

CHAPTER 47

AN ACT permitting amusement games licenses to be issued for certain premises and defining electronic amusements, and amending and supplementing P.L.1959, c.109.

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

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

1. 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.

2. Section 2 of P.L.1959, c.109 (C.5:8-101) is amended to read as follows:

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

2. 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.

3. Section 7 of P.L.1959, c.109 (C.5:8-106) is amended to read as follows:

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

7. 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.

4. This act shall take effect immediately.

Approved May 1, 2017.