

P.L. 2022, CHAPTER 80, *approved July 29, 2022*  
Assembly, No. 4193 (*First Reprint*)

1 AN ACT adjusting the municipal ballot question for amusement  
2 games <sup>1</sup>**【and】** ,<sup>1</sup> amending <sup>1</sup>P.L.1959, c.108,<sup>1</sup> P.L.1959, c.109<sup>1</sup>,  
3 P.L.1959, c.113, and repealing section 1 of P.L.1959, c.108 (C.5:8-  
4 78)<sup>1</sup>.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

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 Section 1 of P.L.1959, c.108 (C.5:8-78) is repealed.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

10

11 <sup>1</sup>2. The title of P.L.1959, c.109 is amended to read as follows:

12 AN ACT authorizing the conducting, operating and playing of  
13 certain amusement games, whether of chance or skill, or both,  
14 where the prizes or awards to be given shall be of merchandise  
15 only, of a value to be determined by the **【Amusement Games**  
16 **Control Commissioner】** Legalized Games of Chance Control  
17 Commission and the charge for the privilege of playing shall be  
18 determined by the **【commissioner】** commission; providing for  
19 the licensing, regulation and control by the **【commissioner】**  
20 commission, of the conducting and operating of such games;  
21 providing restrictions as to the places where such games may be  
22 conducted and operated; providing that certain playing for  
23 money or other valuable things is not authorized; providing for  
24 the operation and inoperation of the act in any municipality when  
25 so determined by referendum vote therein; and providing for the  
26 submission of this act to the legal voters of the State for their  
27 approval or rejection before the same shall become operative  
28 within this State.<sup>1</sup>

29 (cf: P.L.1981, c.291, Title)

30

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

33 1. The rules and regulations to be made and promulgated by the  
34 **【Amusement Games Control Commissioner】** Legalized Games of  
35 Chance Control Commission, in addition to provisions authorized  
36 by any other law, shall also provide for applications to, and  
37 certifications by, the **【commissioner】** commission with respect to  
38 the specific kind of game or games intended to be held, operated  
39 and conducted, and the rules for the playing of the game or games  
40 and that they are of the character permitted by the Amusement

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ASL committee amendments adopted June 9, 2022.

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

22 The said rules and regulations may also provide for and establish  
23 procedures, forms and other documents in connection with the  
24 application for, and the issuance of, licenses, determinations  
25 thereon, hearings, appeals, grants, refusals, suspensions or  
26 revocations of licenses, reports, questionnaires, and any other  
27 matters connected with the exercise of any power vested in said  
28 **【commissioner】** commission by law.<sup>1</sup>

29 (cf: P.L.1959, c.113, s.1)

30

31 <sup>1</sup>4. Section 3 of P.L.1959, c.108 (C.5:8-102) is amended to read  
32 as follows:

33 3. Each applicant for such a license shall file with the clerk of  
34 the municipality a written application therefor in the form  
35 prescribed by the **【Amusement Games Control Commissioner】**  
36 Legalized Games of Chance Control Commission, duly executed  
37 and verified, in which shall be stated the name and address of the  
38 applicant, together with sufficient facts relating to its incorporation  
39 and organization if the applicant be a corporation or organization;  
40 the specific kind of amusement games intended to be held, operated  
41 and conducted by the applicant, and the place or places where, the  
42 period, term, date or dates and the time or times when, such  
43 amusement games are intended to be conducted by the applicant,  
44 under the license applied for; and that no prize or prizes will be  
45 offered and given under said license except of merchandise only  
46 and same shall be of a value not in excess of the sum or value  
47 authorized to be offered and given by this act and such other

1 information as shall be prescribed by the **【Amusement Games**  
2 **Control Commissioner】** commission.

3 Every such municipal license so issued shall be inoperative  
4 unless the licensee named therein shall also, within 90 days from  
5 the issuance thereof and prior to the conduct or operation of  
6 amusement games thereunder, procure a State license authorizing  
7 the licensee holding the municipal license to operate and conduct  
8 certain games according to the terms of such municipal license.  
9 The said State license shall be issued by the State **【Amusement**  
10 **Games Control Commissioner】** Legalized Games of Chance  
11 Control Commission, if **【he】** the commission finds that all of the  
12 conditions, terms and requirements of this act and of said rules and  
13 regulations have been fully met and complied with. As a condition  
14 of granting any such State license the applicant therefor shall pay to  
15 the said **【commissioner】** commission an annual fee of \$250.00. An  
16 applicant who is the owner of an arcade shall pay an additional  
17 annual fee of \$10.00 per machine for each machine over 50  
18 machines. If any such municipal license authorizes the licensee to  
19 conduct and operate games at more than one place or of more than  
20 one specific kind the applicant for the State license shall pay the  
21 said annual fee of \$250.00 for each such place and for each such  
22 specific kind.

23 For the purposes of this section, "arcade" means a place where a  
24 single player upon payment of a fee is permitted to play a machine  
25 or device to obtain a prize, ticket or token redeemable for a prize, or  
26 attain a score upon the basis of which a prize, ticket or token is  
27 awarded.<sup>1</sup>

28 (cf: P.L.1983, c.255, s.1)

29

30 <sup>1</sup>5. Section 8 of P.L.1959, c.109 (C.5:8-107) is amended to read  
31 as follows:

32 8. The **【Amusement Games Control Commissioner】** Legalized  
33 Games of Chance Control Commission shall determine the amount  
34 for any 1 game which shall be charged or accepted by any licensee  
35 from any 1 player or participant as an entry fee or payment for the  
36 privilege of participating therein. No prize or prizes shall be  
37 offered or given in any single game except of merchandise and the  
38 amount of the value of the merchandise prize or prizes so to be  
39 offered and given in any such game shall be determined by the  
40 **【commissioner】** commission and all winners shall be determined  
41 and all prizes shall be awarded in any game forthwith upon the  
42 completion of the game and before making or accepting any charge  
43 for participation in any subsequent game.

44 The **【commissioner】** commission shall make **【his】** the  
45 determination pursuant to this section after a public hearing has  
46 been held thereon and subject to the provisions of P.L.1981, c. 27

1 (C. 52:14B-4.1 et seq.).<sup>1</sup>  
2 (cf: P.L.1981, c.291, s.2)

3  
4 <sup>1</sup>6. Section 10 of P.L.1959, c.109 (C.5:8-109) is amended to  
5 read as follows:

6 10. Any applicant for, or holder of, any license issued or to be  
7 issued under this act aggrieved by any action of the municipal  
8 governing body of the municipality to which such application has  
9 been made or by which such license has been issued, may appeal to  
10 the **【Amusement Games Control Commissioner】** Legalized Games  
11 of Chance Control Commission from the determination of said  
12 governing body by filing with the governing body a written notice  
13 of appeal within 30 days after the determination or action appealed  
14 from, and upon the hearing of such appeal the evidence, if any,  
15 taken before the governing body and any additional evidence may  
16 be produced and shall be considered in arriving at a determination  
17 of the matters in issue, and the action of the **【Control**  
18 **Commissioner】** commission upon said appeal shall be binding upon  
19 said governing body and all parties to said appeal.<sup>1</sup>

20 (cf: P.L.1959, c.109, s.10)

21

22 <sup>1</sup>**【1.】** 7.<sup>1</sup> Section 17 of P.L.1959, c.109 (C.5:8-116) is  
23 amended to read as follows:

24 17. Upon a petition signed by qualified voters of any  
25 municipality equal in number to at least **【15%】** 15 percent of the  
26 total number of votes cast therein at the latest preceding general  
27 election for members of the General Assembly and filed with the  
28 clerk of the municipality at least 60 days before such election, the  
29 governing body of the municipality shall provide for the submission  
30 to the legal voters of the municipality at such general election, the  
31 question of whether this act shall become operative or cease to be  
32 operative in such municipality, as the case may be. If, upon such  
33 submission of the question, the majority of all the valid votes cast  
34 on the question shall be in favor of having this act inoperative in the  
35 municipality, then this act shall, 60 days thereafter, become  
36 inoperative in the municipality. The question shall be deemed to be  
37 a public question and shall be submitted to the voters as in the case  
38 of other public questions. The question shall be stated as follows:

39 Shall the act entitled "An act authorizing the  
40 conducting, operating and playing of certain amusement  
41 Yes. games, whether of chance or skill, or both, where the  
42 prizes or awards to be given shall be of merchandise  
43 only, of a **【retail】** value **【not in excess of \$15.00,】** to be  
44 determined by the <sup>1</sup>**【Amusement Games Control**  
45 **Commissioner】** Legalized Games of Chance Control  
46 Commission<sup>1</sup> and  
47 the charge for the privilege of playing shall **【not**

1           exceed \$0.25] be determined by the <sup>1</sup>[commissioner]  
2           commission<sup>1</sup>;  
3           providing for the licensing, regulation  
4           and control by [a] the <sup>1</sup>[commissioner] commission<sup>1</sup>,  
5 of  
6           the conducting  
7           and  
8           operating of such games; providing restrictions as to  
9        No.       the places where such games may be conducted and  
10           operated; providing that certain playing for money  
11           or other valuable things is not authorized; providing  
12           for the operation and inoperation of the act in any  
13           municipality when so determined by referendum vote  
14           therein; and providing for the submission of this act  
15           to the legal voters of the State for their approval  
16           or rejection before the same shall become operative  
17           within this State," become .....

18           (insert operative or inoperative) in this municipality?  
19        In the blank space set forth in the above box, the word  
20        "operative" or "inoperative" shall be inserted in the question when  
21        it is submitted to the voters of the municipality according to  
22        whether this act became operative by reason of the vote on the  
23        question submitted to all the voters of the State as to whether this  
24        act should become operative. If a majority of the voters in the  
25        municipality who voted on the said general public question was in  
26        the affirmative and, thereby, under the provisions of this act,  
27        municipal licenses are authorized, then the word "inoperative"  
28        should be included in the above blank space, but if this act does not  
29        become operative in the municipality because a majority of the  
30        votes cast therein on the general public question was in the  
31        negative, then the word "operative" should be inserted in the  
32        above-mentioned blank space. If this act shall have become  
33        operative in any municipality by reason of a referendum vote  
34        therein, as herein provided, and a further referendum is authorized  
35        to determine the question of whether this act shall become  
36        inoperative notwithstanding such previous approval by the voters,  
37        then the word "inoperative" should be inserted in the above blank  
38        space.

39        (cf: P.L.1975, c.389, s.5)

41        <sup>1</sup>[2.] §.<sup>1</sup> Section 19 of P.L.1959, c.109 (C.5:8-118) is  
42        amended to read as follows:

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

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

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

4 Shall the act entitled "An act authorizing the  
5 conducting, operating and playing of certain amusement  
6 Yes. games, whether of chance or skill, or both, where the  
7 prizes or awards to be given shall be of merchandise  
8 only, of a **【retail】** value **【not in excess of \$15.00】** to be  
9 determined by the <sup>1</sup>**【Amusement Games Control**  
10 **Commissioner】** Legalized Games of Chance Control  
11 Commission<sup>1</sup>, and  
12 the charge for the privilege of playing shall **【not**  
13 **exceed \$0.25】** be determined by the <sup>1</sup>**【commissioner】**  
14 commission<sup>1</sup>;  
15 providing for the licensing, regulation  
16 and control by **【a】** the <sup>1</sup>**【commissioner】** commission<sup>1</sup>,  
17 of  
18 the conducting  
19 and  
20 operating of such games; providing restrictions as  
21 to the places where such games may be conducted and  
22 operated; providing that certain playing for money or  
23 No. other valuable things is not authorized; providing  
24 for the operation and inoperation of the act in any  
25 municipality when so determined by referendum vote  
26 therein; and providing for the submission of this act  
27 to the legal voters of the State for their approval  
28 or rejection before the same shall become operative  
29 within this State," become operative within this State?  
30

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

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

38 (cf: P.L.1959, c.109, s.19)

39  
40 <sup>1</sup>**【3.】** 9.<sup>1</sup> This act shall take effect immediately.

41  
42  
43  
44  
45 Adjusts municipal ballot question for amusement games for  
46 future elections and repeals section of law creating office of  
47 Amusement Games Control Commissioner.