

55 N.J.R. 603(a)

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RULE ADOPTIONS

Reporter

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Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > LEGALIZED GAMES OF CHANCE CONTROL COMMISSION

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:3-1.1, 1.5, 1.7, 1.13, 2.2, and 7.9

Adopted New Rule: N.J.A.C. 13:3-7.10

Text

Electronic Gaming in Bowling Alleys and International Air Terminals

Proposed: May 16, 2022, at 54 N.J.R. 862(a).

Adopted: October 12, 2022, by the Legalized Games of Chance Control Commission, Steve P. Layman, Chairperson.

Filed: March 7, 2023, as R.2023 d.044, **with a non-substantial change**, not requiring additional public notice or comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 5:8-79.

Effective Date: April 3, 2023.

Expiration Date: June 13, 2029.

Summary of Public Comment and Agency Response:

The official comment period ended July 15, 2022. **No comments were received.**

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are governed by N.J.S.A. 5:8-79 and are not subject to any Federal requirements or standards.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks * **thus***; deletion from proposal indicated in brackets with asterisks *[thus] *):

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:

. . .

[page=604] "Electronic amusement" means an amusement offered through an electronic device that allows a player to participate in a game of skill or chance through interaction with the device.

"Recognized amusement park" means a commercially operated permanent business, open to the public at least 31 consecutive days annually, the location of which is designed and themed for the primary purpose of providing participatory amusements incorporating skilled-based attractions, rides, or water slides, licensed, in accordance with N.J.S.A. 5:3-31, et seq., or electronic amusements, and food and merchandise concessions in permanent structures. Nothing in this definition shall prevent a license from being issued in any location that has had a license issued prior to *[(the effective date of this amendment)] * * **April 3, 2023***.

. . .

"Skill-based attraction" means an amusement utilizing a tangible object such as a ball, puck, or other portable object either alone, or in competition, with other on-premises guests, or requiring the exertion of physical, aerobic activity, such as dancing, climbing, running, or jumping rope, or any amusement that is predominantly skill-based and can be played either alone, or in competition, with other on-premises guests.

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

1. (No change.)

2. The premises to be licensed are situated at:

i. A recognized amusement park;

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;

iii. A place where an association organized for the purpose of holding agricultural fairs and exhibitions that is approved by the State Department of Agriculture holds an agricultural fair and exhibition; or

iv. A bowling alley whose premises include: at least 16 United States Bowling Congress (USBC) sanctioned bowling lanes; a redemption center that is open at all times that the bowling alley is open to the public and at which players may exchange tickets they have won for prizes; and at least 40 amusement games, of which no more than 50 percent are games that allow a player to attempt to win merchandise by manipulating a mechanical claw or crane.

13:3-1.5 Requisites for municipal license

(a) (No change.)

(b) The provisions at (a)1 above shall not apply if the entity applying for a license is a bowling alley that meets the requirements at N.J.A.C. 13:3-1.1(b)2iv.

13:3-1.7 Premises with alcoholic beverage license

(a) (No change.)

(b) An amusement game license may be issued for a premise that holds a plenary retail consumption alcoholic beverage license, if the premise is:

1. At least 20,000 square feet and includes at least 100 amusement games;

2. At least 20,000 square feet and is located in the post-security checkpoint area of the departure level of an international airport terminal; or

3. A bowling alley whose premises include: at least 16 United States Bowling Congress (USBC) sanctioned bowling lanes; a redemption center that is open at all times that the bowling alley is open to the public and at which players may exchange tickets they have won for prizes; and at least 40 amusement games, of which no more than 50 percent are games that allow a

player to attempt to win merchandise by manipulating a mechanical claw or crane.

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;

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;

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; or

4. That the premise to be licensed is a bowling alley whose premises include: at least 16 United States Bowling Congress (USBC) sanctioned bowling lanes; a redemption center that is open at all times that the bowling alley is open to the public and at which players may exchange tickets they have won for prizes; and at least 40 amusement games, of which no more than 50 percent are games that allow a player to attempt to win merchandise by manipulating a mechanical claw or crane.

(b) (No change.)

SUBCHAPTER 2. ISSUANCE OF LICENSES BY COMMISSION

13:3-2.2 License fees

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

SUBCHAPTER 7. CERTIFICATION OF PERMISSIBLE GAMES BY COMMISSION

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.-9. (No change.)

10. Certification No. 10. An electronic amusement that is a game application played on tablet computers or other similar devices, which may include electronic or digital representations or versions of games certified pursuant to (a)1 through 9 above.

13:3-7.10 Approval of electronic amusements

(a) An electronic amusement certified pursuant to N.J.A.C. 13:3-7.9(a)10 shall not be offered, unless the licensee first establishes, to the satisfaction of the Legalized Games of Chance Control Commission, that the electronic amusement will not violate the provisions of section 14 at P.L. 1959, c. 109 (N.J.S.A. 5:8-113) and that the proposed electronic amusement to be offered and the device sought to be utilized are suitable for use after an appropriate test or experimental period, consistent with (c) below.

(b) A person seeking approval for an electronic amusement certified pursuant to N.J.A.C. 13:3-7.9(a)10 shall submit an application for approval to the Legalized Games of Chance Control Commission on a form provided by the Commission setting forth the name, address, telephone number of a contact person, and such other information as the Commission may require, together with the non-refundable application fee of \$ 1,000 payable by check or money order to the order of the Legalized Games of Chance Control Commission.

(c) The Legalized Games of Chance Control Commission shall notify the applicant of the facilities authorized for testing. The applicant shall submit the electronic amusement to one of the authorized facilities for testing. Submissions shall include all associated hardware, software, written operating manuals, and technical information in order to allow the testing facility and the Commission to determine whether the electronic amusement complies with applicable requirements established by the Commission. The authorized testing facility shall perform such tests, as shall be necessary, to determine that the electronic amusement meets applicable requirements.

(d) Upon conclusion of testing, the authorized testing facility shall provide the Legalized Games of Chance Control Commission with a report that contains findings, conclusions, and a determination of whether the electronic amusement meets the applicable requirements of the Commission set forth in this chapter.

[page=605] (e) The Legalized Games of Chance Control Commission shall not be liable for any damage or destruction of an electronic amusement that is submitted for testing pursuant to this section.

(f) The applicant shall pay directly to the authorized testing facility any and all costs associated with testing the electronic amusement.

(g) If granted, approval extends only to the specific electronic amusement approved. Any modification must be approved by the Legalized Games of Chance Control Commission.

(h) Once an electronic amusement certified pursuant to N.J.A.C. 13:3-7.9(a)10 has been approved, the Legalized Games of Chance Control Commission may retain the amusement for further testing and evaluation for, as long as the Commission deems necessary. A licensee shall retrieve the electronic amusement if requested by the Commission at the licensee's expense. Failure to do so will result in the licensee relinquishing its rights to the electronic amusement, and the Commission shall dispose of the electronic amusement, as it deems appropriate.

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