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Amusement Games Law

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5:8-78. Amusement games control commissioner

The office of Amusement Games Control Commissioner is hereby created. The director of the Division of Alcoholic Beverage Control shall be the Amusement Games Control Commissioner and shall serve during the term of office of the Governor appointing him and until the director's successor is appointed and has qualified. In the event of the absence or inability of the director to act for any cause or in the event of the death of the director, 1 of the deputy directors of the Division of Alcoholic Beverage Control designated by the director shall have power to perform all of the duties of the Amusement Games Control Commissioner until a successor has been appointed and qualified. The director shall perform the duties of the Amusement Games Control Commissioner without salary therefor. All fees paid to the Amusement Games Control Commissioner pursuant to law shall be remitted by him to the State Treasurer. The office of Amusement Games Control Commissioner shall be allocated within and be a bureau of the Division of Alcoholic Beverage Control within the Department of Law and Public Safety.

L.1959, c. 108, p. 499, s. 1. Amended by L.1960, c. 11, p. 29, s. 1, eff. March 21, 1960.

5:8-78.1 Eligibility for amusement game license

The holder of a plenary retail consumption license, as defined in R.S.33:1-12, whose licensed premises is at least 20,000 square feet, shall be eligible to be issued for the licensed premises an amusement game license pursuant to P.L.1959, c.109 (C.5:8-100 et seq.), provided that the licensed premises includes at least 100 amusement games and all other requirements for licensure to conduct amusement games are met.

L.2015, c.149, s.1.

5:8-78.2 Issuance of amusement game license to certain bowling alleys

The operator of a bowling alley located anywhere in this State, including a bowling alley for which a plenary retail consumption license as defined in R.S.33:1-12 has been issued, whose premises include no less than 16 United States Bowling Congress (USBS) sanctioned bowling lanes and no less than 40 amusement games, shall be eligible to be issued for that premises an amusement game license pursuant to P.L.1959, c.109 (C.5:8-100 et seq.), provided that all other requirements for licensure to conduct amusement games are met.

In any bowling alley that has been issued an amusement game license:

not more than 50 percent of the amusement games shall be games that allow a player to attempt to win merchandise by manipulating a mechanical claw or crane; and

a redemption center at which players may exchange tickets they have won for prizes shall be open at all times that the facility is open to the public.

L.2017, c.152, s.1.

5:8-79. Supervision of administration of Amusement Games Licensing Law; rules and regulations

The said commissioner shall supervise the administration of the Amusement Games Licensing Law and he shall from time to time make and promulgate rules and regulations governing licenses issued pursuant to said law, and the holding, operating and conducting of amusement games under such licenses. The said rules and regulations shall have the force of law and shall be binding upon all municipalities issuing such licenses and upon all licensees thereunder. The purpose of the said rules and regulations shall be to insure the issuance of such licenses to qualified licensees only and to provide that the amusement games shall be fairly and properly conducted in accordance with said law and to provide uniformity in the administration of said law throughout the State. The commissioner shall prescribe forms for applications for licenses, amendments of licenses, reports of the conduct of games and other matters incidental to the administration of said law.

The said rules and regulations shall also provide for applications to, and certifications by, the commissioner with respect to the specific kind of game or games intended to be held, operated and conducted, and the rules for the playing of the game or games and that they are of the character permitted by the Amusement Games Licensing Law. Whenever the commissioner shall deem it to be necessary, the said certifications may impose a limit or limits on the number of prizes or the number of specific kinds of games which may be held, operated or conducted by any 1 licensee, directly or indirectly, or in which such licensee or other person having an interest therein may have an interest, and also for such other controls as the commissioner shall deem to be suitable and proper, particularly such as shall be ascertained from the experience of operations under said law and this act. The said certifications shall also be designed to prevent monopoly, undue or unfair competition among licensees or with operations conducted pursuant to the Bingo Licensing Law (P.L.1954, c. 6) or the Raffles Licensing Law (P.L.1954, c. 5), and to prevent false, misleading or uninformative representations or concealment and to restrict excessive advertising or other acts, conduct or behavior which may tend to a misuse of the activities permitted by the Amusement Games Licensing Law or the participation in the benefits of the carrying on of activities thereunder, directly or indirectly, by or for the benefit of any person or persons not eligible to receive licenses thereunder.

The said rules and regulations may also provide for and establish procedures, forms and other documents in connection with the application for, and the issuance of, licenses, determinations thereon, hearings, appeals, grants, refunds, suspensions or revocations of licenses, reports, questionnaires, and any other matters connected with the exercise of any power vested in said commissioner by law.

L.1959, c. 108, p. 500, s. 2.

5:8-79.1. Rules and regulations of amusement games control commissioner

The rules and regulations to be made and promulgated by the Amusement Games Control Commissioner, in addition to provisions authorized by any other law, shall also provide for applications to, and certifications by, the commissioner with respect to the specific kind of game or games intended to be held, operated and conducted, and the rules for the playing of the game or games and that they are of the character permitted by the Amusement Games Licensing Law. Whenever the commissioner shall deem it to be necessary, the said rules, regulations and

certifications may impose a limit or limits on the number of places or the number of specific kinds of games which may be held, operated or conducted by any 1 licensee, directly or indirectly, or in which such licensee, or any other person having an interest therein, may have an interest, and also for such other controls as the commissioner shall deem to be suitable and proper, particularly such as shall be ascertained from the experience of operations under said law and this act and for the purposes thereof. The said certifications shall also be designed to prevent monopoly, undue or unfair competition among licensees or with operations conducted pursuant to the Bingo Licensing Law (P.L.1954, c. 6) or the Raffles Licensing Law (P.L.1954, c. 5), and to prevent false, misleading or uninformative representations or concealment and to restrict excessive advertising or other acts, conduct or behavior which may tend to a misuse of the activities permitted by the Amusement Games Licensing Law or the participation in the benefits of the carrying on of activities thereunder, directly or indirectly, by or for the benefit of any person or persons not eligible to receive licenses thereunder.

The said rules and regulations may also provide for and establish procedures, forms and other documents in connection with the application for, and the issuance of, licenses, determinations thereon, hearings, appeals, grants, refusals, suspensions or revocations of licenses, reports, questionnaires, and any other matters connected with the exercise of any power vested in said commissioner by law.

L.1959, c. 113, p. 523, s. 1.

5:8-79.2. Effective date; operative upon approval by voters of Amusement Games Licensing Law

This act shall take effect immediately, but shall be inoperative unless and until an "Amusement Games Licensing Law" is enacted by the Legislature and is approved by a majority of the legally qualified voters of the State voting on the question of such approval at a general election.

L.1959, c. 113, p. 524, s. 2.

5:8-80. Filing of rules and regulations; availability of copies to municipalities

A copy of every rule and regulation made and promulgated by the commissioner shall be filed in the office of the Secretary of State before it shall become effective and copies thereof shall be made available to the various municipalities operating under said law.

L.1959, c. 108, p. 501, s. 3.

5:8-81. Investigation of administration of Amusement Games Licensing Law in municipalities

The commissioner shall conduct investigations of the administration of said law in such of the municipalities of this State as he shall deem desirable and as shall serve to furnish a cross section of all of the municipalities operating under said law in this State and shall receive and investigate complaints as to violations and evasions of said law in any municipality or municipalities.

L.1959, c. 108, p. 501, s. 4.

5:8-82. License suspension or revocation; penalties

The commissioner shall have power to suspend and revoke licenses, after hearing, for violation of the law under which the license is issued or for violation of any provision of applicable law or of the rules and regulations made and promulgated by the commissioner.

As an alternative to any other sanctions herein or otherwise provided by law, any such violator shall be liable to a penalty of not more than \$250.00 for the first offense and not more than \$500.00 for the second and each subsequent offense.

The Superior Court and every municipal court shall have jurisdiction of proceedings for the collection and enforcement of a penalty imposed because of such violation, within the territorial jurisdiction of the court. The penalty shall be collected and enforced in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Process shall be either in the nature of a summons or warrant and shall issue in the name of the State upon the complaint of the commissioner.

Upon receiving evidence of any such violation, the commissioner is empowered to hold hearings upon said violation and upon finding the violation to have been committed, to assess a penalty against the person alleged to have committed such violation, in such amount within the limits of this act as he deems proper under the circumstances. Any such amounts collected by the commissioner shall be paid forthwith into the State Treasury for the general purposes of the State.

L.1959,c.108,s.5; amended 1967, c.90; 1991,c.91,s.185.

5:8-83. Prosecutions

The commissioner shall have power to institute prosecutions for the punishment of violations of said law or said rules and regulations.

L.1959, c. 108, p. 502, s. 6.

5:8-84. Hearing appeals

The commissioner shall hear appeals from the determinations and action of the municipal governing bodies in connection with the refusal to issue licenses and the suspension and revocation of licenses in the manner prescribed by said law and the action and determination of the commissioner upon any such appeal shall be binding upon the municipal governing body and all parties thereto.

L.1959, c. 108, p. 502, s. 7.

5:8-85. Study and investigation of operation and administration of Amusement Games Licensing Law

It shall be the duty of the commissioner to carry on continuous study and investigation of the operation of the Amusement Games Licensing Law, and the administration thereof by the several municipalities of the State, throughout the State, for the purpose of ascertaining from time to time any defects in said law, which may be discovered, by reason whereof any abuses in the administration thereof and any evasions of the terms thereof may arise or be practiced, and for the purpose of formulating and recommending improvements and changes in said law and in any other laws of the State, which the commissioner may determine to be desirable to prevent such abuses and evasions and to guard against the use of said laws as a cloak for the carrying on of organized gambling and crime, and to insure that said laws shall be in such form and be so administered as to serve the true purposes for which they were enacted, namely, the operation and conduct of the amusement games therein described.

L.1959, c. 108, p. 502, s. 8.

5:8-86. Study and investigation of similar laws

The commissioner shall make a continuous study and investigation also of the operation and administration of similar laws which may be in effect in other States of the United States, and of any literature on the subject which from time to time may be published or be available.

L.1959, c. 108, p. 502, s. 9.

5:8-87. Holding of investigations and hearings; subpoena power

The commissioner may hold investigations and hearings within or without the State and shall have power to compel the attendance of witnesses, the production of books and documents relating to transactions connected with the holding and conducting of amusement games under said law, and transactions, relating thereto, with those conducting the same by the issuance of subpoena signed by the commissioner which may be served by any person of full age.

L.1959, c. 108, p. 503, s. 10.

5:8-88. Self-incrimination

No person shall have the privilege to refuse to disclose, in any proceeding before the commissioner, any matter which the Amusement Games Licensing Law or this act or the rules and regulations promulgated under said laws require him to record or report or disclose, upon the ground that the same may tend to incriminate him or expose him to a penalty or forfeiture, in connection with any activity or occupation or calling of his which is governed by said laws or governing the corporation or association of which he is an officer, agent or employee.

L.1959, c. 108, p. 503, s. 11.

5:8-89. Failure to obey subpoena or order; application for order to show cause

If a person subpoenaed to attend any such investigation or hearing fails to obey the command of the subpoena with reasonable cause, or if a person in attendance in any such investigation or hearing refuses, without lawful cause, to be examined or to answer a legal or pertinent question or to exhibit any book, account, record or other document when ordered so to do by the commissioner holding such investigation or hearing, the commissioner may apply to any judge of the Superior Court, upon proof by affidavit of the facts, for an order returnable in not less than 2 nor more than 10 days, or as the court shall prescribe, directing such person to show cause before the court why he should not comply with such subpoena or such order.

L.1959, c. 108, p. 503, s. 12.

5:8-90. Return of order to show cause; examination under oath; order to comply with subpoena or order; contempt

Upon return of the order, the court before whom the matter shall come on for hearing shall examine such person under oath, and if the court shall determine, after giving such person an opportunity to be heard, that he refused without legal excuse to comply with such subpoena or such order of the commissioner holding such investigation, the court may order such person to comply therewith forthwith and any failure to obey the order of the court may be punished as a contempt of the Superior Court.

L.1959, c. 108, p. 504, s. 13.

5:8-91. Privilege from arrest

A witness shall be privileged from arrest, in any civil action but not otherwise, during necessary attendance before the commissioner, at any place required by subpoena previously duly served, and during his going to and returning therefrom allowing 1 day for every 30 miles from his place of residence.

L.1959, c. 108, p. 504, s. 14.

5:8-92. Payment of witness fees

Every witness shall be entitled to be paid for attendance or attendance and travel, by the party on whose behalf he is subpoenaed, at the rates prescribed by law, before being required to testify.

L.1959, c. 108, p. 504, s. 15.

5:8-93. Witness fee schedule

Each witness attending any hearing or investigation shall be entitled to the following fees:

- (a) In his own county, per day of attendance, \$0.50;

(b) From a foreign county, at the rate of \$1.00 per day, together with, for each day of attendance, an allowance of \$1.00 for every 30 miles of travel in going to the place of attendance from his place of residence and in returning.

L.1959, c. 108, p. 504, s. 16.

5:8-94. Expenses of commissioner; appointment of executive officer, advisors, assistants and investigators

The commissioner is authorized to incur such necessary expenses, and engage and appoint an executive officer and such competent and expert advisors, and clerical and stenographic assistants and investigators, as he may deem necessary to the proper performance of the purposes of this act, and may fix their compensation within the limits of any sums appropriated or made available to the commissioner for such purposes. No investigator employed by the commissioner need be employed in accordance with the provisions of, or in any manner shall be subject to, the provisions of Title 11, Civil Service, of the Revised Statutes.

L.1959, c. 108, p. 504, s. 17.

5:8-95. Filing of municipal licensing ordinances with commissioner; reports by municipalities

Each municipality, in which the Amusement Games Licensing Law shall be operative, shall file with the commissioner a copy of each ordinance enacted pursuant thereto, within 10 days after the same is adopted, and on or before February 1 in each year, or at any other time or times which the commissioner may determine, make report to the commissioner of the number of licenses issued therein under said law, and the names and addresses of the licensees, the aggregate amount of license fees collected, the names and addresses of all persons detected of violation of said law or of the rules and regulations made by the commissioner pursuant hereto, and of all persons prosecuted for such violations and the result of each such prosecution, and the penalties imposed therein, during the preceding calendar year, or the period for which the report is required, as well as such other data or information as may from time to time be required by the rules and regulations of the commissioner, which report may contain any recommendations for improvement of said law or the administration thereof, which the governing body of the municipality shall deem to be desirable.

L.1959, c. 108, p. 505, s. 18.

5:8-96. Report of commissioner to governor and legislature; recommendations

The commissioner shall report to the Governor and the Legislature annually with his recommendations, if any, and if in the meantime he shall discover any matters which shall require immediate change in said law in order to prevent abuses and evasions thereof or rectify undesirable conditions in connection with the administration thereof, the commissioner shall make an interim report immediately to the Governor and the Legislature with his recommendations in order to afford opportunity for the Legislature to take immediate action thereon, if such action appears to be necessary.

L.1959, c. 108, p. 505, s. 19.

5:8-97. Delegation of taking of testimony to member of staff; recommendations to commissioner

Whenever the commissioner is authorized to hold a hearing he may delegate the actual taking of testimony to any available member of the staff of the commissioner who shall hear the matter for the commissioner and report the same to the commissioner who, alone, shall have the final decision in the matter. The person so designated to hear the matter for the commissioner may make recommendations to the commissioner in respect to the matter so heard, but the commissioner shall in nowise be bound by any such recommendation.

L.1959, c. 108, p. 505, s. 20.

5:8-98. Reports by licensees

The commissioner may require periodical reports to be made to him by any licensees. The reports may call for information with respect to the amounts received from operation of the games, the time, character and cost of the prizes given to the players of such games, and such other matters as the commissioner may specify. Reports so required shall be filed at such times and upon such forms as the commissioner shall prescribe.

L.1959, c. 108, p. 506, s. 21. Amended by L.1962, c. 199, s. 1, eff. Dec. 18, 1962.

5:8-99. Effective dates; operative upon enactment by legislature and approval by voters of Amusement Games Licensing Law

This act shall take effect immediately but shall be inoperative unless and until an "Amusement Games Licensing Law" is enacted by the Legislature and is approved by a majority of the legally qualified voters of the State voting on the question of such approval at a general election.

L.1959, c. 108, p. 506, s. 22.

5:8-100. Short title

This act shall be known as and may be cited as the "Amusement Games Licensing Law."

L.1959, c. 109, p. 507, s. 1.

5:8-101 Licensing of owner, operator of amusement games; terms defined

It shall be lawful for the governing body of any municipality, at any time after this act shall become operative and except when prohibited by this act, to license the owner and operator of any amusement game or games, whether of skill or chance, or both and whether said game be played and operated with or without numbers or figures, to hold and operate such amusement game or games, which term is defined as a game or games played for amusement or

entertainment, in which the person or player actively participates and the outcome of which is not in the control of the operator, and which is so conducted that the sale of a right to participate, the event which determines whether a player wins or loses and the award of the prize, all occur as a continuous sequence at the time when and place where the player or players are all present, provided that the same are to be held and operated at a recognized amusement park or at a seashore or other resort in that part thereof customarily constituting an amusement or entertainment area according to the customary understanding of said terms in the community, and provided that the same shall be held, operated and conducted pursuant to this act and such license and the license issued by the Legalized Games of Chance Control Commission, as hereinafter provided, and under such conditions and regulations for the supervision and conduct thereof as shall be prescribed by rules and regulations duly adopted from time to time by the commission, not inconsistent with the provisions of this act, and for any person or persons to participate in and play such amusement games conducted under such licenses .

As used in this section:

"Recognized amusement park" means a commercially operated permanent business, open to the public at least 31 consecutive days annually, designed and themed for the primary purpose of providing participatory amusements incorporating skill-based attractions, rides or water slides licensed in accordance with P.L.1975, c.105 (C.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 which has had a license issued prior to the effective date of P.L.2015, c.149 (C.5:8-78.1 et al.).

"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.

"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.

L.1959, c.109, s.2; amended 2015, c.149, s.2; 2017, c.47, s.2.

5:8-101.1 Issuance of amusement games license to certain holders of a special concessionaire permit

The holder of a special concessionaire permit, as provided for in R.S.33:1-42, whose licensed premises is located in the post-security checkpoint area of the departure level of an international airport terminal and is at least 20,000 square feet in the aggregate, shall be eligible to be issued an amusement games license pursuant to P.L.1959, c.109 (C.5:8-100 et seq.), provided that all other requirements for licensure to conduct amusement games are met.

L.2017, c.47, s.1.

5:8-102. Application for municipal license; filing; contents; state license; annual fees

Each applicant for such a license shall file with the clerk of the municipality a written application therefor in the form prescribed by the Amusement Games Control Commissioner, duly executed and verified, in which shall be stated the name and address of the applicant, together with sufficient facts relating to its incorporation and organization if the applicant be a corporation or organization; the specific kind of amusement games intended to be held, operated and conducted by the applicant, and the place or places where, the period, term, date or dates and the time or times when, such amusement games are intended to be conducted by the applicant, under the license applied for; and that no prize or prizes will be offered and given under said license except of merchandise only and same shall be of a value not in excess of the sum or value authorized to be offered and given by this act and such other information as shall be prescribed by the Amusement Games Control Commissioner.

Every such municipal license so issued shall be inoperative unless the licensee named therein shall also, within 90 days from the issuance thereof and prior to the conduct or operation of amusement games thereunder, procure a State license authorizing the licensee holding the municipal license to operate and conduct certain games according to the terms of such municipal license. The said State license shall be issued by the State Amusement Games Control Commissioner, if he finds that all of the conditions, terms and requirements of this act and of said rules and regulations have been fully met and complied with. As a condition of granting any such State license the applicant therefor shall pay to the said commissioner an annual fee of \$250.00. An applicant who is the owner of an arcade shall pay an additional annual fee of \$10.00 per machine for each machine over 50 machines. If any such municipal license authorizes the licensee to conduct and operate games at more than one place or of more than one specific kind the applicant for the State license shall pay the said annual fee of \$250.00 for each such place and for each such specific kind.

For the purposes of this section, "arcade" means a place where a single player upon payment of a fee is permitted to play a machine or device to obtain a prize, ticket or token redeemable for a prize, or attain a score upon the basis of which a prize, ticket or token is awarded.

L.1959, c. 109, p. 508, s. 3. Amended by L.1962, c. 200, s. 1; L.1963, c. 131, s. 1; L.1971, c. 129, s. 1, approved May 6, 1971; L.1983, c. 255, s. 1, eff. July 7, 1983.

5:8-103. Investigation by municipality; issuance of license; fees; removal of disqualification; notice of change in facts

The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to hold, operate and conduct amusement games under the provisions of this act governing the issuance of licenses to hold, operate and conduct amusement games and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the individual applicant and the officers, directors and stockholders of any corporation holding 5% or more of the capital stock of any corporate applicant, as well as the partners or members, as the case may be, of any partnership, association or organization applicant, are persons of good moral character and have never been convicted of a crime or that such a disqualification has been removed by the

commissioner; that such amusement games are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and if the governing body is satisfied that the prize or prizes to be offered and given in any single game shall be of merchandise only of a retail value not in excess of \$15.00 and that no such prize or prizes will be redeemed or redeemable, directly or indirectly, for money, it shall issue a license to the applicant for the holding, operation and conduct of said amusement games applied for, accordingly, upon payment of a license fee or fees to be fixed by the governing body by ordinance taking into consideration the number of days or period upon or during which the licensee shall be authorized to operate or conduct the games, the number of units employed therein, the number of places, the number of specific kinds of games to be conducted and the number of persons who may become players of the games at any one time, but in no case less than \$10.00 for any one license for a period of 1 year or for a lesser term.

Any person who would be disqualified from holding a license under this act by reason of a conviction for a crime may apply to the commissioner for removal of the disqualification. Such application may be made upon the expiration of a period of 5 years from the date of conviction or, if the applicant had been confined under sentence imposed as a result of the conviction, from the date of unrevoked release from that confinement. If the commissioner shall find that the applicant has conducted himself in a law abiding manner since his conviction or release from confinement and that the association of the applicant will not be contrary to the public interest, the commissioner shall remove such disqualification.

Whenever any change shall occur in the facts as set forth in any application for license, the licensee shall file with the municipal governing body and the commissioner a notice in writing of such change within 10 days after the occurrence thereof, and said notice of change shall thereupon become part of said application.

No license for the holding, operation and conduct of any game or games of amusement shall be issued under this act which shall be effective for a period of more than 1 year.

L.1959, c. 109, p. 510, s. 4. Amended L.1962, c. 200, s. 2, eff. Dec. 18, 1962.

5:8-104. Refusal to issue license; notice; hearing; additional licenses

Where the issuance of licenses is authorized by the municipality no application for the issuance of a license shall be refused by the governing body until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

Any license issued under this act may be amended, upon application made to the governing body of the municipality which issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable, if it had been so included.

L.1959, c. 109, p. 511, s. 5.

5:8-105. Form of license; contents; display

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the commissioner and shall contain a description of the kind of amusement games authorized to be held, operated and conducted thereunder, a statement of the name and address of the licensee, and the place or places where and the period, term or date or dates and time or times when, such amusement games are to be conducted and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game or games of amusement shall be conspicuously displayed at the place or places where the same is to be conducted at all times during the conduct thereof.

L.1959, c. 109, p. 511, s. 6. Amended by L.1962, c. 200, s. 3, eff. Dec. 18, 1962.

5:8-106 Control, supervision by municipality of amusement games, offer of electronic amusements

a. The governing body of any municipality issuing any license under this act shall have and exercise control and supervision over all amusement games held, operated or conducted under such license, to the end that the same are fairly held, operated and conducted in accordance with the provisions of such license, the rules and regulations promulgated by the commissioner and the provisions of this act governing the holding, operation and conduct of the same and such governing body and the commissioner shall have power and authority to suspend any license issued by such governing body and to revoke the same, after hearing, for any violation of any such provision, and shall have the right of entry, by its officers and agents at all times into any premises where any such amusement game is being held, operated and conducted or where it is intended that any such amusement game shall be held, operated and conducted, or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same.

b. No licensee shall be permitted to offer an electronic amusement, as defined in section 2 of P.L.1959, c.109 (C.5:8-101), unless the licensee first establishes, to the satisfaction of the commission, that the electronic amusement will not violate the provisions of section 14 of P.L.1959, c.109 (C.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 under such terms and conditions as the commission deems appropriate. The commission may utilize, in its discretion, the services of another public entity or a private entity, or both, for the purposes of conducting any testing, analysis, or review of the electronic device on which the amusement may be offered to make this determination, the cost of which shall be borne by the licensee.

L.1959, c.109, s.7; amended 2017, c.47, s.3.

5:8-107. Maximum charges; value, determination and award of prizes

The Amusement Games Control Commissioner shall determine the amount for any 1 game which shall be charged or accepted by any licensee from any 1 player or participant as an entry fee or payment for the privilege of participating therein. No prize or prizes shall be offered or given in any single game except of merchandise and the amount of the value of the merchandise

prize or prizes so to be offered and given in any such game shall be determined by the commissioner and all winners shall be determined and all prizes 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.

The commissioner shall make his determination pursuant to this section after a public hearing has been held thereon and subject to the provisions of P.L.1981, c. 27 (C. 52:14B-4.1 et seq.).

L.1959, c. 109, p. 512, s. 8. Amended by L.1981, c. 291, s. 2.

5:8-108. Examination of books and records

The governing body of the municipality and the Control Commissioner shall have power to examine or cause to be examined the books and records of any licensee so far as they may relate to any transactions connected with the holding and conducting of any amusement game thereunder and to examine any manager, officer, director, agent or employee thereof under oath in relation to the conduct of any such amusement game under any such license but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this act.

L.1959, c. 109, p. 513, s. 9.

5:8-109. Appeals to amusement games control commissioner

Any applicant for, or holder of, any license issued or to be issued under this act aggrieved by any action of the municipal governing body of the municipality to which such application has been made or by which such license has been issued, may appeal to the Amusement Games Control Commissioner from the determination of said governing body by filing with the governing body a written notice of appeal within 30 days after the determination or action appealed from, and upon the hearing of such appeal the evidence, if any, taken before the governing body and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the Control Commissioner upon said appeal shall be binding upon said governing body and all parties to said appeal.

L.1959, c. 109, p. 513, s. 10.

5:8-110. Exemption from gaming and lottery laws

No person or corporation

- (1) lawfully conducting, or participating in the conduct of,
- (2) possessing, selling or in any manner disposing of, any shares, tickets or rights to participate in, or
- (3) permitting the conduct upon any premises owned by him or it, of any amusement game conducted or to be conducted in compliance with any license lawfully issued and in force pursuant to this act, and in compliance with the rules and regulations of the Control

Commissioner, shall be liable to prosecution or conviction for violation of any provision of chapters 112 and 121 of Title 2A, or of section 2A:170-18 of the New Jersey Statutes, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any amusement game under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of, any amusement game conducted under any license known to him or it to have been obtained by any such false or fraudulent pretense or statement.

L.1959, c. 109, p. 513, s. 11.

5:8-111. Offenses; violators as disorderly persons; forfeiture of licenses

Any person, association or corporation who or which shall make any false statement in any application for such license or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of amusement games under any such license or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any amusement game under any such license or shall violate any of the provisions of this act or of any term of such license shall be a disorderly person and if convicted as such shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this act.

L.1959, c. 109, p. 514, s. 12.

5:8-112. Exceptions; bingo and raffles

Nothing contained in this act shall be deemed to authorize the playing of bingo hereunder or to modify, change or supersede the bingo licensing law (P.L.1954, c. 6), or the raffles licensing law (P.L.1954, c. 5), except in regard to such raffles, other than draw raffles, where the prizes or awards to be given shall be of merchandise only of an aggregate retail value not in excess of \$15.00.

L.1959, c. 109, p. 514, s. 13, as amended L.1962, c. 115, s. 1, eff. July 17, 1962.

5:8-113. Exceptions; playing other games or devices for money

Nothing contained in this act shall be deemed to authorize the playing for money, or other valuable thing at roulette wheels, at cards, dice or other game, with 1 or more dice, or with any other instrument, engine or device in the nature of dice, having 1 or more figures or numbers, or at billiards, pool, tennis, bowls, or shuffleboard, or A.B.C. or E.O. tables, or at faro bank, or other bank of a like nature by whatever name known, or with any slot machine or device in the nature of a slot machine. Nothing contained in this act shall be deemed to authorize bookmaking, off-track betting, pool selling, or the keeping of a gambling resort, or the racing for money or other valuable thing, by running, pacing or trotting of horses, mares or geldings, or the making or acceptance of any wager for money or other valuable thing conditioned in any way upon any occurrence at or upon the outcome of any athletic or sporting game or contest in which

the person or player does not actively participate. For the purpose of this section "slot machines" or "devices in the nature of slot machines" are defined to be machines which operate mechanically, with the result principally controlled by the mechanical operation of the machines.

L.1959, c. 109, p. 515, s. 14.

5:8-115. Issuance of licenses after municipal approval of act; municipal referendum

Licenses issuable by a municipality under the provisions of this act may be issued only where in such municipality a majority of the votes cast therein upon the question whether this act shall be approved upon the submission of the question to the voters of all the State shall have been cast in favor of the adoption of this act. If the majority of the votes cast upon the said question of the adoption of this act in any municipality is against such adoption, then no license may be issued under this act by such municipality unless authorized by the votes cast on the question, in the municipality, by a municipal referendum as hereinafter provided in this act. If, in the municipality, a majority of the votes cast therein upon the question of whether this act shall be adopted is in the affirmative, such action by the voters of the said municipality shall be deemed to be an approval of the authority to the municipality to grant licenses under this act and such approval shall continue unless this act shall become inoperative in the municipality upon a referendum to the voters of the municipality as provided in this act.

L.1959, c. 109, p. 516, s. 16.

5:8-116. Petition; number of signers; question

Upon a petition signed by qualified voters of any municipality equal in number to at least 15% of the total number of votes cast therein at the latest preceding general election for members of the General Assembly and filed with the clerk of the municipality at least 60 days before such election, the governing body of the municipality shall provide for the submission to the legal voters of the municipality at such general election, the question of whether this act shall become operative or cease to be operative in such municipality, as the case may be. If, upon such submission of the question, the majority of all the valid votes cast on the question shall be in favor of having this act inoperative in the municipality, then this act shall, 60 days thereafter, become inoperative in the municipality. The question shall be deemed to be a public question and shall be submitted to the voters as in the case of other public questions. The question shall be stated as follows:

Shall the act entitled "An act authorizing the
conducting, operating and playing of certain amusement
Yes. games, whether of chance or skill, or both, where the
prizes or awards to be given shall be of merchandise
only, of a retail value not in excess of \$15.00, and
the charge for the privilege of playing shall not
exceed \$0.25; providing for the licensing, regulation

and control by a commissioner, of the conducting and operating of such games; providing restrictions as to

No. the places where such games may be conducted and operated; providing that certain playing for money or other valuable things is not authorized; providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein; and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," become

(insert operative or inoperative) in this municipality?

In the blank space set forth in the above box, the word "operative" or "inoperative" shall be inserted in the question when it is submitted to the voters of the municipality according to whether this act became operative by reason of the vote on the question submitted to all the voters of the State as to whether this act should become operative. If a majority of the voters in the municipality who voted on the said general public question was in the affirmative and, thereby, under the provisions of this act, municipal licenses are authorized, then the word "inoperative" should be included in the above blank space, but if this act does not become operative in the municipality because a majority of the votes cast therein on the general public question was in the negative, then the word "operative" should be inserted in the above-mentioned blank space. If this act shall have become operative in any municipality by reason of a referendum vote therein, as herein provided, and a further referendum is authorized to determine the question of whether this act shall become inoperative notwithstanding such previous approval by the voters, then the word "inoperative" should be inserted in the above blank space.

L.1959, c. 109, p. 516, s. 17.

5:8-117. Submission of act for approval by people

For the purpose of complying with the provisions of the State Constitution this act shall be submitted to the people for their approval or rejection at the next general election.

L.1959, c. 109, p. 518, s. 18.

5:8-118. Public question; voting instructions

There shall be printed on each official ballot to be used at such election the following:

If you favor making the act entitled below operative within the State, and operative within this municipality, make a cross X, plus + or check / in the square opposite the word "Yes."

If you are opposed to making the act entitled below so operative, make a cross X, plus + or check / in the square opposite the word "No."

- Shall the act entitled "An act authorizing the conducting, operating and playing of certain amusement
- Yes. games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a retail value not in excess of \$15.00, and the charge for the privilege of playing shall not exceed \$0.25; providing for the licensing, regulation and control by a commissioner, of the conducting and operating of such games; providing restrictions as to the places where such games may be conducted and operated; providing that certain playing for money or
- No. other valuable things is not authorized; providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein; and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," become operative within this State?

The date of the approval or passage of this act, as the case may be, shall be inserted in the appropriate place after the title.

In any election district in which voting machines are used the question shall be placed upon the official ballot to be used upon the voting machines with the foregoing instructions to the voters but with instructions to vote "Yes" or "No" by the use of such machines and without marking as aforesaid.

L.1959, c. 109, p. 518, s. 19, eff. June 16, 1959.

5:8-119. Act effective upon approval by majority of votes cast

If at such election a majority of all the votes cast both for and against the approval of this act shall be cast in favor of the approval thereof, then all of its provisions shall forthwith take effect.

L.1959, c. 109, p. 520, s. 20, eff. June 16, 1959.

5:8-120. Effective date

This section and sections 18, 19 and 20 of this act shall take effect immediately and the remainder of this act shall take effect as hereinbefore provided.

L.1959, c. 109, p. 520, s. 21.

5:8-121. Extension of Amusement Games Licensing Law to include agricultural fairs and exhibitions

The "Amusement Games Licensing Law," to which this act is a supplement, is hereby extended to include associations organized for the purpose of holding agricultural fairs and exhibitions and the places where such agricultural fairs and exhibitions are held.

L.1961, c. 103, p. 673, s. 1.

5:8-122. Eligibility of licensee; approval of department of agriculture

Any association organized for the purpose of holding agricultural fairs and exhibitions, which is approved by the State Department of Agriculture for participation in any or all State sponsored programs relative to the promotion of agriculture and the advancement of agricultural interests in this State, shall be eligible to be a licensee under the "Amusement Games Licensing Law." Any such approval shall be evidenced by a certificate thereof issued by the said Department of Agriculture.

L.1961, c. 103, p. 673, s. 2.

5:8-123. Authority to conduct games; place of conducting games

A licensee under the "Amusement Games Licensing Law" may conduct an amusement game or games at a place or places where any such approved association holds an agricultural fair and exhibition.

L.1961, c. 103, p. 673, s. 3.

5:8-124. Applicability of Amusement Games Licensing Law

Except as otherwise provided herein, the provisions of the "Amusement Games Licensing Law" shall be applicable to the said associations and places.

L.1961, c. 103, p. 674, s. 4.

5:8-125. State license; annual fee

As a condition of granting a State license to any such association, where the said association is itself to operate an amusement game or amusement games, the association shall pay an annual fee of \$50.00 per game; except that, any association which is nonprofit shall be exempt from payment of any State license fee if the proceeds from the games are used for charitable purposes. Where the operator of the game at an agricultural fair and exhibition conducted under the auspices of such an association is to be a person holding a concession to operate at the fair and exhibition from the association holding the same, such operator shall pay for the State license an annual fee of \$50.00 for each game to be operated at the fair and exhibition, but if said operator is a licensee under the "Amusement Games Licensing Law" and has paid the annual fee of \$250.00 for a State license, he shall not be required to pay the said fee of \$50.00 for each game to be operated unless he operates more than five games, in which case he shall pay for the State license an additional annual fee of \$50.00 for each game in excess of five.

L.1961, c. 103, p. 674, s. 5. Amended by L.1983, c. 255, s. 2, eff. July 7, 1983; L.1983, c. 501, s. 1, eff. Jan. 17, 1984.

5:8-126. Municipal license; fee

Where in any 1 year the agricultural fair and exhibition is held for a period not in excess of 30 days, the fee for the municipal license shall be \$5.00 or less for any 1 license.

L.1961, c. 103, p. 674, s. 6.

5:8-127. Act operative in municipalities adopting Amusement Games Licensing Law without further referendum

This supplemental act shall be operative in any municipality in which heretofore the "Amusement Games Licensing Law" has become operative or which shall hereafter become operative by the action of the voters of the municipality upon the municipal referendum as provided in the said "Amusement Games Licensing Law" without any further referendum to the voters of the municipality in respect to this supplemental act.

L.1961, c. 103, p. 674, s. 7.

5:8-128. Submission of act for approval by people

For the purpose of complying with the provisions of the State Constitution this supplemental act shall be submitted to the people for their approval or rejection at the next general election.

L.1961, c. 103, p. 674, s. 8, eff. Aug. 31, 1961.

5:8-129. Voting instructions; question

There shall be printed on each official ballot to be used at such election the following:

If you favor making the act entitled below operative within the State, make a cross (X), plus (+) or check (/) in the square opposite the word "Yes."

If you are opposed to making the act entitled below so operative, make a cross (X), plus (+) or check (/) in the square opposite the word "No."

Shall the act entitled "An Act extending the
"Amusement Games Licensing Law,' being chapter
109 of the laws of 1959, (approved June 16, 1959
Yes. and effective November 3, 1959 by the approval
of the voters of the State) to include associations
organized for the purpose of holding agricultural
fairs and exhibitions and the places where such
No. agricultural fairs and exhibitions are held,
supplementing said law, and providing for the
submission of this act to the legal voters of the
State for their approval or rejection before the same
shall become operative within this State" become
operative within this State?

The date of the approval or passage of this act, as the case may be, shall be inserted in the appropriate place after the title.

In any election district in which voting machines are used the question shall be placed upon the official ballot to be used upon the voting machines with the foregoing instructions to the voters but with instructions to vote "Yes" or "No" by the use of such machines and without marking as aforesaid.

L.1961, c. 103, p. 675, s. 9, eff. Aug. 31, 1961.

5:8-130. Act effective upon approval by majority of votes cast

If at such election a majority of all the votes cast both for and against the approval of this act shall be cast in favor the approval thereof, then all of its provisions shall forthwith take effect.

L.1961, c. 103, p. 676, s. 10, eff. Aug. 31, 1961.