

“MIS department manager” is defined in N.J.A.C. 19:45-1.11(b)3.

“MIS security officer” is defined in N.J.A.C. 19:45-1.11(b)3.

“Multi-casino progressive slot system” is defined in N.J.A.C. 19:45-1.39A.

“Multi-denominational,” when used in conjunction with or in reference to a slot machine, means a slot machine that contains one or more slot machine games on which a patron has the option to make wagers in different denominations.

“Non-value chip” is defined in N.J.A.C. 19:46-1.1B.

“On a daily basis” means something which occurs or is performed each gaming day.

“Operation certificate” means a certificate issued by the Commission which certifies that operation of a casino and, if applicable, of a casino simulcasting facility conforms to the requirements of the Act and applicable regulations.

“Optimal strategy” means the choice from among more than one option presented to a patron by a slot machine game which, if selected by the patron, offers the greatest theoretical rate of return to the patron.

“Pari-mutuel ticket” is defined in N.J.A.C. 19:55-1.1.

“Pari-mutuel window” is defined in N.J.A.C. 19:45-1.14A(b)1.

“Patrons access control” means a system or device used by a casino licensee to uniquely identify and grant a patron exclusive authority to initiate the transmission of electronic credits to the electronic transfer credit meter of a slot machine in accordance with the provisions of N.J.A.C. 19:45-1.37A and may include, without limitation, the use of a patron access card with a magnetically coded strip, a coded key pad system or any other means of patron access control approved by the Commission.

“Payout-only jackpot meter” and “payout-only win meter” are defined in N.J.A.C. 19:45-1.37.

“Payout-only slot machine hopper” or “payout-only hopper” is defined in N.J.A.C. 19:45-1.36.

“Physical connection” for the purposes herein means an enclosed permanent pedestrian passageway. In no event shall the main entrance or only access to an approved hotel be through a casino.

“Pit” means the area enclosed or encircled by the arrangement of gaming tables in which casino personnel administer and supervise the games played at the tables by the patrons located on the outside perimeter of the area.

“Play,” as in “a play,” means, for purposes of a slot machine game, all gaming transactions that may be initiated by the making of a specific slot machine wager. A play includes the making of a slot machine wager or the use of a free play award in lieu of the wager, the activation of the slot machine

game by the patron and an indication to the patron of the outcome of the wager including, if a jackpot is won, the payment of the jackpot. All available plays must be displayed on the slot machine in accordance with the provisions of N.J.A.C. 19:45-1.37(a)4. For example, a slot machine game may include a \$1.00 play (requiring a \$1.00 wager), a \$2.00 play (requiring a \$2.00 wager) and a \$3.00 play (requiring a \$3.00 wager). The \$1.00 play includes all potential outcomes that may result when a \$1.00 wager is made on the slot machine game.

“Primary slot machine game” means a distinct set of plays that are described to the public on a slot machine as an authorized game in accordance with N.J.A.C. 19:45-1.37(a)4 and are available to a patron for wagering without regard to whether the patron has made a prior slot machine wager on that slot machine game. A single slot machine may contain one or more primary slot machine games.

“Principal inspector” means the authorized representative of the Commission located at a casino hotel facility who is assigned primary responsibility for the implementation of the on-site obligations of the Commission under the Act and the Commissioner’s regulations, or any other person authorized to act in such capacity.

“Prize token” is defined in N.J.A.C. 19:46-1.33.

“Progressive jackpot” is defined in N.J.A.C. 19:45-1.39.

“Promotional non-gaming chip” is defined in N.J.A.C. 19:46-1.1.

“Promotional non-gaming token” is defined in N.J.A.C. 19:46-1.33.

“Public area” means the areas in each casino and casino simulcasting facility that are open to the public in accordance with a casino licensee’s internal controls.

“Public keno area” is defined in N.J.A.C. 19:45-1.47B.

“Regulation” or “rule” means the regulation adopted by the Commission pursuant to the Act.

“Restricted areas” or “restricted casino areas” means the cashiers’ cage, the soft count room, the hard count room, the slot booths and runway areas, the interior of table game pits, the surveillance room and catwalk areas, the slot machine repair room, the simulcast counter, the specific areas designated and approved pursuant to N.J.S.A. 5:12-100b for the possession and maintenance of gaming equipment (such as computers) that supports the conduct of gaming in the casino or casino simulcasting facility, the areas used for storing or destroying dice or cards, any additional area that a casino licensee designates as restricted in its internal controls, and any other area specifically designated by the Commission as restricted elsewhere in the rules of the Commission or in a particular casino licensee’s operation certificate.

“Restricted brewery authorization” is defined in N.J.A.C. 19:50-1.4A.

“Satellite cage” is defined in N.J.A.C. 19:45-1.14.

“Scripting” means information that is programmed to be displayed in a particular manner by a slot machine game that is unrelated or unnecessary to the illustration of the actual gaming transaction to the patron.

“Security podium” is defined in N.J.A.C. 19:41-1.4(g)5.

“Simulcast counter” is defined in N.J.A.C. 19:45-1.14A(c).

“Simulcast horse race” is defined in N.J.A.C. 19:55-1.1.

“Simulcast payout” means the money paid to a patron in exchange for a credit voucher or a winning, canceled or refunded pari-mutuel ticket.

“Skill feature” means a play on a slot machine game that requires a patron to make a choice as to how to proceed in the game, where the available choices affect the theoretical payout percentage of the play and the game, and the game uses electronic representations of a standard set of playing cards, a standard set of dice, or some other set of symbols or numbers where the probability of choosing any particular symbol or number in the set is one divided by the total number of elements in the set.

“Slot department manager” is defined in N.J.A.C. 19:45-1.11(b)4 and 1.12(h)5.

“Slot machine drop” is defined in N.J.A.C. 19:45-1.1.

“Slot machine game” means a primary slot machine game or a game-within-a-game.

“Slot machine main program” means the software that controls those aspects of a slot machine prototype that are necessary to the operation of a slot machine game, including, without limitation, its meters, random number generator and security. More than one slot machine main program may be approved for a slot machine prototype, but only one slot machine main program shall at any given time control the operation of a slot machine. “Slot machine main program” does not include software that controls only, without limitation, the pay tables, sound or graphics of a slot machine game or the operation of a bill changer or gaming voucher printer connected to the slot machine.

“Slot machine wager” means the total value of coins, currency, coupons, or slot tokens or electronic credits generated pursuant to N.J.A.C. 19:45-1.37A that are required to activate a particular slot machine play.

“Slot system operator” is defined in N.J.A.C. 19:45-1.39A.

“Slot token” is defined in N.J.A.C. 19:46-1.33.

“Slot zone” means a specified area on a casino floor that contains one or more slot machines.

“Slug” means any object, excluding coin appropriately used to activate play and foreign slot tokens, that is found in a slot machine hopper, slot drop bucket or slot drop box and that is not approved pursuant to N.J.A.C. 19:46-1.33.

“Soft count room” is defined in N.J.A.C. 19:45-1.32.

“Strategy feature” means a play on a slot machine game that requires a patron to make a choice whether to accept a variable outcome or risk it for another variable outcome.

“Table game” means one of the following authorized games approved by the Commission pursuant to N.J.S.A. 5:12-5: baccarat, big six, blackjack, boston 5 stud poker, caribbean stud poker, casino war, colorado hold 'em poker, craps, double attack blackjack, double cross poker, double down stud, fast action hold 'em, flop poker, four card poker, let it ride poker, minibaccarat, mini-craps, mini-dice, pai gow, pai gow poker, poker, pokette, red dog, roulette, sic bo, spanish 21, texas hold 'em bonus poker, three card poker and two card joker poker.

“Theoretical payout percentage” of a play or slot machine game means the total value of the jackpots expected to be paid by a play or slot machine game divided by the total value of slot machine wagers expected to be made on that play or slot machine game during the same portion of the game cycle, calculated in accordance with the provisions of N.J.A.C. 19:46-1.28A.

“Value chip” is defined in N.J.A.C. 19:46-1.1A.

“Variable outcome” means an outcome that is randomly selected from a disclosed range of outcomes that become available when a specified jackpot is achieved in a slot machine game. The probability of selecting any particular outcome in the range shall in no way be based upon the number or value of prior slot machine wagers made on the slot machine game.

“Washing or chemmy shuffle” means a mixing of the cards, during which the cards are placed face down on the table and randomly intermixed by the dealer using the heels of the palms of the hands, by rotating one hand in a circular clockwise motion and the other hand in a circular counter-clockwise motion, with each hand completing at least eight full circles.

“Zone letter” or “zone number” means the unique alpha or numeric designation assigned to each slot zone.

Amended by R.1984 d.454, effective September 26, 1984.

See: 16 N.J.R. 2259(a), 2832(a).

Definitions substantially amended.

Amended by R.1987 d.302, effective July 20, 1987.

See: 18 N.J.R. 2005(a), 19 N.J.R. 1321(a).

Added text to definition “Slot machines”.

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

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

Added definition “affiliate”.

Amended by R.1989 d.187, effective April 3, 1989.

See: 20 N.J.R. 2644(a), 21 N.J.R. 933(b).

Definition of “junket representative” expanded to include individuals who derive no compensation from their junket activities, other than complimentary.

Amended by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

Changes to definitions of “authorized game”, “casino employee”, “casino hotel employee”, “casino key employee”, “casino service industry”, “gross revenue” and “slot machine”.

Notice of Receipt of Petition for Rulemaking.

See: 22 N.J.R. 1635(b).

Amended by R.1992 d.110, effective March 2, 1992.

See: 23 N.J.R. 3243(a), 24 N.J.R. 858(c).

Added new definitions for "gaming day" and "on a daily basis".

Amended by R.1992 d.474, effective December 7, 1992.

See: 24 N.J.R. 3223(a), 24 N.J.R. 4417(a).

Added to definition of "authorized game" statutory reference to N.J.S.A. 5:12-5, added games of minibaccarat, red dog, pai gow and sic bo.

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

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

Definitions amended: authorized game, casino employee, casino key employee, casino service industry; definitions added: casino simulcasting, casino simulcasting facility, hub facility, pari-mutuel ticket, pari-mutuel window, satellite cage, simulcast counter, simulcast horse race, simulcast payout.

Amended by R.1994 d.31, effective January 18, 1994.

See: 25 N.J.R. 4866(a), 26 N.J.R. 486(a).

Amended by R.1994 d.65, effective February 7, 1994.

See: 25 N.J.R. 5114(a), 26 N.J.R. 826(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.1994 d.423, effective August 15, 1994.

See: 26 N.J.R. 1620(a), 26 N.J.R. 3465(a).

Amended by R.1994 d.504, effective October 3, 1994.

See: 26 N.J.R. 2872(a), 26 N.J.R. 3253(a), 26 N.J.R. 4089(a).

Amended by R.1995 d.285, effective June 5, 1995.

See: 26 N.J.R. 2218(a), 27 N.J.R. 2254(a).

Amended by R.1995 d.306, effective June 19, 1995.

See: 27 N.J.R. 1162(a), 27 N.J.R. 2455(a).

Amended by R.1995 d.430, effective August 7, 1995.

See: 27 N.J.R. 1767(b), 27 N.J.R. 2967(a).

Amended "Casino check" definition.

Amended by R.1995 d.620, effective December 4, 1995.

See: 27 N.J.R. 3307(a), 27 N.J.R. 4909(a).

Amended by R.1996 d.69, effective February 5, 1996.

See: 27 N.J.R. 3916(a), 28 N.J.R. 897(a).

Amended by R.1996 d.122, effective March 4, 1996.

See: 27 N.J.R. 1775(a), 28 N.J.R. 1399(a).

Amended by R.1996 d.314, effective July 15, 1996.

See: 28 N.J.R. 1612(a), 28 N.J.R. 3622(a).

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

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

Amended by R.1996 d.439, effective September 16, 1996.

See: 28 N.J.R. 2809(a), 28 N.J.R. 4236(a).

Amended by R.1997 d.132, effective March 17, 1997.

See: 28 N.J.R. 5160(a), 29 N.J.R. 923(a).

In (b), added "Gaming Chip", "Gaming Plaque", "Non-value chip", "Value chip".

Amended by R.1997 d.447, effective October 20, 1997.

See: 29 N.J.R. 2811(a), 29 N.J.R. 4560(a).

In (b), inserted "Count room supervisor".

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

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

In (b), added "Restricted brewery authorization".

Amended by R.1998 d.18, effective January 5, 1998.

See: 29 N.J.R. 3432(b), 30 N.J.R. 112(b).

Amended (b) and inserted new term "authorized game" or "authorized gambling game".

Amended by R.1998 d.122, effective March 2, 1998.

See: 29 N.J.R. 5057(a), 30 N.J.R. 863(a).

Added "Slot machine drop" is defined in N.J.A.C. 19:45-1.1".

Amended by R.1998 d.147, effective March 16, 1998.

See: 30 N.J.R. 33(a), 30 N.J.R. 1057(a).

In (b), inserted "Layout".

Amended by R.1998 d.164, effective April 6, 1998.

See: 29 N.J.R. 2632(a), 30 N.J.R. 1304(a).

In (b), inserted "Keno runner", "Keno runner request", "Keno ticket receipt", "Keno writer request", and "Public keno area".

Amended by R.1999 d.29, effective January 19, 1999.

See: 30 N.J.R. 30(a), 31 N.J.R. 144(a).

In (b), inserted references to casino war and fast action hold 'em in "Authorized game" or "authorized gambling game".

Amended by R.1999 d.42, effective February 1, 1999.

See: 30 N.J.R. 4034(a), 31 N.J.R. 454(a).

In (b), added "Washing or chemmy shuffle".

Amended by R.1999 d.221, effective July 19, 1999.

See: 30 N.J.R. 3171(a), 31 N.J.R. 1943(a).

In (b), inserted "Promotional non-gaming chip".

Amended by R.1999 d.379, effective November 1, 1999.

See: 30 N.J.R. 4147(b), 31 N.J.R. 3527(a).

Inserted "Chipperson".

Amended by R.2000 d.107, effective March 20, 2000.

See: 31 N.J.R. 3939(b), 32 N.J.R. 1051(a).

In (b), added "Promotional non-gaming token".

Amended by R.2000 d.334, effective August 21, 2000.

See: 31 N.J.R. 2525(a), 32 N.J.R. 3075(a).

In (b), added "Linked slot machine", "Multi-casino progressive slot system" and "Progressive jackpot".

Amended by R.2001 d.288, effective August 20, 2001.

See: 32 N.J.R. 4240(a), 33 N.J.R. 2824(a).

In (b) "Authorized game", added reference to colorado hold 'em poker.

Amended by R.2001 d.451, effective December 3, 2001.

See: 33 N.J.R. 772(a), 33 N.J.R. 4151(b).

In (b), added definitions for "Cumulative progressive jackpot meter", "Free play award", "Game cycle", "Game-within-a-game", "Jackpot scripting", "Last game recall", "Limited time payout", "Optimal strategy", "Play", "Primary slot machine game", "Scripting", "Skill feature", "Slot machine game", "Strategy feature", "Theoretical payout percentage" and "Variable outcome".

Amended by R.2002 d.207, effective July 1, 2002.

See: 34 N.J.R. 1249(a), 34 N.J.R. 2336(b).

In (b), added definition for "Coupons considered in the calculation of gross revenue".

Petition for Rulemaking.

See: 34 N.J.R. 1285(a), 2871(b).

Amended by R.2003 d.4, effective January 6, 2003.

See: 34 N.J.R. 2012(a), 35 N.J.R. 259(a).

In (b), "Bill changer" substituted "value" for "amount", inserted "the value of gaming voucher" after "currency"; added "Electronic credit", "Gaming voucher".

Amended by R.2003 d.243, effective June 16, 2003.

See: 35 N.J.R. 1395(a), 35 N.J.R. 2740(a).

In (b), inserted "boston 5 stud poker" following "colorado hold 'em poker" in "Authorized game".

Petition for Rulemaking.

See: 35 N.J.R. 5171(a).

Amended by R.2003 d.462, effective December 1, 2003.

See: 35 N.J.R. 2792(a), 35 N.J.R. 5435(a).

In (b), added "Multi-denominational".

Amended by R.2004 d.175, effective May 3, 2004.

See: 35 N.J.R. 5527(a), 36 N.J.R. 2204(a).

In (b), added "Slot machine main program".

Amended by R.2004 d.326, effective August 16, 2004.

See: 36 N.J.R. 1305(a), 36 N.J.R. 3889(a).

In (b), inserted "double cross poker" following "5 stud poker," in "Authorized game" or "authorized gambling game".

Amended by R.2004 d.339, effective September 7, 2004.

See: 36 N.J.R. 2308(a), 36 N.J.R. 4165(b).

In (b), rewrote "Authorized game", added "Table game".

Amended by R.2004 d.465, effective December 20, 2004.

See: 36 N.J.R. 4165(b), 36 N.J.R. 5704(a).

In "Table game", inserted "double attack blackjack, double cross poker" preceding "double down stud," and "four card poker" preceding "let it ride poker".

Amended by R.2005 d.12, effective January 3, 2005.

See: 36 N.J.R. 4105(a), 37 N.J.R. 100(a).

In (b), added "Jackpot" and "Jackpot display", and substituted "jackpot" for "combination" in "Variable outcome".

Amended by R.2005 d.86, effective March 7, 2005.

See: 36 N.J.R. 623(a), 37 N.J.R. 789(a).

In (b), added "Chief executive officer".

Petition for Rulemaking.

See: 37 N.J.R. 812(a).

Amended by R.2005 d.121, effective April 18, 2005.

See: 36 N.J.R. 2996(a), 37 N.J.R. 1227(b).

Added "CCTV", "Commission inspector", "Principal inspector" and "Slot system operator"; and rewrote "Multi-casino progressive slot system".

Amended by R.2005 d.216, effective July 5, 2005.

See: 36 N.J.R. 3242(a), 37 N.J.R. 2561(a).

Rewrote the section.

Amended by R.2005 d.356, effective October 17, 2005.

See: 37 N.J.R. 2301(a), 37 N.J.R. 4034(a).

In (b), added “, texas hold ’em bonus poker” to definition “Table game”.

Amended by R.2006 d.276, effective July 17, 2006.

See: 38 N.J.R. 1413(a), 38 N.J.R. 3067(a).

In definition “Table game”, inserted “flop poker,” preceding “four card poker”.

Amended by R.2006 d.341, effective September 18, 2006.

See: 38 N.J.R. 2404(a), 38 N.J.R. 3920(a).

In definition “Table game” in (b), deleted “and” preceding “three card poker” and inserted “and two card joker poker”.

### 19:40-1.3 Construction and amendments

(a) These rules shall be construed in accordance with generally accepted principles of statutory construction, including those set forth in N.J.S.A. 1:1-1 et seq.

(b) These rules shall be liberally construed to permit the Commission and the Division to effectively carry out their respective statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

(c) Nothing contained in these rules shall be so construed as to conflict with any provision of the New Jersey Casino Control Act or any other applicable statute.

(d) In special cases and for good cause shown, the Commission may relax or permit deviations from these rules.

(e) These rules may be amended by the Commission from time to time in accordance with the provisions of the Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

(f) Whenever any provision of these rules requires that an act or event occur on a specified day or date, and such day or date falls upon a Saturday, Sunday or legal holiday, such provision shall be construed to refer to the next business day immediately following such day or date.

(g) Pursuant to N.J.S.A. 5:12-69(e), the Commission may authorize the temporary adoption, amendment or repeal of any rule concerning the conduct of gaming or simulcast wagering, the use or design of gaming or simulcast wagering equipment or the internal procedures and administrative and accounting controls required by N.J.S.A. 5:12-99 for a period not to exceed 270 days, for the purpose of determining whether such rules should be adopted on a permanent basis. Any interested person may file a petition for temporary rulemaking with the Commission in accordance with N.J.A.C. 19:40-3.6.

1. The Commission shall file notice of any temporary rulemaking with the Office of Administrative Law for publication in the New Jersey Register at least seven days prior to initiation of the experiment, and shall prominently post such notice in each casino participating in the experiment.

2. The Commission shall post the text of any temporary rule in each casino participating in the experiment and shall

make copies of such text available upon request to the Commission.

Amended by R.1982 d.254, effective August 2, 1982, operative September 15, 1982.

See: 14 N.J.R. 558(b), 14 N.J.R. 841(a).

Added (f).

Amended by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

(f) deleted, new (f) and (g) added concerning dates of rules and temporary rulemaking.

Amended by R.1994 d.461, effective September 6, 1994.

See: 26 N.J.R. 2564(a), 26 N.J.R. 3746(a).

Amended by R.1996 d.351, effective August 5, 1996.

See: 28 N.J.R. 2349(a), 28 N.J.R. 3817(a).

### 19:40-1.4 Words and terms; tense, number and gender

(a) In construing the provisions of these rules and regulations, except when otherwise plainly declared or clearly apparent from the context:

1. Words in the present tense shall include the future tense.

2. Words in the masculine shall include the feminine and neuter genders.

3. Words in the singular shall include the plural and the plural shall include the singular.

### 19:40-1.5 Severability and preemption

(a) If any clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion of these rules or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair or invalidate the remainder of these rules or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

(b) Notwithstanding the provisions of any other law to the contrary, no local government unit of this State may enact or enforce any ordinance or resolution conflicting with any provision of the Act or of these rules or with any policy of this State expressed or implied herein, whether by exclusion or inclusion. The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its powers under the provisions of the Act and these rules.

Recodified from 19:40-1.12 by R.1989 d.495, effective September 18, 1989.

See: 21 N.J.R. 1975(b), 21 N.J.R. 3022(b).

The following annotations pertain to the rule formerly at this cite:  
As amended, R.1984 d.454, effective October 15, 1984.

See: 16 N.J.R. 2259(a), 16 N.J.R. 2832(a).

Deleted old (e) and substituted new therefor.

### 19:40-1.6 Practice where regulations do not govern

In any matter not governed by these rules and regulations, the Commission or the Division shall exercise its discretion so as to carry out the purposes of the Act.