

CHAPTER 80
(CORRECTED COPY)

AN ACT adjusting the municipal ballot question for amusement games, amending P.L.1959, c.108, P.L.1959, c.109, P.L.1959, c.113, and repealing section 1 of P.L.1959, c.108 (C.5:8-78).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Repealer.

1. Section 1 of P.L.1959, c.108 (C.5:8-78) is repealed.

2. The title of P.L.1959, c.109 is amended to read as follows:

AN ACT authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a value to be determined by the Legalized Games of Chance Control Commission and the charge for the privilege of playing shall be determined by the commission; providing for the licensing, regulation and control by the commission, 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 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.

3. Section 1 of P.L.1959, c.113 (C.5:8-79.1) is amended to read as follows:

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

1. The rules and regulations to be made and promulgated by the Legalized Games of Chance Control Commission, in addition to provisions authorized by any other law, shall also provide for applications to, and certifications by, the commission 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 commission 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 commission 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 commission by law.

4. Section 3 of P.L.1959, c.108 (C.5:8-102) is amended to read as follows:

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

3. Each applicant for such a license shall file with the clerk of the municipality a written application therefor in the form prescribed by the Legalized Games of Chance Control Commission, 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 commission.

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 Legalized Games of Chance Control Commission, if the commission 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 commission 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.

5. Section 8 of P.L.1959, c.109 (C.5:8-107) is amended to read as follows:

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

8. The Legalized Games of Chance Control Commission 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 commission 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 commission shall make the 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.).

6. Section 10 of P.L.1959, c.109 (C.5:8-109) is amended to read as follows:

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

10. 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 Legalized Games of Chance Control Commission 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 commission upon said appeal shall be binding upon said governing body and all parties to said appeal.

7. Section 17 of P.L.1959, c.109 (C.5:8-116) is amended to read as follows:

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

17. Upon a petition signed by qualified voters of any municipality equal in number to at least 15 percent 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:

	Yes	Shall the act entitled "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise prizes or awards to be given shall be of merchandise only, of a value to be determined by the Legalized Games of Chance Control Commission and the charge for the privilege of playing shall be determined by the commission; providing for the licensing, regulation and control by the commission, 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 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?
	No	

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.

8. Section 19 of P.L.1959, c.109 (C.5:8-118) is amended to read as follows:

C.5:8-118 Public question; voting instructions.

19. 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."

	Yes	Shall the act entitled "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a value to be determined by the Legalized Games of Chance Control Commission, and the charge for the privilege of playing shall be determined by the commission; providing for the licensing, regulation and control by the commission, 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 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?
	No	

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.

9. This act shall take effect immediately.

Approved July 29, 2022.