

CHAPTER 3

OFFICE OF AMUSEMENT GAMES CONTROL

Authority

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

Source and Effective Date

R.2003 d.447, effective October 15, 2003.
See: 35 N.J.R. 2398(a), 35 N.J.R. 5250(a).

Chapter Expiration Date

Chapter 3, Office of Amusement Games Control, expires on October 15, 2008.

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Subchapter 8, Forms, was repealed by R.1982 d.498, effective January 17, 1983.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: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).

Chapter 3, Office of Amusement Games Control, was readopted as R.2003 d.447, effective October 15, 2003. See: Source and Effective Date. See, also, section annotations.

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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 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.

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

As amended, R.1983 d.90, eff. April 2, 1984.
See: 16 N.J.R. 208(a), 16 N.J.R. 737(a).
Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).
Rewrote the section.
Amended by R.2001 d.192, effective June 4, 2001.
See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).
Rewrote the section.

Case Notes

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

13:3-3.2 Method of operating licensed games

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

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

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

13:3-3.3 Hours and days license in effect

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

13:3-3.4 Maximum fee for participation in game

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

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

(c) No charge may be made or accepted for participation in a game in excess of the posted charge for the opportunity to participate in the game. Nothing in this section shall be

construed to prohibit a licensee from offering a discounted entry fee for multiple opportunities to participate in a single game not in excess of \$5.00.

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

As amended, R.1983 d.303, eff. August 1, 1983.
See: 15 N.J.R. 680(a), 15 N.J.R. 1254(b).
Increased maximum fee from \$0.25 to \$1.00 except that maximum charge for arcade games shall not exceed \$0.50.
Amended by R.1986 d.218, effective June 16, 1986.
See: 18 N.J.R. 613(a), 18 N.J.R. 1306(a).
Added text "Upon receipt of . . . player immediately."
Amended by R.1988 d.227, effective May 16, 1988.
See: 20 N.J.R. 627(a), 20 N.J.R. 1085(a).
Deleted "except that the maximum . . ." and added (b) through (f).
Amended by R.1990 d.465, effective September 17, 1990.
See: 22 N.J.R. 1435(b), 22 N.J.R. 2982(a).
Specified when a bill acceptor may be used.
Amended by R.1995 d.175, effective March 20, 1995.
See: 26 N.J.R. 4951(a), 27 N.J.R. 1191(b).
Amended by R.1998 d.249, effective May 18, 1998.
See: 30 N.J.R. 786(a), 30 N.J.R. 1838(a).
In (a), deleted "or allow or permit," following "accept," and deleted "the charging or accepting of" following "indirectly;".
Amended by R.2001 d.192, effective June 4, 2001.
See: 33 N.J.R. 1048(a), 33 N.J.R. 1920(b).
In (a) and (c), substituted "\$5.00" for "\$2.00".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13:3-3.6 Determination of value of prizes

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

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

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

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

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

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

Old (c) deleted.

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

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

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

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

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

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

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

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

13:3-3.7 Redemption of prize or cash

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

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

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

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

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

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

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

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

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

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

Rewrote the section.

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

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

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

(c) Licensees shall display all prizes that are available to be won and all prizes that are displayed shall be available to be won. All requirements which a player must meet in order to win such prizes shall be clearly posted. If multiple wins are required for a prize, such requirements shall also 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.

Amended by R.2003 d.447, effective November 17, 2003.

See: 35 N.J.R. 2398(a), 35 N.J.R. 5250(a).

Rewrote (c).

13:3-3.9 Employees qualification

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

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

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

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

Deleted reference to section 8.8.

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