

New Jersey Register
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MONDAY, **JUNE 4, 2001**

RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY LEGALIZED GAMES OF CHANCE CONTROL COMMISSION
LICENSE DISPLAY; PRICE TO PLAY; PRIZE VALUE; REDEMPTION OF PRIZE OR CASH;
EMPLOYEES QUALIFICATION LIST; AND REPORT OF CONDUCT OF GAMES

Additions to proposals are indicated by <<+Text +>>; deletions from proposals are indicated by <<- Text ->>. Changes in tables are made but not highlighted.

Adopted Amendments: N.J.A.C. 13:3-3.1, 3.4, 3.5, 3.7, 3.9 and 4.3

Proposed: April 2, 2001 at 33 N.J.R. 1048(a).

Adopted: May 3, 2001 by the Legalized Games of Chance Control Commission, Russell Lupo, Chairman.

Filed: May 14, 2001 as R.2001 d.192, without change.

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

Effective Date: **June 4, 2001.**

Expiration Date: April 24, 2003.

Summary of Public Comments and Agency Responses and Summary of Hearing Officer

Recommendations and Agency Responses:

No written comments were received.

On April 19, 2001, a public hearing was held at 124 Halsey Street, Newark, NJ, regarding N.J.A.C. 13:3-3.4, Maximum charge to play an amusement game, and N.J.A.C. 13:3-3.5, Maximum retail value of a prize awarded in an amusement game. The Commission's Executive Officer William J. Yorke served as Hearing Officer. Comments in support of the proposed amendments were received from Mr. Edward R. McGlynn, Esq., lobbyist for the New Jersey Amusement Association, Mr. Wayne Cimorelli, owner/operator of amusement games in Seaside Heights and Wildwood and also Chairman of the New Jersey Amusement Association's Games Committee, Dr. Harold Nolan of the Institute for Tourism and Recreation Management and Mr. Robert Bennett, owner and operator of several amusement games in Seaside Heights.

Also present at the hearing were Ms. Tina Tolk, an amusement game arcade owner/operator in Atlantic City, who is also President of the New Jersey Amusement Association, Denise Putlock, Executive Director, New Jersey Amusement Association, Douglas Woodfield, owner/operator Playtime Amusements, Seaside Heights, Steve and Alayne Whelan, owners/operators of Lucky Leo's Arcade and other amusement games in Seaside Heights. Although these individuals did not testify at the public hearing, they did provide oral comments in support of the entire proposal. Hearing Officer Yorke made no recommendations. The hearing record may be reviewed by contacting William J.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the subject matter of the adopted amendments.

Full text of the adoption follows:

<< NJ ADC 13:3-3.1 >>

13:3-3.1 Conspicuous display of license

(a) No licensee shall hold, operate, conduct or allow any amusement game on the licensed premises unless a current, original, license certificate is conspicuously posted.

(b) The license certificate shall be maintained in a manner so that it may be easily read.

(c) The license certificate shall be presented upon request without delay or interference to:

1. An authorized representative of the licensing municipality;
2. Commission member or a Commission representative; or
3. A member of the general public.

(d) The person requesting the license certificate shall be afforded the opportunity to review and record any and all information on the license certificate.

(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.

<< NJ ADC 13:3-3.4 >>

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) (No change.)

(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) (No change.)

<< NJ ADC 13:3-3.5 >>

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

(a) (No change.)

(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.-2. (No change.)

(c) (No change.)

(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.

<< NJ ADC 13:3-3.7 >>

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.

<< NJ ADC 13:3-3.9 >>

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.

<< NJ ADC 13:3-4.3 >>

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

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

(b) Such reports shall contain information relating to type of games, number of days game operated, income, prizes and operating expenses, and shall be fully and truthfully completed, without fraud, misrepresentations, false or misleading statements, or evasion or suppression of any fact.