

**CHAPTER 3**

**OFFICE OF AMUSEMENT GAMES CONTROL**

**Authority**

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

**Source and Effective Date**

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

**Executive Order No. 66(1978) Expiration Date**

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

**Chapter Historical Note**

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

Subchapter 8, Forms, was repealed by R.1982 d.498, effective January 17, 1983.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

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

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

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

**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, questionnaires, list
- 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)

### 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:

## 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.

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:

**13:3-3.3 Hours and days license in effect**

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

**13:3-3.4 Maximum fee for participation in game**

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

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

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

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

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

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

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

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

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

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

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

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

Deleted "except that the maximum . . ." and added (b) through (f). Amended by R.1990 d.465, effective September 17, 1990.

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

Specified when a bill acceptor may be used.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Substantially amended.

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

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

Substantially amended.

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

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

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

**13:3-3.6 Determination of value of prizes**

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

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

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

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

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

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

Old (c) deleted.

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

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

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

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

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

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

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

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

### 13:3-3.7 Redemption of prize or cash

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

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

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

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

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

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

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

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

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

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

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

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

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

(b)-(d) added.

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

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

Deleted subchapter (d).

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

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

Rewrote the section.

### 13:3-3.9 Employees qualification, questionnaires, list

(a) No licensee shall employ in any capacity on the licensed premises any person who would fail to qualify as a licensee by reason of conviction of crime or otherwise, nor any person who refuses or fails to execute under oath a questionnaire, in a form prescribed by the Legalized Games of Chance Control Commission which shall be supplied by and filed with the municipal police department by the licensee within 72 hours of employment.

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

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

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

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

Deleted reference to section 8.8.

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

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

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

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

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

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

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

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

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

### 13:3-3.10 Fingerprinting employees

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

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

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

"Adult" added to person.

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

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

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

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

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

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

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

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

### 13:3-3.12 Law enforcement officers holding business interest

No license shall be held by any regular police officer, any peace officer or any other person whose powers or duties include the enforcement of the Amusement Games Control Law or the Amusement Games Licensing Law or the Legalized Games of Chance Control Commission Regulations governing amusement games, or by any profit corporation or association in which any such officer or person is interested, directly or indirectly, nor shall any licensee employ or have connected with him in any business capacity whatsoever any such officer or person.