

machine game may include more than one game-within-a-game.

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

“Gaming day” is defined in N.J.A.C. 19:45-1.1A.

“Gaming guide” is defined in N.J.A.C. 19:47-8.5.

“Gaming plaque” is defined in N.J.A.C. 19:46-1.4.

“Gaming voucher” means a hard copy receipt that evidences a payout from a slot machine, is printed by and dispensed from a device contained in and operatively connected to a slot machine in a manner approved by the Commission, and complies with the requirements of N.J.A.C. 19:45-1.54.

“Gaming Voucher Error Receipt” is a receipt issued by a gaming voucher redemption machine to evidence the failure of the machine to issue the full amount of cash in redemption of a gaming voucher. It contains the time and date, identifies the machine and specifies the amount of money that the machine failed to dispense.

“Gaming voucher redemption machine” is defined in N.J.A.C. 19:46-1.28B.

“Gaming Voucher Redemption Machine Journal Report” is defined in N.J.A.C. 19:45-1.35A(p).

“Gaming Voucher Redemption Machine Report” is defined in N.J.A.C. 19:45-1.33A(a)5.

“Gaming Voucher System Report” is defined in N.J.A.C. 19:45-1.33A(a)11.

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

“Hopper” is defined in N.J.A.C. 19:45-1.36.

“Hub facility” is defined in N.J.A.C. 19:55-1.1.

“Interested person” means any person whose specific legal rights, duties, obligations, privileges, benefits or other specific legal relations are affected by the adoption, amendment or repeal of a specific regulation or by any decision, order or ruling of the Commission.

“Inventory Report” is defined in N.J.A.C. 19:45-1.35A(n).

“Jackpot” means any money, merchandise or thing of value to be paid to a patron as determined by the approved program that controls a slot machine.

“Jackpot display” means a specific combination of characters or other display on a slot machine generated by the slot machine’s approved program to clearly indicate it has awarded a specific jackpot.

“Jackpot scripting” means a programmed sequence of events included in a slot machine game that is used to disclose a randomly pre-selected variable outcome to a patron in

a particular manner but does not otherwise affect the outcome.

“Jackpot-to-credit-meter switch” is defined in N.J.A.C. 19:45-1.37(h) and 19:46-1.26(e).

“Keno runner” is defined in N.J.A.C. 19:45-1.47A.

“Keno runner request” is defined in N.J.A.C. 19:47-15.1.

“Keno ticket receipt” is defined in N.J.A.C. 19:47-15.1.

“Keno writer request” is defined in N.J.A.C. 19:47-15.1.

“Last game recall” means the capability of a slot machine game to display the outcome of the previous play.

“Layout” means the cloth covering a gaming table, containing designated areas for patrons to place the various wagers of the game, and such rules of the game, payoff odds and other information or graphics as the Commission shall require.

“Limited time payout” means a jackpot offered by a slot machine game that is only available to be won for a limited period of time during the game cycle.

“Linked slot machine” is defined in N.J.A.C. 19:45-1.39.

“Location number” means the unique number assigned to each site on a casino floor or in a casino simulcasting facility that contains the following: a pit and each table game located therein, a slot machine and any bill changer attached thereto or incorporated therein, an automated coupon redemption machine, a credit voucher machine or a self-service pari-mutuel machine.

“Logic board serial number” means a number assigned to a logic board by a casino licensee or its agent for identification and control purposes, which number shall correspond to the manufacturer’s serial number of the slot machine in which the logic board is installed and shall be permanently imprinted, impressed, affixed or engraved on the logic board.

“Machine denomination equivalent” is defined in N.J.A.C. 19:45-1.37.

“Manual slot payout” is defined in N.J.A.C. 19:45-1.40(a).

“Manual Slot Payout Report” is defined in N.J.A.C. 19:45-1.40F(c)7.

“Manufacturer’s serial number” means a unique number permanently assigned to a slot machine by a slot machine manufacturer for identification and control purposes, which number shall be affixed to the outside of the slot machine cabinet in a location as approved by the Commission.

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

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

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

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

“Multi-player slot machine system” is defined at N.J.A.C. 19:46-1.28D(a).

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

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

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

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

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

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

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

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

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

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

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

“Play,” as in “a play,” means, for purposes of a slot machine game, all gaming transactions that may be initiated by

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

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

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

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

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

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

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

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

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

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

“Representation of gaming debt” means a document issued by a casino licensee in a form approved by the Commission to evidence a specific amount of money owed to a patron by the casino licensee as a result of a gaming transaction, and includes a gaming voucher and winning keno ticket, but does not include a gaming chip, gaming plaque, slot token, jackpot payout receipt, receipt for table game, tournament or bad beat payout, winning pari-mutuel ticket or simulcasting credit voucher.

“Restricted areas” or “restricted casino areas” means the cashiers’ cage, the soft count room, the hard count room, the slot booths and runway areas, the interior of table game pits,

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

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

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

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

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

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

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

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

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

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

Petition for Rulemaking.

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

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

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

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

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

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

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

Petition for Rulemaking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Petition for Rulemaking.

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

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

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

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

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

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

Rewrote the section.

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

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

In (b), added " texas hold 'em bonus poker" to definition "Table game".

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

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

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

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

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

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

Amended by R.2007 d.86, effective March 19, 2007.

See: 38 N.J.R. 3149(a), 39 N.J.R. 940(a).

Added definitions "Riffle shuffle" and "Strip shuffle".

Amended by R.2007 d.117, effective April 16, 2007.

See: 38 N.J.R. 4669(a), 39 N.J.R. 1505(a).

In (b), added definitions "ATM transaction", "ATM Transaction Report", "Automated jackpot payout machine", "Automated Jackpot Payout Machine Journal Report", "Balance Receipt", "Bill validator", "Bill validator box", "Bill validator drop", "Bill Validator Receipt", "Cash Fill", "Coin hopper", "Coin hopper fill", "Coupon acceptance system", "Coupon Redemption Report", "Credit Receipt", "Currency", "Currency cassette", "Currency cassette fill", "Currency cassette reject bin", "Express jackpot", "Fill Receipt", "Gaming Voucher Error Receipt", "Gaming voucher redemption machine", "Gaming Voucher Redemption Machine Journal Report", "Gaming Voucher Redemption Machine Report", "Gaming Voucher System Report", "Inventory Report", "Manual slot payout", "Manual Slot Payout Report" and "System override".

Amended by R.2007 d.222, effective July 16, 2007.

See: 39 N.J.R. 359(b), 39 N.J.R. 2655(a).

Added definition "Jackpot-to-credit-meter switch".

Amended by R.2007 d.246, effective August 20, 2007.

See: 39 N.J.R. 1652(a), 39 N.J.R. 3551(d).

In definition "Table game", inserted "asia poker".

Amended by R.2008 d.95, effective April 21, 2008.

See: 39 N.J.R. 5192(a), 40 N.J.R. 2132(a).

In definition "Table game" in (b), substituted a comma for "and" following "three card poker" and inserted "and ultimate texas hold 'em".

Amended by R.2008 d.263, effective September 2, 2008.

See: 40 N.J.R. 2422(a), 40 N.J.R. 5064(a).

In definition "Table game" in (b), substituted a comma for "and" preceding "ultimate" and inserted "and winner's pot poker".

Administrative correction.

See: 41 N.J.R. 2341(b).

Amended by R.2009 d.307, effective October 5, 2009.

See: 41 N.J.R. 2639(a), 41 N.J.R. 3847(a).

Rewrote definition "Casino check".

Amended by R.2009 d.338, effective November 16, 2009.

See: 41 N.J.R. 1983(a), 41 N.J.R. 4313(a).

In definition "table game" in (b), inserted "supreme pai gow,".

Amended by R.2009 d.370, effective December 21, 2009.

See: 41 N.J.R. 3052(a), 41 N.J.R. 4826(a).

In (b), added definition "Representation of gaming debt".

Amended by R.2010 d.184, effective September 7, 2010.

See: 42 N.J.R. 918(a), 42 N.J.R. 2141(b).

In (b), added definition "Multi-player slot machine system".

Amended by R.2010 d.186, effective September 7, 2010.

See: 41 N.J.R. 3057(a), 42 N.J.R. 2143(a).

In definition "Table game" in (b), inserted "mississippi stud,".

### 19:40-1.3 Construction and amendments

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

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

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

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

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

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

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

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

2. The Commission shall post the text of any temporary rule in each casino participating in the experiment and shall make copies of such text available upon request to the Commission.

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

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

Added (f).

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

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

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

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

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

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

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

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

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

1. Words in the present tense shall include the future tense.
2. Words in the masculine shall include the feminine and neuter genders.
3. Words in the singular shall include the plural and the plural shall include the singular.

#### 19:40-1.5 Severability and preemption

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

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

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

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

The following annotations pertain to the rule formerly at this cite:

As amended, R.1984 d.454, effective October 15, 1984.

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

Deleted old (e) and substituted new therefor.

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

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