

CHAPTER 3

OFFICE OF AMUSEMENT GAMES CONTROL

Authority

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

Source and Effective Date

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

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 3, Office of Amusement Games Control, expires on October 21, 2003. See: 35 N.J.R. 2398(a).

Chapter Historical Note

Chapter 3, Office of Amusement Games Control, became effective on April 11, 1966.

Subchapter 8, Forms, was repealed by R.1982 d.498, effective January 17, 1983. See: 14 N.J.R. 1194(a), 15 N.J.R. 93(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Office of Amusement Games Control, was readopted as R.1988 d.227, effective April 25, 1988. See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a). Subchapter 5, Disciplinary Proceedings, and Subchapter 6, Appeals, were adopted as R.1988 d.500, effective November 7, 1988. See: 20 N.J.R. 2032(a), 20 N.J.R. 2787(a).

Pursuant to Executive Order No. 66(1978), Chapter 3, Office of Amusement Games Control, was readopted as R.1993 d.233, effective April 26, 1993. See: 25 N.J.R. 891(b), 25 N.J.R. 1987(a). Administrative Correction. See: 25 N.J.R. 2689(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Office of Amusement Games Control, was readopted as R.1998 d.249, effective April 24, 1998. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. ISSUANCE OF LICENSES BY MUNICIPAL GOVERNING BODIES

- 13:3-1.1 Definitions: Location of games
- 13:3-1.2 License restrictions
- 13:3-1.3 Bingo or raffles
- 13:3-1.4 Certification requirements
- 13:3-1.5 Requisites for municipal license
- 13:3-1.6 Restrictions on hours for amusement games
- 13:3-1.7 Premises with alcoholic beverage license
- 13:3-1.8 Separate license required for each game and premises
- 13:3-1.9 License term; investigation fees
- 13:3-1.10 Application form and license certificate
- 13:3-1.11 Fingerprinting
- 13:3-1.12 Qualification of applicant; conviction of crime
- 13:3-1.13 Municipal resolution to authorize licenses
- 13:3-1.14 License certificate contents
- 13:3-1.15 Disposition of license certificate
- 13:3-1.16 Amendment to license; notice
- 13:3-1.17 Devolution of license upon death, bankruptcy, receivership or incompetency of licensee
- 13:3-1.18 Reporting change in application facts
- 13:3-1.19 Agricultural Department approval of agricultural fair license

SUBCHAPTER 2. ISSUANCE OF LICENSES BY COMMISSION

- 13:3-2.1 Need for municipal license
- 13:3-2.2 License fees
- 13:3-2.3 Separate application and fee for specific games and separate premises
- 13:3-2.4 Duration of license; prorating fees
- 13:3-2.5 Reporting change of application facts
- 13:3-2.6 Cancellation of license

SUBCHAPTER 3. CONDUCT OF LICENSEES AND OPERATION OF LICENSED GAMES

- 13:3-3.1 Conspicuous display of license
- 13:3-3.2 Method of operating licensed games
- 13:3-3.3 Hours and days license in effect
- 13:3-3.4 Maximum fee for participation in game
- 13:3-3.5 Types of prizes permitted; value of prize
- 13:3-3.6 Determination of value of prizes
- 13:3-3.7 Redemption of prize or cash
- 13:3-3.8 Deceptive, fraudulent or misleading advertising or practice; conduct of games
- 13:3-3.9 Employees qualification
- 13:3-3.10 Fingerprinting employees
- 13:3-3.11 Interest held in business by person other than licensee
- 13:3-3.12 Law enforcement officers holding business interest
- 13:3-3.13 Hindering inspection or investigation
- 13:3-3.14 Requirement for license
- 13:3-3.15 Gambling on licensed premises
- 13:3-3.16 Licensee responsible for acts of employees
- 13:3-3.17 Required signs

SUBCHAPTER 4. SUBMISSION OF REPORTS BY LICENSEES

- 13:3-4.1 Books of account, entries; inspection
- 13:3-4.2 Invoices of cost of prizes retained
- 13:3-4.3 Report of conduct of game by licensee
- 13:3-4.4 Reports confidential
- 13:3-4.5 Failure to file report; incomplete report; false report

SUBCHAPTER 5. DISCIPLINARY PROCEEDINGS

- 13:3-5.1 Five-day notice prior to hearing; violation specified
- 13:3-5.2 Uncontested disciplinary proceedings
- 13:3-5.3 Conduct of hearing
- 13:3-5.4 Commission's decision changing penalty
- 13:3-5.5 Transmittal of charges and result to Commission
- 13:3-5.6 Proceeding not barred by license expiration
- 13:3-5.7 Results of proceeding affects subsequent license
- 13:3-5.8 Conditions for penalty carryover
- 13:3-5.9 Hearings; conclusions or Resolutions and Order

SUBCHAPTER 6. APPEALS

- 13:3-6.1 Method of appeal to Commission
- 13:3-6.2 Respondent's reply to appeal
- 13:3-6.3 Stay of penalty
- 13:3-6.4 Appeals
- 13:3-6.5 Commission's decision
- 13:3-6.6 Stay or extension subject to outcome of appeal

SUBCHAPTER 7. CERTIFICATION OF PERMISSIBLE GAMES BY COMMISSION

- 13:3-7.1 Certification of kinds of games
- 13:3-7.2 Application for certification; contents; fee
- 13:3-7.3 Right to restrict specific terms of certification
- 13:3-7.4 Amendments of certifications
- 13:3-7.5 Numbering of certifications
- 13:3-7.6 Cancellation of certification
- 13:3-7.7 Furnishing certifications to governing bodies

13:3-7.8 Games authorized only in respect to particular certification
 13:3-7.9 Permissible amusement games certifications

Amended by R.1988 d.227, effective May 16, 1988.
 See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a).
 Added (a) Definitions and moved old (a) to (b).

SUBCHAPTER 8. (RESERVED)

SUBCHAPTER 1. ISSUANCE OF LICENSES BY
 MUNICIPAL GOVERNING BODIES

13:3-1.1 Definitions: Location of games

(a) The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

“Arcade” means a place where a single player may play any one of a number of machines or devices, upon payment of a fee, to attempt to obtain a prize or tickets or tokens redeemable for a prize, or to attempt to attain a score or result upon the basis of which a prize, ticket or token is awarded.

“Recognized amusement park” means a commercially operated permanent business, open to the public at least 31 consecutive days annually, whose acreage is designed and themed for the primary purpose of providing participatory amusements incorporating rides or water slides licensed in accordance with N.J.S.A. 5:3-31, et seq., and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location which has had a license issued prior to (the effective date of this amendment).

“Resort” means a place providing recreation and entertainment especially to visitors.

“Seashore resort” means a “resort” as defined in this subsection that borders tidal waters.

(b) No amusement games license shall be issued in any municipality unless:

1. Such municipality has authorized the licensing of amusement games by referendum in the 1959 general election or subsequent referendum pursuant to P.L. 1959, c.109; and
2. The premises to be licensed are situated at:
 - i. A recognized amusement park; or
 - ii. A seashore or other resort but only in that part thereof customarily constituting an amusement or entertainment area according to the customary understanding of these terms in the community; or
 - iii. A place where an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture holds an agricultural fair and exhibition.

13:3-1.2 License restrictions

(a) No license shall be issued to authorize the operation and conduct of any amusement game unless the game is:

1. Played for amusement or entertainment;
2. One in which the person or player actively participates;
3. One in which the outcome is not in the control of the operator; and
4. One which is so conducted that when and where all of the players are present there occurs in continuous sequence:
 - i. The sale of a right to participate;
 - ii. The event which determines whether a player wins or loses; and
 - iii. The award of a merchandise prize or tokens or tickets which may be accumulated or immediately redeemable for a merchandise prize.

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

In (a)4iii, added “nontransferable tokens on tickets which may be accumulated and redeemable for a prize”.

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

In (a)4iii, substituted a reference to tokens for a reference to nontransferable tokens.

13:3-1.3 Bingo or raffles

No license shall be issued under the Amusement Games Licensing Law (P.L. 1959, c.109) to authorize the holding, operation or conduct of any bingo game nor for any draw raffle.

13:3-1.4 Certification requirements

No license shall be issued to authorize the holding, operation or conduct of any game not certified as permissible by the Legalized Games of Chance Control Commission pursuant to N.J.A.C. 13:3-7, Certification, and any license issued with respect to any certified game shall authorize it to be held, operated and conducted only with the limitations and restrictions of its certification.

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

Substituted a reference to the Legalized Games of Chance Control Commission for a reference the State Commissioner of Amusement Games Control.

13:3-1.5 Requisites for municipal license

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

1. Declaring that a recognized amusement park exists in the municipality or that the municipality is a seashore or other resort containing an amusement or entertainment area according to the customary understanding of such terms in the municipality or that the municipality contains a place where an agricultural fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture;

2. Fixing an annual fee or fees, not subject to proration, for licenses to be issued in such amount or amounts as may be determined upon consideration of such factors as the number of days or period upon or during which the licensee shall be authorized to operate or conduct the games, the number of units employed therein, the number of places, the number of specific kinds of games to be conducted and the number of persons who may become players of the game at any one time, but in no case shall such fee be less than \$10.00 for any one license for a period of one year or for a lesser term except as to agricultural fairs and exhibitions where, in any one year, the fair and exhibition is held for a period not in excess of 30 days the fee for the municipal license shall be \$5.00 or less for any one license.

13:3-1.6 Restrictions on hours for amusement games

No license shall be issued to authorize the conduct of amusement games during hours or on days prohibited by municipal ordinance.

13:3-1.7 Premises with alcoholic beverage license

No license shall be issued for any premises licensed under any alcoholic beverage license.

13:3-1.8 Separate license required for each game and premises

A separate license shall be issued for each specific kind of game authorized to be held, operated and conducted on the licensed premises by the licensee, and a separate license shall be issued for each place at which the licensee is authorized to hold, operate and conduct such game, except that a single license may be issued for all games classified under Certification No. 2 pursuant to N.J.A.C. 13:3-7.9(a)2 and operated in an arcade at a single location.

Amended by R.1988 d.227, effective May 16, 1988.
See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a).

Added text "except that a single ...".

13:3-1.9 License term; investigation fees

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

(b) In any event, the full annual fee as fixed by ordinance shall be payable without proration and shall accompany the license application.

(c) In the event of denial or withdrawal of the application, or in the event of denial or withdrawal of application for State license filed with the Commission pursuant to N.J.A.C. 13:3-2, Issuance of Licenses, the full fee up to \$10.00 or 25 percent of the fee, whichever shall be the greater, shall be retained by the municipality as and for an investigation fee, and the remainder of the fee, if any, shall be refunded to the applicant.

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

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

In (a), added a reference to resolutions; and in (c), substituted a reference to the Commission for a reference to the Commissioner.

13:3-1.10 Application form and license certificate

(a) Each application for license shall be submitted in duplicate in form prescribed by the Commission. The application requests information which includes the following: name and address of the applicant, type and location of the game, and identification of the business form.

(b) The original shall be retained by the municipal governing body and, in the event the application is granted, the copy shall be transmitted forthwith to the Commission.

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

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

Deleted reference to section 8.3 and added "by the Commissioner".

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

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

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

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

Substituted references to the Commission for references to the Commissioner throughout; and in (a), added a second sentence.

13:3-1.11 Fingerprinting

(a) Each individual applicant, the officers, directors, and stockholders (including the officers, directors and stockholders of any corporation holding five percent or more of the capital stock) of any corporate applicant, as well as the partners or members as the case may be, of any partnership, association, or organization applicant, upon filing of an initial application or any employee of an applicant, may, if so required by the Commission or municipal governing body issuing a license, be fingerprinted under the supervision of the municipal chief of police.

(b) The fingerprint records so obtained shall be marked "Applicant" and shall be submitted to the Federal Bureau of Investigation and the New Jersey State Police Bureau of Identification and upon receipt of returns from such Bureaus, the chief of police shall make report thereof to the municipal governing body, together with report of any other arrest or conviction record which may be obtained from other sources.

(c) Failure or refusal of any of the above-designated persons to submit to fingerprinting shall be deemed cause for denial of the application.

(d) Any fees for fingerprinting or any other investigations shall be paid for by the applicant.

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

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

In (a), added "upon filing an initial application . . . may if required by the commissioner or municipal governing body issuing a license . . .". Also added (d).

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

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

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

13:3-1.12 Qualification of applicant; conviction of crime

No license shall be issued to any applicant if any of the persons required by N.J.A.C. 13:3-1.11 to be fingerprinted in connection with the application are not of good moral character or have ever been convicted of a crime unless the disqualification resulting from such conviction has been removed by the Commission pursuant to P.L. 1962, c.200.

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

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

Substituted a reference to the Commission for a reference to the Commissioner.

13:3-1.13 Municipal resolution to authorize licenses

(a) No license shall be issued in any municipality unless and until the issuance thereof has been authorized by a resolution duly adopted by the municipal governing body which resolution shall, among other things, specifically recite:

1. That the premises to be licensed are located in a recognized amusement park in the municipality; or
2. That the municipality is a seashore or other resort and that the premises to be licensed are located in an amusement or entertainment area in such resort according to the customary understanding of such terms in the municipality; or
3. That the municipality contains a place where an agricultural fair and exhibition is held by an association organized for the purpose of holding agricultural fairs and exhibitions which is approved by the State Department of Agriculture.

(b) A certified copy of each such resolution, together with a copy of the application endorsed to show the granting of a municipal license, shall be transmitted to the Commission by the municipal governing body within three business days of the municipal license being granted.

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

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

(b) added language concerning application endorsement.

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

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

Combined (a)2 and 3 and renumbered old (a)4 to (a)3.

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

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

In (b), substituted a reference to the Commission for a reference to the Commissioner, and substituted "within three business days of the municipal license being granted" for "forthwith" at the end.

13:3-1.14 License certificate contents

(a) Each license certificate shall indicate:

1. The name of the licensee;
2. The address of the licensed premises;
3. The name and detailed description of the kind of game licensed;
4. The amount of fee paid;
5. A statement of the dates and the hours between which such game may be conducted; and
6. Such other information as may be required on a form prescribed by the Commission.

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

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

Added (a)6.

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

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

Amended (a)2 and 3.

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

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

In (a), rewrote 2, and substituted a reference to the Commission for a reference to the Commissioner in 6.

13:3-1.15 Disposition of license certificate

- (a) After municipal approval and the Commission's approval, the license certificate shall be prepared in quadruplicate.
- (b) The original shall be delivered to the licensee.
- (c) One of the copies shall be delivered to the municipality to be made part of its licensing records.
- (d) The remaining two copies shall be retained by the Commission.

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

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

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

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

In (a) and (d), substituted references to the Commission for references to the Commissioner.

13:3-1.16 Amendment to license; notice

(a) Any license may be amended, upon application to the municipal governing body, a copy of which application must be submitted to the Commission, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon payment of such additional license fee, if any, as would have been payable.

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

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

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

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

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

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

Substantially amended.

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

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

Rewrote the section.

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

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

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

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

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

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

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

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

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

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

13:3-1.18 Reporting change in application facts

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER 2. ISSUANCE OF LICENSES BY COMMISSION

13:3-2.1 Need for municipal license

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

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

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

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

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

Substituted a reference to the Legalized Games of Chance Control Commission for a reference to the State Commissioner of Amusement Control.

13:3-2.2 License fees

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

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

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

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

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

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

Deleted list of license fees and added amounts to be charged as prescribed by N.J.S.A. 5:8-102 and 5:8-125.

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

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

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

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

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

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

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

Language concerning when no fee payable deleted.

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

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

Added text "except that a single . . .".

13:3-2.4 Duration of license; prorating fees

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

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

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

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

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

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

13:3-2.5 Reporting change of application facts

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

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

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

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

13:3-2.6 Cancellation of license

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

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

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

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

SUBCHAPTER 3. CONDUCT OF LICENSEES AND OPERATION OF LICENSED GAMES

13:3-3.1 Conspicuous display of license

(a) No licensee shall hold, operate, conduct or allow any amusement game on the licensed premises unless a current, original, license certificate is conspicuously posted.

(b) The license certificate shall be maintained in a manner so that it may be easily read.

(c) The license certificate shall be presented upon request without delay or interference to:

1. An authorized representative of the licensing municipality;
2. Commission member or a Commission representative; or
3. A member of the general public.

(d) The person requesting the license certificate shall be afforded the opportunity to review and record any and all information on the license certificate.

(e) A photocopy or other reproduction of the license certificate shall not be acceptable for purposes of compliance with this section. The original license certificate shall not be photocopied or reproduced.

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

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

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

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

Rewrote the section.

Amended by R.2001 d.192, effective June 4, 2001.

See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).

Rewrote the section.

Case Notes

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

13:3-3.2 Method of operating licensed games

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

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

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

Rewrote the section.

13:3-3.3 Hours and days license in effect

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

13:3-3.4 Maximum fee for participation in game

(a) No licensee shall charge or accept, directly or indirectly, more than \$5.00 from any one player for an opportunity to participate in any one amusement game.

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

(c) No charge may be made or accepted for participation in a game in excess of the posted charge for the opportunity to participate in the game. Nothing in this section shall be construed to prohibit a licensee from offering a discounted entry fee for multiple opportunities to participate in a single game not in excess of \$5.00.

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

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

Increased maximum fee from \$0.25 to \$1.00 except that maximum charge for arcade games shall not exceed \$0.50.
Amended by R.1986 d.218, effective June 16, 1986.
See: 18 N.J.R. 613(a), 18 N.J.R. 1306(a).

Added text "Upon receipt of . . . player immediately."
Amended by R.1988 d.227, effective May 16, 1988.
See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a).

Deleted "except that the maximum . . ." and added (b) through (f).
Amended by R.1990 d.465, effective September 17, 1990.
See: 22 N.J.R. 1435(b), 22 N.J.R. 2982(a).

Specified when a bill acceptor may be used.
Amended by R.1995 d.175, effective March 20, 1995.
See: 26 N.J.R. 4951(a), 27 N.J.R. 1191(b).
Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

In (a), deleted "or allow or permit," following "accept," and deleted "the charging or accepting of" following "indirectly,".
Amended by R.2001 d.192, effective June 4, 2001.
See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).

In (a) and (c), substituted "\$5.00" for "\$2.00".

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

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

(b) The retail value of such merchandise prize or prizes to be offered or awarded in any game or for an accumulation of wins from a series of games or plays shall not exceed an average retail value of \$5,000.

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

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

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

(d) Where games licensed and certified pursuant to N.J.A.C. 13:3-7.9(a)1, 3, 5, 6, 7, 8 or 9 are operated in conjunction with an arcade licensed pursuant to N.J.A.C. 13:3-7.9(a)2 under Certification No. 2, such arcade may also award as prizes tickets redeemable toward merchandise prizes available in the arcade, provided that the value of any single prize ticket shall not permit redemption for a prize valued in excess of an average retail value of \$5,000. Such tickets may be combined with tickets or tokens awarded in the arcade for redemption purposes.

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

In (a), added drug or narcotic paraphernalia not permitted. In (b), retail value of prizes increased from \$15.00 to \$300.00. In (c), added nontransferable tickets or tokens may be accumulated.
Amended by R.1985 d.334, effective July 1, 1985.
See: 17 N.J.R. 1058(a), 17 N.J.R. 1664(b).

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

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

Substantially amended.

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

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

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

Amended by R.2001 d.192, effective June 4, 2001.

See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).

In (b), rewrote the introductory paragraph; in (d), substituted "\$5,000" for "\$500.00".

13:3-3.6 Determination of value of prizes

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

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

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

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

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

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

Old (c) deleted.

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

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

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

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

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

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

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

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

13:3-3.7 Redemption of prize or cash

(a) No licensee shall redeem for money or for the playing of any additional game, any prize, ticket or token or allow, permit or participate in such redemption.

(b) Notwithstanding (a) above, a licensee may, at the conclusion of the game and at the player's option, award an additional game as a prize when operating an amusement game certified pursuant to N.J.A.C. 13:3-7.9(a)2.

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

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

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

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

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

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

Amended by R.2001 d.192, effective June 4, 2001.

See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).

Rewrote the section.

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

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

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

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

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

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

(b)-(d) added.

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

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

Deleted subchapter (d).

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

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

Rewrote the section.

13:3-3.9 Employees qualification

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

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

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

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

Deleted reference to section 8.8.

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

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

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

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

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

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

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

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

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

Administrative correction.

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

Amended by R.2001 d.192, effective June 4, 2001.

See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).

Deleted former (b) and recodified former (c) as (b).

13:3-3.10 Fingerprinting employees

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

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

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

"Adult" added to person.

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

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

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