

CHAPTER 3

OFFICE OF AMUSEMENT GAMES CONTROL

Authority

N.J.S.A. 5:8-79, 79.1, 85 and 107, and Executive Reorganization Plan No. 004-1992.

Source and Effective Date

R.1993 d.233, effective April 26, 1993.
See: 25 N.J.R. 891(b), 25 N.J.R. 1987(a).

Executive Order No. 66(1978) Expiration Date

Chapter 3, Amusement Games Control, expires on April 26, 1998.

Chapter Historical Note

The provisions of Chapter 3, Office of Amusement Games Control, were filed and 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 Subchapter 8, Forms, was repealed by R.1982 d.498, effective January 17, 1983.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 (except for Subchapter 5, Disciplinary Proceedings, and Subchapter 6, Appeals) was readopted as R.1988 d.227, effective April 25, 1988. See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a). Subchapters 5 and 6 were adopted as new rules by 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 was readopted as R.1993 d.233. See: Source and Effective Date. Administrative Correction to effective date. See: 25 N.J.R. 2689(b). See, also, section annotations for specific rulemaking activity.

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 STATE COMMISSIONER

- 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

SUBCHAPTER 5. DISCIPLINARY PROCEEDINGS

- 13:3-5.1 Five-day notice prior to hearing; charges specified
- 13:3-5.2 Uncontested disciplinary proceedings
- 13:3-5.3 Conduct of hearing
- 13:3-5.4 Commissioner's decision changing penalty
- 13:3-5.5 Transmittal of charges and result to Commissioner
- 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 Commissioner
- 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 Commissioner's decision
- 13:3-6.6 Stay or extension subject to outcome of appeal

SUBCHAPTER 7. CERTIFICATION OF PERMISSIBLE GAMES BY STATE COMMISSIONER

- 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

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.

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).

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 nontransferable tokens or tickets which may be accumulated and 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”.

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 State Commissioner of Amusement Games Control pursuant to Subchapter 7 (Certification) of this Chapter 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.

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 or ordinance.

(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 Commissioner pursuant to Subchapter 2 (Issuance of Licenses) of this Chapter, 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.

13:3-1.10 Application form and license certificate

(a) Each application for license shall be submitted in duplicate in form prescribed by the Commissioner.

(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 Commissioner.

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).

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 Commissioner 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).

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 Section 1.11 (Fingerprinting) 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 Commissioner pursuant to P.L. 1962, c.200.

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 Commissioner by the municipal governing body forthwith.

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.

13:3-1.14 License certificate contents

(a) Each license certificate shall indicate:

1. The name of the licensee;

2. The address of the licensee both in and off season, and the address of the licensed premises, if different from that of the licensee;

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 Commissioner.

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.

13:3-1.15 Disposition of license certificate

(a) After municipal approval and the Commissioner'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 Commissioner.

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

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

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 Commissioner, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, including amendments between all certifications, and upon payment of such additional license fee, if any, as would have been payable, if it had been so included.

(b) Notice of any such amendment shall be certified to the Commissioner by the municipal governing body within 10 days, along with a \$25.00 amendment fee, payable by the licensee to the Amusement Games Control Bureau.

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.

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 Commissioner 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.

13:3-1.18 Reporting change in application facts

Whenever any change shall occur in the facts as set forth in any application for a license, the licensee shall file with the Commissioner and the municipal governing body a notice in writing of such change within ten days after the occurrence thereof.

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

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

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

No license shall be issued in any municipality for premises at 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 such 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 Commissioner, the receipt of such copy being required before any State license can be issued for premises at a place where the agricultural fair and exhibition is to be held.

SUBCHAPTER 2. ISSUANCE OF LICENSES BY STATE COMMISSIONER

13:3-2.1 Need for municipal license

No municipal approval of a license shall become operative unless and until the licensee named therein shall have been issued the State license certificate by the State Commissioner of Amusement Games Control.

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

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

13:3-2.2 License fees

(a) Application for a State license shall be made upon a form prescribed and furnished by the Commissioner, accompanied by the requisite fee in cash, money order or certified check drawn to the order of the New Jersey Amusement Games Control Commissioner in such amount as is prescribed by N.J.S.A. 5:8-102 for games at an amusement park or seashore 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.

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 Commissioner 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 Commissioner shall retain as and for an investigation fee, from the sum deposited with each application denied or withdrawn, the sum of \$10.00, or if the fee is less than \$10.00 the full fee, and the remaining sum paid, if any, shall be refunded to the applicant.

13:3-2.5 Reporting change of application facts

Whenever any change shall occur in the facts as set forth in any application for State license, the licensee shall file with the Commissioner a notice in writing of such change within 10 days after the occurrence thereof.

13:3-2.6 Cancellation of license

Any State license issued by the Commissioner 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 Commissioner pursuant thereto.

SUBCHAPTER 3. CONDUCT OF LICENSEES AND OPERATION OF LICENSED GAMES

13:3-3.1 Conspicuous display of license

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 unless during the holding, operation and conduct of such game the currently effective and operative license certificate evidencing that a license has been issued to permit the building, operation and conduct of such game is conspicuously displayed upon the licensed premises, suitably weather-proofed if subject to exposure to the elements, and in such plain view and location as to be easily read by all persons visiting such premises.

As amended, R.1983 d.90, eff. April 2, 1984.
See: 16 N.J.R. 208(a), 16 N.J.R. 737(a).

13:3-3.2 Method of operating licensed games

No licensee shall hold, operate or conduct, or allow, permit or suffer the holding, operation or conduct on the licensed premises of any licensed game in which there is not active participation by the player or players thereof, or in which there is not compliance with the requirements, limitations and restrictions contained in the Permissible Amusement Games Certification Number in Subchapter 7 (Certification of Permissible Games) of this Chapter under which the license has been issued, or the outcome of which is controllable or which 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 licensed premises.

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, or allow or permit, directly or indirectly, the charging or accepting of 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 must 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).

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, indecent, filthy, lewd, lascivious or disgusting 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 so offered and given in any such 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 licensed and certified 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 nontransferable 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.

13:3-3.6 Determination of value of prizes

(a) No licensee shall offer, give or display any prize in the licensed premises unless its average retail value is not 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)".

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, permit, suffer or participate in 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".

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

(a) No licensee shall allow, permit or suffer on or about the licensed premises or engage in any deceptive, misleading or fraudulent advertising or practice in connection with the holding, operation or conduct of any licensed game.

(b) All games, including free, sample or tryout games, must be conducted in their original certified form and any changes must receive prior written authorization by the Commissioner.

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

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 State Commissioner of Amusement Control 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).

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 for fingerprinting when required to do so by any agent of the municipal governing body concerned or the Commissioner.

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.

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

No licensee shall allow, permit or suffer any person other than the licensee to exercise or attempt to exercise, or hold himself out as authorized to exercise, the rights and privileges of the license issued to the licensee, or allow, permit or suffer 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 or *bona fide* commission or bonus agreements with operating personnel first approved by 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 Regulations, 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.

13:3-3.13 Hindering inspection or investigation

No licensee shall, directly or indirectly, in any way hinder or delay or cause the hindrance or delay of any inspection of the licensed premises or investigation of the conduct of the licensed business by the Commissioner or the municipal governing body or his or their agents, or fail to facilitate such inspection or investigation in any way whatsoever.

13:3-3.14 Requirement for license

No licensee shall hold, operate or conduct, or allow, permit or suffer the holding, operating or conducting on the licensed premises any unlicensed game required to be licensed pursuant to the Amusement Games Control Law or the Amusement Games Licensing Law or Regulations.

13:3-3.15 Gambling on licensed premises

No licensee shall allow, permit or suffer on the licensed premises any playing for money or other valuable thing at any game other than that permitted by the license issued pursuant to the application and description of the game for that licensed premises, and in no event shall any prize be conditioned in any way upon any occurrence at or upon the outcome of any athletic, sporting game or contest or lottery.

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

Deleted prohibited games of play and added prohibition of any game other than that permitted by the license issued pursuant to the application and description of the game for the licensed premises. Also deleted old (b).

13:3-3.16 Licensee responsible for acts of employees

(a) In any disciplinary proceedings to suspend or revoke any amusement games license, it shall be sufficient, in order to establish the guilt of the licensee, to show that the violation was committed by an agent, servant or employee of the licensee.

(b) The fact that the licensee did not participate in the violation or that his agent, servant or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence shall constitute no defense to the charges preferred in such disciplinary proceedings.

13:3-3.17 Required signs

(a) Rules and instructions for the game must be clearly and conspicuously posted on a sign entitled "Rules." Minimum size for rule signs is 8½ inches by 11 inches with readable letters at least one-half inch high. The color of the print and background material must be contrasting.

(b) The price to play must be clearly posted and visible from all player positions. If the price to play is not on the rules sign, it must be on a sign with the minimum dimensions of 5 inches by 5 inches, with the color of the print and background material contrasting.

New Rule R.1986 d.218, effective June 16, 1986.
See: 18 N.J.R. 613(a), 18 N.J.R. 1306(a).

SUBCHAPTER 4. SUBMISSION OF REPORTS BY LICENSEES**13:3-4.1 Books of account, entries; inspection**

Every licensee shall have and keep a true book or books of account wherein there shall be entered all moneys received and the specific source of such receipts and wherein there shall also be entered all moneys expended from such receipts and the name of the person receiving such expenditures and the purpose for which such expenditures were made. All books and records pertaining to such receipts or expenditures shall be made available for inspection by the State Commissioner of Amusement Games Control and the municipal governing body and his and their agents.

13:3-4.2 Invoices of cost of prizes retained

Every licensee shall retain for a period of one year from the date thereof, all delivery slips, invoices, manifests, way-bills or similar documents received from suppliers of merchandise to be awarded as prizes readily available for inspection by agents of the Commissioner.

13:3-4.3 Report of conduct of game by licensee

(a) Every licensee shall, not later than the 15th day of February, file with the Commissioner a report of the conduct of games for the previous license year or period, in a form prescribed by the Commissioner.

(b) Licensees holding, operating and conducting licensed games at agricultural fairs and exhibitions shall file such reports not later than the 15th day after the closing date of the fair or exhibition with respect to which the license is issued.

(c) Such reports shall be fully and truthfully completed, without fraud, misrepresentation, false or misleading statement, or evasion or suppression of fact.

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

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

Deleted reference to section 8.6.

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

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

Added "15th day of the month following the last day of operation of the game during the license year."

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 (a).

13:3-4.4 Reports confidential

Reports required to be submitted, and the information contained therein, shall not be disclosed by the Commissioner except so far as may be necessary for the purpose of carrying out the provisions of the Amusement Games Control Law (P.L. 1959 c.108) and the Amusement Games Licensing Law (P.L. 1959, c.109).

13:3-4.5 Failure to file report

Failure or refusal by any licensee to make timely filing of any report required by this regulation, or the filing of any report either incomplete or false in fact, shall constitute cause for suspension or revocation of license.

SUBCHAPTER 5. DISCIPLINARY PROCEEDINGS**13:3-5.1 Five-day notice prior to hearing; charges specified**

(a) No license shall be suspended or revoked until a five-day notice of the charges preferred against the licensee shall have been given to him personally or by mailing the same by certified mail addressed to him at the licensed premises and a reasonable opportunity to be heard thereon afforded to him.

(b) If brought by the State Commissioner of Amusement Games Control, such charges shall be signed in the name of the Commissioner or, if brought by a municipal governing body, such charges shall be signed in the name of such

governing body and shall specify the section of the law or the rule and regulation alleged to have been violated and the time and place fixed for the hearing.

13:3-5.2 Uncontested disciplinary proceedings

(a) At any time prior to two days before the date fixed for hearing, the licensee may enter a written plea of guilty or non vult to said charges and, thereafter, no hearing shall be held therein.

(b) Where a written plea of guilty or non vult is received, written argument as to penalty may be submitted to the Commissioner or to the municipal governing body, as the case may be, five days after entry of the plea.

13:3-5.3 Conduct of hearing

Hearings shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:3-5.4 Commissioner's decision changing penalty

The Commissioner may adopt, modify or reject the initial decision; provided however, that the Commissioner shall not increase any recommended penalty or change a recommended finding of not guilty without first affording the licensee an opportunity to present oral argument before the Commissioner.

13:3-5.5 Transmittal of charges and result to Commissioner

When charges have been preferred against a licensee by the governing body of any municipality, such governing body shall transmit to the Commissioner forthwith a copy of such charges and, when the charges have been finally adjudicated, a copy of the Resolution and Order shall be promptly transmitted to the Commissioner.

13:3-5.6 Proceeding not barred by license expiration

Disciplinary proceedings shall not be barred or abated by the expiration or extension of the license.

13:3-5.7 Results of proceeding affects subsequent license

Any license may be suspended or revoked for proper cause, notwithstanding that such cause arose prior to the extension of the license or during the term of a prior license held by the licensee.

13:3-5.8 Conditions for penalty carryover

(a) Where disciplinary proceedings are instituted and the license is extended or expires during the pendency thereof, such proceedings shall be carried through to completion and any order of suspension or revocation therein shall apply without further proceedings to the extended license or to any new license issued to:

1. The licensee; or

2. Any partnership of which he is a partner; or
3. Any corporation of which such individual licensee is an officer, director or stockholder; or
4. Any individual who was an officer, director or stockholder of a corporation against which such a proceeding is pending.

13:3-5.9 Hearings; Conclusions or Resolutions and Order

(a) After the hearing or upon receipt of a guilty or non vult plea upon charges by the governing body of the municipality, the governing body shall make a written determination of the licensee's guilt or innocence which shall be in the form of a Resolution and Order. The Resolution and Order shall set forth the final determination of guilt or innocence, designate the effective date of any suspension or revocation and, in the case of suspension, the term of the suspension and any conditions deemed appropriate. A copy of the Resolution and Order shall be served upon the licensee personally or by mailing by certified mail addressed to the licensee at the licensed premises.

(b) In contested cases, the Commissioner's decision shall be issued pursuant to the Administrative Procedure Act. A copy of the decision shall be served upon the licensee personally or by mailing by certified mail addressed to the licensee at the licensed premises.

SUBCHAPTER 6. APPEALS

13:3-6.1 Method of appeal to Commissioner

(a) All appeals to the State Commissioner of Amusement Games Control from any refusal to issue a license or any suspension or revocation of a license by a municipal governing body shall be taken by filing with said municipal governing body a written notice of appeal, accompanied by a petition of appeal, within 30 days after the determination or action appealed from.

(b) The notice of appeal and the petition of appeal shall be entitled in the name of the licensee as appellant and the name of the municipal governing body as respondent.

(c) The petition of appeal shall set forth the subject matter of the appeal, the action of the municipal governing body, the relief sought and the grounds therefor.

(d) The appellant shall file with the Commissioner forthwith a true copy of the notice of appeal and a true copy of the petition of appeal, together with an acknowledgment or affidavit of service of the originals thereof upon respondent.

13:3-6.2 Respondent's reply to appeal

(a) Within five days after service of the notice and petition of appeal, the respondent shall file an answer with the Commissioner and mail a copy of said answer to appellant or his attorney.

(b) The answer shall include a statement of the grounds for respondent's action.

13:3-6.3 Stay of penalty

An appeal from a suspension or revocation shall automatically act as a stay of said suspension or revocation pending final determination of the appeal, unless the Commissioner shall otherwise order in writing.

13:3-6.4 Appeals

(a) Hearings held on appeals shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) All appeals shall be heard de novo but the burden of establishing that the action of the respondent was erroneous and should be reversed shall rest with the appellant.

13:3-6.5 Commissioner's decision

(a) The decision of the Commissioner shall be issued pursuant to the Administrative Procedure Act.

(b) A copy of the opinion shall be mailed forthwith to the parties or their attorneys.

13:3-6.6 Stay or extension subject to outcome of appeal

When appeal is taken in any matter, any extension, pursuant to N.J.A.C. 13:3-1.17 (Devolution of license) of any license involved therein shall be subject to the ultimate outcome of such appeal, unless otherwise ordered by the Commissioner for proper cause.

SUBCHAPTER 7. CERTIFICATION OF PERMISSIBLE GAMES BY STATE COMMISSIONER

13:3-7.1 Certification of kinds of games

(a) The State Commissioner of Amusement Games Control shall grant certifications of permissibility of any amusement games which may be played for amusement or entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the prize, tickets or token, all occur as a continuous sequence at the time and place where the player or players are all present.

(b) Such certifications shall be effective generally as to all licenses issued and to be issued with respect to the specific kind of game which is the subject of the certification unless otherwise restricted.

As amended, R.1983 d.303, effective August 1, 1983.
See: 15 N.J.R. 680(a), 15 N.J.R. 1254(b).
Added "tickets or token."

13:3-7.2 Application for certification; contents; fees

(a) Applications for certification with respect to any game not already the subject of certification may be made to the Commissioner and shall set forth the following information:

1. The name of the game;
2. Its type or kind;
3. Description of equipment used in its play, including photographs, sketches and diagrams thereof, if necessary or if required by the Commissioner;
4. Method and rules of play;
5. Method of determination of winner or winners;
6. Number of players who may participate;
7. Length of play of each game;
8. Extent of player participation;
9. Whether the game is controllable by the operator; and
10. Such other information as will facilitate determination of the application.

(b) Every application for certification shall be accompanied by a nonrefundable fee of \$100.00 payable to the New Jersey Amusement Games Control Commissioner.

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

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

Non-refundable fee raised from "\$50.00" to "\$100.00".

13:3-7.3 Right to restrict specific terms of certification

Any certification of permissibility that may be granted may be restricted with respect to the limit or limits on the number of places or the number of specific kinds of games which may be held, operated or conducted by any one licensee, directly or indirectly, and by the imposition of such other controls as the Commissioner shall deem suitable and proper.

13:3-7.4 Amendments of certifications

Certifications of permissibility may be granted by the Commissioner in terms applicable to more than one of certain named or described games, all of which are similar in specific kind, and such certifications may be amended from time to time to include additional games differently named or described, but similar in specific kind to those previously certified.

13:3-7.5 Numbering of certifications

Each certification of permissibility granted by the Commissioner shall bear a serial number, which number shall be included in the description of the game to be licensed in the application for license and the license certificate to be issued in connection therewith.

13:3-7.6 Cancellation of certification

(a) Any certification of permissibility may be cancelled and vacated or modified by the Commissioner in his sound discretion at any time, either specifically as to a particular license or licenses, or generally as to all licenses issued on the basis of the particular certification, whereupon such licenses as may be affected, shall, 30 days after the cancellation and vacation, no longer authorize the holding, operation or conduct of the game which was the subject of the certification, or shall authorize the holding, operating and conduct of the game only in such manner as accords with the modified certification in the event of its modification.

(b) Before any cancellation and vacation of a certification shall occur, any licensee operating a game, machine or device under such certification shall be given notice and afforded a reasonable opportunity to be heard by the Commissioner.

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

Added (b).

13:3-7.7 Furnishing certifications to governing bodies

The Commissioner shall furnish to each municipal governing body authorized to issue amusement games licenses a copy of every certification of permissibility granted by the Commissioner, together with a copy of all amendments, modifications and supplements thereto and any cancellations or vacations thereof.

13:3-7.8 Games authorized only in respect to particular certification

Any license issued to authorize the holding, operation and conduct of any kind of amusement game shall be deemed to authorize such holding, operation and conduct only in the manner and to the extent certified as permissible by the certification of permissibility granted with respect to such kind of game.

13:3-7.9 Permissible amusement games certifications

(a) Pursuant to P.L. 1959, c.108 and this subchapter there is hereby granted certification of permissibility for licensing of the following amusement games:

1. Certification No. 1. Throw games wherein a single player upon payment of fee is furnished a number of balls, hoops, darts or other objects, or uses his own coins to be handthrown or propelled at, into, or upon targets, with prizes awarded according to results achieved, generally known as Balloon Game, Barrel Game, Basketball Game, Bear Pitch Game, Break-the-Dish Game, Bullpen Ball Game, Cigarette Cork Rifle Game, Cigarette Dart Game, Cigarette Toss Game, Dart Game, Dodgem Game, Glass Pitch Game, Hoopla Game, Mammy Doll Game, Milk Bottle Game, Milk Can Game, Number Dart Game, Over and Under Game, Penny Pitch Game, Pig Slide Game, Ping-Pong Game, Ring Toss Game, Shooting Gallery Game and Stuffed Cat Game and such similar games as may from time to time be certified pursuant to this subchapter.

i. Only one of the above games may be licensed under one license.

ii. There is no restriction on the number of units that may comprise the game.

2. Certification No. 2. Arcade games wherein a single player upon payment of fee is permitted to play a machine or device to obtain a prize or attain to score upon the basis of which a prize is awarded, generally known as Baseball Machine, Basketball Machine, Bouncing Ball Machine, Bowling Machine, Crane Machine, Dexterity Tester Machine, Digger Machine, Football Machine, Golf Machine, Gun Machine, Hockey Machine, Intelligence Tester Machine, Pinball Machine, Pokerino Machine, Pool Table Machine, Pusher Machine, Roll Down Machine, Rotary Arm Machine, Shooting Machine, Shuffle Alley Machine, Skee Ball Machine, Skill Tester Machine and Strength Tester Machine, and such similar games, including electronic games, as may from time to time be certified pursuant to this subchapter.

i. There is no restriction on the number of machines or devices that may be installed or available under one arcade license.

ii. If any machine or device has more than one player position, each player position shall be considered a separate machine or device in calculating the State license fee.

3. Certification No. 3. Non-draw raffle games wherein a single player upon payment of fee is permitted to make a blind selection of one object from a number of objects, the object selected being the prize won or indicating the prize won, generally known as Duck Pond Game, Fish Pond Game, Grab-bag Game and Pick-the-Stick Game, and such similar games as may from time to time be certified pursuant to this subchapter.

4. Certification No. 4. Competitive games wherein several players upon payment of fee are permitted to compete against each other for a prize to be awarded to the player who first achieves the required result, generally known as Bowlo Game, Fascination Game, Greyhound Game, Skilo Game, Throw Fascination Game, and Water Gun Game, and such similar games as may from time to time be certified pursuant to this subchapter. A Stop and Go Game type of installation, as set forth in (a)5 below (Certification No. 5), and subject to the same requirements, limitations and restrictions contained in (a)5 below, may be utilized in the conduct of such games.

i. Only one of the above games may be licensed under one license.

ii. There is no restriction on the number of units that may comprise the game.

5. Certification No. 5. A game of chance incorporating:

i. A laydown board marked in segments bearing numbers, names or symbols whereon the player or players place the entry fee as an indication of choice of expected winner;

ii. Electrical push-button switches or similar devices approved by the Commissioner at each segment on the board which enable any player to start or deactivate the game;

iii. A moving indicator powered and driven by an electric motor which may be activated and deactivated by any player by means of the switches provided; and

iv. An arrangement of numbers, names or symbols, corresponding to those on the laydown board to one of which the moving indicator points when it stops after exhausting its momentum following deactivation of the motor, generally known as Stop and Go Game; provided however, the mechanism may not incorporate any clutch, brake or timing device except a timing device which renders all of the stop switches inoperative for a short period of time after any starting switch is activated, nor may the electric motor be activated or deactivated by anyone other than a player or players.

6. Certification No. 6. Guessing games wherein in a single player upon payment of fee is entitled to win a prize in the event that the operator is unable to guess, within announced limits, the weight or age of the player, generally known as Guess Your Weight Game and Guess Your Age Game.

7. Certification No. 7. A game wherein a single player upon payment of fee is entitled to win a prize in the event that within a permitted number of tries he rings a bell or gong a required number of times by striking with a maul one end of a horizontal level arm the other end of which propels a weight upward along a vertical wire at the top of which the bell or gong is located, generally known as Ring The Bell Game or High Striker Game; provided however, only one unit may be licensed under one license.

8. Certification No. 8. Miscellaneous skill games wherein a single player upon payment of a fee is entitled to use a physical skill to attain a predetermined goal for which a prize is awarded, generally known as Log Roll and Rope Climb, and such similar games as may from time to time be certified pursuant to this subchapter.

9. Certification No. 9. A game of chance incorporating a laydown board marked in segments bearing numbers, names or symbols whereon the player or players place the entry fee as an indication of the choice of expected winner, which is determined by a nonelectrical and nonmechanical device, set in motion by a player or players, coming to rest, generally known as Pan Game, Crazy Ball and Crazy Block.

i. Only one of the above games may be licensed under one license.

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)1, 2, 3, and 4, added "such similar games as may be certified." In (a)2i, and ii, deleted old text and added new text. Also added new 8.

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

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

(a)2iii added.

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

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

(a)9 added.

SUBCHAPTER 8. (RESERVED)

Historical Note

This subchapter formerly contained samples of forms used for the applications of various types of licenses, R.1982 d.498, eff. January 17, 1983. See: 14 N.J.R. 1194(a), 15 N.J.R. 93(a).