

CHAPTER 134

AN ACT concerning business registration for providers of goods and services to the State and casinos, supplementing Title 54 of the Revised Statutes and amending P.L.1977, c.110.

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

C.52:32-44 Definitions relative to registration of certain businesses.

1. a. For the purposes of this section:

"Contractor" means a person under contract to provide goods or services or to construct a construction project, or seeking to enter a contract to provide goods or services or to construct a construction project, with a contracting State agency;

"Contracting State agency" means the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department, the Legislature of the State and the Judicial Branch of the State and any office, board, bureau or commission within or created by the Legislative Branch or the Judicial Branch, or any independent State authority, commission, instrumentality or agency;

"Subcontractor" means any person who enters into a contract with a contractor to supply goods and services to a contractor under a contract with a State agency.

b. A contractor shall provide proof of valid business registration with the Division of Revenue in the Department of the Treasury to any contracting State agency; no contract shall be entered into by any contracting State agency unless the contractor first provides proof of valid business registration.

c. A subcontractor under any contract with a contracting State agency shall provide proof of valid business registration with the Division of Revenue to any contractor; verification information shall be forwarded by the contractor to the contracting State agency. No subcontract shall be entered into by any contractor under any contract with a contracting State agency unless the subcontractor first provides proof of valid business registration.

d. A contract entered into by a contracting State agency with a provider of goods or services or a contractor or subcontractor of a construction project shall contain a notice of the provisions in this section.

2. Section 92 of P.L.1977, c.110 (C.5:12-92) is amended to read as follows:

C.5:12-92 Licensing and registration of casino service industries.

92. Licensing and Registration of Casino Service Industries.

a. (1) All casino service industries offering goods or services which directly relate to casino or gaming activity, including gaming equipment and simulcast wagering equipment manufacturers, suppliers, repairers and independent testing laboratories, schools teaching gaming and either playing or dealing techniques, and casino security services, shall be licensed in accordance with the provisions of this act prior to conducting any business whatsoever with a casino applicant or licensee, its employees or agents, and in the case of a school, prior to enrollment of any students or offering of any courses to the public whether for compensation or not; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with such casino applicant or licensee prior to the licensure of that service industry applicant under this subsection.

(2) In addition to the requirements of paragraph (1) of this subsection, any casino service industry intending to manufacture, sell, distribute, test or repair slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be licensed in accordance with the provisions of this act prior to engaging in any such activities; provided, however, that upon a showing of good cause by a casino applicant or licensee for each business transaction, the commission may permit an applicant for a casino service industry license to conduct business transactions with the casino applicant or licensee prior to the licensure of that service industry applicant under this subsection; and provided further, however, that upon a showing of good cause by an applicant required to be licensed as a casino service industry pursuant to this paragraph, the commission may permit the service industry applicant to initiate the manufacture of slot machines or engage in the sale, distribution, testing or repair of slot machines with any

person other than a casino applicant or licensee, its employees or agents, prior to the licensure of that service industry applicant under this subsection.

b. Each casino service industry in subsection a. of this section, as well as its owners; management and supervisory personnel; and principal employees if such principal employees have responsibility for services to a casino licensee, must qualify under the standards, except residency, established for qualification of a casino key employee under this act.

c. All casino service industries not included in subsection a. of this section shall be licensed in accordance with rules of the commission prior to commencement or continuation of any business with a casino applicant or licensee or its employees or agents. Such casino service industries, whether or not directly related to gaming operations, shall include junket enterprises; suppliers of alcoholic beverages, food and nonalcoholic beverages; in-State and out-of-State sending tracks as defined in section 2 of the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-192); garbage handlers; vending machine providers; linen suppliers; maintenance companies; shopkeepers located within the approved hotels; limousine services; and construction companies contracting with casino applicants or licensees or their employees or agents. The commission may exempt any person or field of commerce from the licensing requirements of this subsection if the person or field of commerce demonstrates (1) that it is regulated by a public agency or that it will provide goods or services in insubstantial or insignificant amounts or quantities, and (2) that licensing is not deemed necessary in order to protect the public interest or to accomplish the policies established by this act.

Upon granting an exemption or at any time thereafter, the commission may limit or place such restrictions thereupon as it may deem necessary in the public interest, and shall require the exempted person to cooperate with the commission and the division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection; provided, however, that no exemption be granted unless the casino service industry complies with the requirements of sections 134 and 135 of this act.

d. Licensure pursuant to subsection c. of this section of any casino service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 86 of this act.

e. No casino service industry license shall be issued pursuant to subsection a. or subsection c. of this section to any person unless that person shall provide proof of valid business registration with the Division of Revenue in the Department of the Treasury.

f. A casino service industry licensed pursuant to subsection a. or subsection c. of this section shall require proof, from a subcontractor to a casino service industry contract with a casino applicant or casino licensee, of valid business registration with the Division of Revenue; verification information shall be forwarded by the casino service industry to the Division of Taxation in the Department of the Treasury. No subcontract to a casino service industry contract with a casino applicant or casino licensee shall be entered into by any casino service contractor unless the subcontractor first provides proof of valid business registration.

C.54:52-20 Violations, penalties for failure to register.

3. A person that fails to provide proof of valid business registration with the Division of Revenue in the Department of the Treasury as required pursuant to section 1 or section 2 of P.L.2001, c.134 (C.52:32-44 et al.), or that provides false information of business registration under the requirements of those sections, shall, in addition to any penalties that may apply pursuant to chapter 52 of Title 54 of the Revised Statutes, be subject to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each violation of this section.

4. This act shall take effect immediately; provided however, that sections 1, 2 and 3 shall remain inoperative until the first day of the third month following enactment.

Approved June 29, 2001.