

55 N.J.R. 954(a)

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RULE ADOPTIONS

Reporter

55 N.J.R. 954(a)

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Agency

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

Administrative Code Citation

Adopted Amendment: N.J.A.C. 13:3-3.4

Text

Maximum Fee for Participation in Amusement Games

Proposed: May 2, 2022, at 54 N.J.R. 770(a).

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

Filed: April 5, 2023, as R.2023 d.056, **without change**.

Authority: N.J.S.A. 5:8-79.1.

Effective Date: May 1, 2023.

Operative Date: November 15, 2023.

Expiration Date: June 13, 2029.

Summary of Public Comments and Agency Responses:

The official comment period ended July 1, 2022. The Legalized Games of Chance Control Commission (Commission) received comments from the following individuals:

1. Brian Thompson

2. Vicki Clark, President & CEO, Cape May County Chamber

1. COMMENT: A commenter contends that amusement games operators do not need \$ 20.00 to cover the costs of operating an amusement game. The commenter contends that raising the maximum allowed price to play an amusement game will cause the public to choose not to play amusement games.

RESPONSE: The Commission points out that testimony from amusement game operators at the May 12, 2021, hearing on increasing the maximum allowed price to play an amusement game indicated that a maximum fee of \$ 10.00 is insufficient to cover the costs of operating such games. The Commission also points out that raising the maximum allowed fee does not necessarily mean that all amusement game operators will charge this fee. Market forces, such as the public choosing not to play amusement games that are too expensive, will affect the fee that is charged for such games.

2. COMMENT: A commenter supports the proposed amendments that raise the maximum allowed price to play an amusement game from \$ 10.00 to \$ 20.00. The commenter points out that the maximum allowed price has not been raised since 2006, and that costs for amusement games operators have increased significantly since then.

RESPONSE: The Commission thanks the commenter for their support.

(Agency Note: In order to ensure that the maximum fee that may be charged for participation in an amusement game is the same throughout the period during which the majority of amusement games are offered to the public, the Commission has provided a delayed operative date for the adopted amendments at N.J.A.C. 13:3-3.4 until November 15, 2023.)

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendment is governed by N.J.S.A. 5:8-79.1 and is not subject to any Federal requirements or standards.

Full text of the adoption follows:

SUBCHAPTER 3. CONDUCT OF LICENSEES AND OPERATION OF LICENSED GAMES

13:3-3.4 Maximum fee for participation in game

(a) No licensee shall charge or accept, directly or indirectly, more than \$ 20.00 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 \$ 20.00.

(d) (No change.)

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