a double shoe shall be treated as if it were drawn from the appropriate side of the shoe and concluded.

(i) If after receiving the first two cards and the dealer fails to deal an additional card(s) to a player who has requested such a card, then, at the player's option, the dealer shall either deal the additional card(s) after all other players have received their additional cards but prior to the dealer revealing his or her hole card, or call the player's hand dead and return the player's original wager.

(j) If the dealer inserts his or her hole card into a card reader device when the value of his or her first card is not an ace, king, queen, jack or 10, the dealer, after notification to a casino supervisor, shall:

1. If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager; or

2. If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(k) If a card reader device malfunctions the dealer may only continue dealing the game of blackjack at that table using the dealing procedures applicable when a card reader device is not in use.

(l) If the dealer fails to move his or her original face up card to the area of the layout designated for the second or third hand of the round in accordance with N.J.A.C. 19:47-2.18, the round shall continue as if the original face up card was moved to the appropriate area of the layout.

(m) If the dealer inadvertently picks up his or her original face up card and places it in the discard rack prior to the completion of the second or third hand of multiple action blackjack, the dealer shall immediately notify a casino supervisor assigned to that table. The casino supervisor shall remove the appropriate cards from the discard rack and reconstruct the last hand of play so as to determine the dealer's original face up card. The original face up card shall be placed in the appropriate area on the layout, and the remaining cards shall be returned to the discard rack. Play shall resume in accordance with the rules of this chapter.

(b) The "value" (from lowest to highest) of the cards in each deck shall be as follows:

1. Any card from 2 to 10 shall have its face value;

2. Any jack shall have a value of 11;

3. Any queen shall have a value of 12;

4. Any king shall have a value of 13; and
5. Any ace shall have a value of 14.

(c) All cards used to game at red dog shall be dealt from a dealing shoe specifically designed for such purpose and located on the table to the left of the dealer.

Amended by R.1995 d.309, effective June 19, 1995.

See: 27 N.J.R. 1174(a), 27 N.J.R. 2461(a).

Amended by R.1998 d.441, effective September 8, 1998.

See: 30 N.J.R. 1772(b), 30 N.J.R. 3259(b).

In (a), deleted "solid yellow or green" preceding "cutting cards" in the first sentence and added a new last sentence.

#### 19:47-6.2 Opening of the table for gaming

(a) After receiving the one or more decks of cards at the table, the dealer shall sort and inspect the cards and the floorperson assigned to the table shall verify the inspection in accordance with N.J.A.C. 19:46-1.18(f).

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out by deck according to suit and in sequence. The cards in each suit shall be laid out in sequence within the suit.

(c) After the player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards and stacked.

#### 19:47-6.3 Shuffle and cut of the cards

(a) Immediately prior to commencement of play and after each shoe of cards is dealt, the dealer shall shuffle the cards so that they are randomly intermixed. A casino licensee may also shuffle the cards at the completion of any round of play.

(b) After the cards have been shuffled, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player at the farthest point to the right of the dealer; provided, however, if the game is just beginning, the cards shall be offered to the first player at the table. If the first player offered the cards refuses the cut, the cards shall be offered to each other player moving clockwise around the table until a player accepts the cut. If no player accepts cut, the dealer shall cut the cards.

(c) The person making the cut shall place the cutting card in the stack at least 10 cards from either end. Once the cutting card has been inserted, the dealer shall take all the cards in front of the cutting card and place them on the back of the stack. The dealer shall then insert the cutting card in a position approximately one-quarter of the way from the back of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(d) After the cards have been cut and before any cards have been dealt, a casino supervisor may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the casino licensee's option, by the player who last cut the cards, or by the next person entitled to cut the cards, as determined by (b) above.

Amended by R.1996 d.223, effective May 20, 1996.

See: 28 N.J.R. 1362(b), 28 N.J.R. 2572(b).

Added recut provisions.

#### 19:47-6.4 Procedures for dealing cards

(a) After each full set of cards is placed in the shoe, the dealer shall remove the first card therefrom face down and place it in the discard rack which shall be located on the table immediately in front of or to the right of the dealer. Each new dealer who comes to the table shall also discard ("burn") one card as described herein before the new dealer deals any card in a round of play. The burn card shall be disclosed if requested by a player.

(b) The dealer shall remove a card from the shoe with his or her left hand, turn it face up, and then place it on the appropriate area of the layout with his or her right hand.

#### 19:47-6.5 Procedures for each round of play; wagers; payouts

(a) Except as otherwise provided in this section, all wagers shall be made prior to the first card being dealt for each round of play.

(b) All wagers at red dog shall be made by placing gaming chips or plaques and, if applicable, a match play coupon on the appropriate area of the red dog layout, except that a verbal wager accompanied by cash may be accepted provided that it is confirmed by the dealer and casino supervisor at the table prior to the first card being dealt and such cash is expeditiously converted into gaming chips or plaques in accordance with N.J.A.C. 19:45-1.18.

(c) To begin each round of play, the dealer shall place the first card, face up, on the box farthest to the dealer's left. The dealer shall then place the second card, face up, on the box farthest to the dealer's right.

(d) Once the first card of each round has been removed from the shoe by the dealer, no participant in the game shall handle, remove or alter any wager until a decision has been rendered and implemented with respect to that wager.

(e) If the initial two cards dealt have values that are consecutive, the dealer shall announce "The cards are consecutive—tie hand," all wagers shall be void and the round of play shall be concluded.

(f) If the initial two cards dealt are of identical value, the dealer shall announce "We have a pair" and shall immediately draw a third card and place it face up in the middle box.

1. If the third card dealt is identical in value to the initial two cards, the dealer shall announce "Three of a kind," the players shall win and all wagers shall be paid at odds of 11 to one.

2. If the third card dealt is not identical in value to the initial two cards, the dealer shall announce "No three of a kind—tie hand," all wagers shall be void and the round of play shall be concluded.

(g) If the initial two cards dealt are neither consecutive nor a pair, the dealer shall announce the "spread" and place a marker on the corresponding spread on the layout. The spread for each round of play shall be a number from one to 11 inclusive and shall be determined by the number of cards whose value can fall between the values of the initial two cards dealt. Examples of this rule are as follows:

1. If the initial two cards dealt are a 4 and a 7, then the spread shall be two (that is, two cards, the 5 and 6, have a value that falls between 4 and 7);

2. If the initial two cards dealt are a 9 and a king, then the spread shall be three (that is, three cards, the 10, jack and queen, have a value that falls between the 9 and king).

(h) If there is a spread after the initial two cards are dealt, a player shall have the option to make a raise wager in support of the player's original wager by placing on the designated raise area of the layout an amount not in excess of the player's original wager. All raise wagers shall be made immediately after the initial two cards have been dealt and prior to the third card being dealt.

(i) After all raise wagers have been made and prior to dealing the third card, the dealer shall announce "Raises closed." The dealer shall then draw a third card, place it face up on the box between the initial two cards and announce the value of the third card. Thereafter, the dealer shall first collect all losing wagers or pay all winning wagers as follows:

1. The player shall win if the value of the third card dealt is between the values of the initial two cards dealt and shall lose if the value of the third card dealt is not between the values of the initial two cards dealt;

2. All winning wagers and raise wagers shall be paid at payout odds determined by the spread for that round of play, as listed below:

Spread	Payout Odds
1	5 to 1
2	4 to 1
3	2 to 1
4 through 11	1 to 1

3. A casino licensee may, in its discretion, offer to all patrons at a red dog table higher payout odds than those listed in (i)2 above, provided that the casino licensee complies with the notice requirements set forth in N.J.A.C. 19:47-8.3 prior to any decrease in the payout odds. In no event may a casino licensee decrease the payout odds below those required by (i)2 above.

(j) At the conclusion of each round of play, all cards on the layout shall be picked up by the dealer and placed in the discard rack in order and in such a way that they can be readily arranged to reconstruct the hand in case of a question or dispute.

(k) Whenever the cutting card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed. The dealer shall then reshuffle the cards in accordance with N.J.A.C. 19:47-6.3.

Amended by R.1994 d.137, effective March 21, 1994.

See: 25 N.J.R. 5902(a), 26 N.J.R. 1373(b).

Amended by R.1995 d.309, effective June 19, 1995.

See: 27 N.J.R. 1174(a), 27 N.J.R. 2461(a).

#### 19:47-6.6 (Reserved)

#### 19:47-6.7 Irregularities

(a) A card found face up in the shoe shall not be used in the game and shall be placed in the discard rack.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) If a third card is drawn and exposed to the players prior to the dealer announcing "Raises closed," the card shall be discarded and each player shall be given the option of playing out the round or voiding the round of play. Prior to dealing another third card, the dealer shall return the original wager and any raise wager to each player who has chosen to void the round of play.

#### 19:47-6.8 A player wagering on more than one betting area

A casino licensee may permit a player to wager on more than one betting area at a red dog table.

#### 19:47-6.9 Continuous shuffling shoe or device

In lieu of the dealing and shuffling requirements set forth in N.J.A.C. 19:47-6.3 and 6.4, a casino licensee may utilize a dealing shoe or other device designed to automatically reshuffle the cards, provided that such shoe or device and the procedures for dealing and shuffling the cards through the use of this device are approved by the Commission.

### SUBCHAPTER 7. MINIBACCARAT

#### 19:47-7.1 Cards; number of decks; value; point count of hand

(a) Minibaccarat shall be played with at least six decks of cards and two additional cutting cards. The cutting cards shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards, as approved by the Commission.

**19:47-8.2 Minimum and maximum wagers**

(a) Except as otherwise specifically provided in this chapter, the minimum and maximum wagers permitted at any authorized table game in a casino or casino simulcasting facility shall be established by the casino licensee; provided however, that any required minimum wager of \$100.00 or less which has corresponding payout odds of five to one or less shall be required to have a maximum wager which is at least 10 times the amount of the minimum wager.

(b) A casino licensee may offer:

1. Different maximum wagers at one gaming table for each permissible wager in an authorized game; and
2. Different maximum wagers at different gaming tables for each permissible wager in an authorized game.

(c) A casino licensee shall provide notice of the minimum and maximum wagers in effect at each gaming table, and any changes thereto, in accordance with N.J.A.C. 19:47-8.3.

(d) Any wager accepted by a dealer which is in excess of the established maximum permitted wager at that gaming table shall be paid or lost in its entirety in accordance with the rules of the game, notwithstanding that the wager exceeded the current table maximum.

Amended by R.1979 d.206, effective May 24, 1979.

See: 10 N.J.R. 566(e), 11 N.J.R. 360(a).

Above rule confirmed September 26, 1979 as R.1979 d.377.

See: 11 N.J.R. 599(c).

Amended by R.1980 d.133, effective March 31, 1980.

See: 12 N.J.R. 57(b), 12 N.J.R. 294(d).

Amended by R.1981 d.368, effective October 8, 1981.

See: 13 N.J.R. 534(b), 13 N.J.R. 709(b).

Section substantially amended.

Amended by R.1982 d.255, effective August 2, 1982, operative September 15, 1982.

See: 14 N.J.R. 559(b), 14 N.J.R. 841(b).

Decreased maximum wager from \$500.00 to \$100.00 where minimum wager is \$5.00 or less: (b)1.

R.1983 d.551, effective December 5, 1983.

See: 15 N.J.R. 1572(a), 15 N.J.R. 2047(a).

Section recodified from 19:47-5.7.

Amended by R.1985 d.110, effective March 18, 1985.

See: 16 N.J.R. 3425(a), 17 N.J.R. 740(b).

(b)5i repealed; ii changed to i.

Public Notice: Petition for Rulemaking.

See: 18 N.J.R. 1206(a).

Amended by R.1986 d.308, effective August 4, 1986.

See: 18 N.J.R. 1096(a), 18 N.J.R. 1614(b).

(b)6 added.

Amended by R.1987 d.433, effective November 2, 1987.

See: 19 N.J.R. 858(b), 19 N.J.R. 2066(a).

Administrative Correction: Deleted the Foreword.

See: 22 N.J.R. 2343(b).

Amended by R.1991 d.532, effective November 4, 1991.

See: 23 N.J.R. 2231(a), 23 N.J.R. 3348(a).

Added (b)7 for "Red dog".

Amended by R.1991 d.552, effective November 4, 1991.

See: 23 N.J.R. 2613(a), 23 N.J.R. 3354(a).

Revised text to add reference to N.J.A.C. 19:47-8.3 on wager requirements.

Amended by R.1991 d.616, effective December 16, 1991.

See: 23 N.J.R. 2926(a), 23 N.J.R. 3824(a).

Added (b)8, provisions for sic bo.

Amended by R.1992 d.411, effective October 19, 1992.

See: 24 N.J.R. 558(a), 24 N.J.R. 3753(a).

Added pai gow wager provision at (b)9.

Amended by R.1992 d.406, effective October 19, 1992.

See: 24 N.J.R. 569(a), 24 N.J.R. 1517(a), 24 N.J.R. 3742(a).

Pai gow poker provision added at (b)10.

Amended by R.1992 d.453, effective November 16, 1992.

See: 24 N.J.R. 2140(a), 24 N.J.R. 4279(b).

Added (b)11.

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

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

Simulcasting added.

Repeal and New Rule, R.1993 d.630, effective December 6, 1993.

See: 25 N.J.R. 3953(a), 25 N.J.R. 5521(a).

**19:47-8.3 Rules of the games; notice**

(a) Whenever a casino licensee is required by rule to provide notice of the rules pursuant to which a particular table game will be operated, the casino licensee shall post a sign at the gaming table advising patrons of the rules in effect at that table.

(b) Except as provided in (c) below as to changes in permissible minimum and maximum wagers, no casino licensee shall change the rules pursuant to which a particular table game is being operated unless, at least one-half hour in advance of such change, the casino licensee:

1. Posts a sign at the gaming table advising patrons of the rule change and the time that it will go into effect;
2. Announces the rule change to patrons who are at the table; and
3. Notifies the Commission of the rule change, the gaming table where it will be implemented and the time that it will become effective.

(c) Notwithstanding (b) above, a casino licensee may at any time change the permissible minimum or maximum wager at a table game, without notifying the Commission of such change, upon posting a sign at the gaming table advising patrons of the new permissible minimum or maximum wager and announcing the change to patrons who are at the table.

(d) The location, size and language of each sign required by this section shall be submitted to and approved by the Commission prior to its use.

New Rule, R.1991 d.551, d.552, effective November 4, 1991.

See: 23 N.J.R. 1784(b), 23 N.J.R. 2613(a), 23 N.J.R. 3350(a), 23 N.J.R. 3354(c).

Administrative correction to (b).

See: 25 N.J.R. 1230(c).

Amended by R.1993 d.630, effective December 6, 1993.

See: 25 N.J.R. 3953(a), 25 N.J.R. 5521(a).

Amended by R.1996 d.32, effective January 16, 1996.

See: 27 N.J.R. 3924(a), 28 N.J.R. 283(b).

**Law Review and Journal Commentaries**

Casinos-Blackjack-Card Counters-Contracts-Discrimination-Jurisdiction. P.R. Chenoweth, 137 N.J.L.J. No. 6, 59 (1994).

## Case Notes

There is no private cause of action against casino for alleged violations of regulations governing manner in which games are played. *Campione v. Adamar of New Jersey, Inc.*, 302 N.J.Super. 99, 694 A.2d 1045 (N.J.Super.A.D. 1997).

Casino breached contract with patron when patron was allowed to place \$350 bet on blackjack table after maximum bet was lowered. *Campione v. Adamar of New Jersey, Inc.*, 274 N.J.Super. 63, 643 A.2d 42 (L.1993).

Casino's have discretion in interpretation of rules and regulations. *Campione v. Adamar of New Jersey, Inc.*, 274 N.J.Super. 63, 643 A.2d 42 (L.1993).

**19:47-8.4 New games; requirements and procedures for application, declaratory ruling, test or experiment, and final approval of new authorized game**

(a) Interested persons such as casino licensees, casino service industries, and owners, licensees, lessees or franchisees of the rights to a proposed new game, may petition the Commission for approval of the game.

(b) A petition for approval of a proposed new game must include as a petitioner at least one casino licensee who has agreed in writing to participate in a test or experiment of the game in its casino. All petitioners shall be jointly and severally liable for payment of all regulatory review costs and other related expenses incurred by the Commission and the Division of Gaming Enforcement in the review, testing and approval of the game.

(c) A proposed new game may be a variation of an authorized game, a composite of authorized games, or any other game compatible with the public interest and suitable for casino use, pursuant to N.J.S.A. 5:12-5.

(d) A petition for a proposed new game shall be in writing, signed by the petitioners, and shall include the following information:

1. The names and addresses of petitioners;
2. Whether the game is a variation of an authorized game, a composite or authorized games, or another game which is compatible with the public interest and is suitable for casino use;
3. A complete and detailed description of the game for which approval is sought, including:
  - i. A summary of the game, including the objectives of the game, the method of play and the wagers offered;
  - ii. The draft of proposed rules describing the equipment used to play the game, and the proposed rules of the game, drafted in a format similar to that found in N.J.A.C. 19:47 and in accordance with the Rules for Rulemaking at N.J.A.C. 1:30, if approved;
  - iii. The true odds, the payout odds, and the house advantage for each wager;

iv. A sketch or picture of the game layout, if any; and

v. Sketches or pictures of the equipment used to play the game;

4. Whether the game, its name, or any of the equipment used to play it is covered by any copyrights, trademarks or patents, either issued or pending;

5. An assurance that the game has been offered initially to all casino licensees;

6. An agreement, satisfactory in form and content to the Commission, releasing and indemnifying the Commission and the State of New Jersey from all copyright, trademark, patent or other claims of petitioners and any other persons;

7. A request for a declaratory ruling, pursuant to N.J.A.C. 19:40-3.7, that the proposed new game is a variation of an authorized game, a composite of authorized games or is compatible with the public interest, as required by N.J.S.A. 5:12-5;

8. A request for a test or experiment of the game, if approved, under sections 5 and 69(e) of the Act; and

9. Any other pertinent information or material requested of specific petitioners by the Commission or the Division of Gaming Enforcement.

(e) In making a determination whether a proposed new game is an acceptable variation of an authorized game or a composite of authorized games, or is compatible with the public interest, the Commission may consider rules and method of play; true and payout odds; wagers offered; layout; equipment used to play the game; personnel requirements; game security and integrity; similarity to other authorized games or other games of chance; other variations or composites of the game previously approved as authorized games; as well as any other relevant factors. Any such determination shall be subject to a condition that the game must undergo a successful test for suitability of casino use under sections 5 and 69(e) of the Act, as provided below.

(f) If the proposed new game is preliminarily approved by the Commission in accordance with section (e) above, petitioners shall submit the following in connection with any proposed test of the game pursuant to sections 5 and 69(e) of the Act:

1. For any petitioner that is not a casino licensee or a casino service industry (CSI) licensee:

i. A completed application for the appropriate type of CSI license, together with the applicable non-refundable license application fee; and

ii. An application for a transactional waiver, pursuant to the Act and rules of the Commission, if required; and

2. A test submission, which shall include, at a minimum: