

CHAPTER 200 LAWS OF N. J. 1962

APPROVED 12-18-62
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SENATE, No. 52

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1962

By Senator SANDMAN

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "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 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 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" approved June 16, 1959 (P. L. 1959, c. 109), and to repeal section 15 of said act.

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

1 1. Section 3 of the act of which this act is amendatory is amended to read
2 as follows:

3 3. Each applicant for such a license shall file with the clerk of the mu-
4 nicipality a written application therefor in the form prescribed in said rules

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

5 and regulations, duly executed and verified, in which shall be stated the name
6 and address of the applicant, together with sufficient facts relating to its in-
7 corporation and organization if the applicant be a corporation or organiza-
8 tion; the specific kind of amusement games intended to be held, operated and
9 conducted by the applicant, and the place or places where, the period, term,
10 date or dates and the time or times when, such amusement games are intended
11 to be conducted by the applicant, under the license applied for; and that no
12 prize or prizes will be offered and given under said license except of mer-
13 chandise only and same shall be of a value not in excess of the sum or value
14 authorized to be offered and given by this act and such other information as
15 shall be prescribed by such rules and regulations.

16 [In each application there shall be set forth the name of each person,
17 who shall be the applicant, or a bona fide officer, director, partner, member or
18 employee of the applicant, and who is designated as the person or persons
19 under and by whom the amusement game or games described in the applica-
20 tion are to be held, operated and conducted and to the application shall be ap-
21 pended a statement executed by the applicant and by the person or persons,
22 so designated, that in addition to the applicant, and the officers, directors,
23 partners or members of any applicant other than a natural person, he or they
24 will be responsible for the holding, operation and conduct of such amusement
25 games in accordance with the terms of the license and the provisions of the
26 rules and regulations governing the holding, operation and conduct of such
27 amusement games and of this act, if such license be granted.] Every such li-
28 cense so issued shall be inoperative unless the licensee named therein shall
29 also procure a State license authorizing the licensee holding the municipal
30 license to operate and conduct certain games according to the terms of such
31 municipal license. The said State license shall be issued by the State Amuse-
32 ment Games Control Commissioner, if he find that all of the conditions, terms
33 and requirements of this act and of said rules and regulations have been fully
34 met and complied with. As a condition of granting any such State license the
35 applicant therefor shall pay to the said commissioner an annual fee of \$100.00.

36 If any such municipal license authorizes the licensee to conduct and operate
37 games at more than 1 place or of more than 1 specific kind the applicant for
38 the State license shall pay the said annual fee of \$100.00 for each such place
39 and for each such specific kind.

1 2. Section 4 of the act of which this act is amendatory is amended to read
2 as follows:

3 4. The governing body of the municipality shall make an investigation
4 of the qualifications of each applicant and the merits of each application, with
5 due expedition after the filing of the application, and if it shall determine
6 that the applicant is duly qualified to hold, operate and conduct amusement
7 games under the provisions of this act governing the issuance of licenses to
8 hold, operate and conduct amusement games and the rules and regulations
9 governing the holding, operation and conduct thereof in the municipality;
10 that the individual applicant and the officers, directors and stockholders of
11 any corporation holding 5% or more of the capital stock [or outstanding
12 indebtedness,] of any corporate applicant, as well as the partners or mem-
13 bers, as the case may be, of any partnership, association or organization ap-
14 plicant, [and the person or persons designated in the application to hold,
15 operate or conduct or assist in holding, operating or conducting the amuse-
16 ment games, to hold, operate and conduct which the license is applied for,]
17 are persons of good moral character *and have never been convicted of a*
18 *crime or that such a disqualification has been removed by the commissioner;*
19 [and have never been convicted of crime and have never been found to have
20 violated the provisions of any act, rule or regulation affecting the sale of
21 alcoholic beverages or of narcotic drugs or the operation of games in which
22 the primary element determining the outcome is chance, and have never been
23 convicted of any offense involving misrepresentation, fraud, deceit, violence
24 or public disturbance;] [*whose association with the holding, operation and*
25 *conduct of amusement games will not be contrary to the public interest and*
26 *who have not, during the 5 years prior to the filing of the application, been con-*
27 *victed of crime or confined under sentence imposed upon conviction of crime;*]

28 that such amusement games are to be held, operated and conducted in ac-
29 cordance with the provisions of this act and in accordance with the rules and
30 regulations governing the holding, operation and conduct thereof and if the
31 governing body is satisfied that the prize or prizes to be offered and given
32 in any single game shall be of merchandise only of a retail value not in ex-
33 cess of \$15.00 and that no such prize or prizes will be redeemed or redeem-
34 able, directly or indirectly, for money, it shall issue a license to the applicant
35 for the holding, operation and conduct of said amusement games applied for,
36 accordingly, upon payment of a license fee or fees to be fixed by the govern-
37 ing body by ordinance taking into consideration the number of days or pe-
38 riod upon or during which the licensee shall be authorized to operate or con-
39 duct the games, the number of units employed therein, the number of places,
40 the number of specific kinds of games to be conducted and the number of per-
41 sons who may become players of the games at any one time, but in no case less
42 than \$10.00 for any one license for a period of 1 year or for a lesser term.

43 *Any person who would be disqualified from holding a license under this*
44 *act by reason of a conviction for a crime may apply to the commissioner for*
45 *removal of the disqualification. Such application may be made upon the ex-*
46 *piration of a period of 5 years from the date of conviction or, if the appli-*
47 *cant had been confined under sentence imposed as a result of the conviction,*
48 *from the date of unrevoked release from that confinement. If the commis-*
49 *sioner shall find that the applicant has conducted himself in a law abiding*
50 *manner since his conviction or release from confinement and that the associa-*
51 *tion of the applicant will not be contrary to the public interest, the commis-*
52 *sioner shall remove such disqualification.*

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

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

1 3. Section 6 of the act of which this act is amendatory is amended to
2 read as follows:

3 6. Each license shall be in such form as shall be prescribed in the rules
4 and regulations promulgated by the commissioner and shall contain a de-
5 scription of the kind of amusement games authorized to be held, operated
6 and conducted thereunder, a statement of the name and address of the li-
7 censee, [of the names and addresses of the person or persons designated as
8 the one or ones under and by whom such amusement games will be held, op-
9 erated and conducted,] and the place or places where and the period, term
10 or date or dates and time or times when, such [games of chance] *amusement*
11 *games* are to be conducted and any other information which may be required
12 by said rules and regulations to be contained therein, and each license issued
13 for the conduct of any game or games of amusement shall be conspicuously
14 displayed at the place or places where the same is to be conducted at all
15 times during the conduct thereof.

1 4. Section 15 of the act of which this act is amendatory is hereby
2 repealed.

1 5. This act shall take effect immediately.

SENATE, No. 52

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1962

By Senator SANDMAN

Referred to Committee on Revision and Amendment of Laws

AN ACT to amend "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 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 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" approved June 16, 1959 (P. L. 1959, c. 109), and to repeal section 15 of said act.

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6 and address of the applicant, together with sufficient facts relating to its in-
7 corporation and organization if the applicant be a corporation or organiza-
8 tion; the specific kind of amusement games intended to be held, operated and
9 conducted by the applicant, and the place or places where, the period, term,
10 date or dates and the time or times when, such amusement games are intended
11 to be conducted by the applicant, under the license applied for; and that no
12 prize or prizes will be offered and given under said license except of mer-
13 chandise only and same shall be of a value not in excess of the sum or value
14 authorized to be offered and given by this act and such other information as
15 shall be prescribed by such rules and regulations.

16 [In each application there shall be set forth the name of each person,
17 who shall be the applicant, or a bona fide officer, director, partner, member or
18 employee of the applicant, and who is designated as the person or persons
19 under and by whom the amusement game or games described in the applica-
20 tion are to be held, operated and conducted and to the application shall be ap-
21 pended a statement executed by the applicant and by the person or persons,
22 so designated, that in addition to the applicant, and the officers, directors,
23 partners or members of any applicant other than a natural person, he or they
24 will be responsible for the holding, operation and conduct of such amusement
25 games in accordance with the terms of the license and the provisions of the
26 rules and regulations governing the holding, operation and conduct of such
27 amusement games and of this act, if such license be granted.] Every such li-
28 cense so issued shall be inoperative unless the licensee named therein shall
29 also procure a State license authorizing the licensee holding the municipal
30 license to operate and conduct certain games according to the terms of such
31 municipal license. The said State license shall be issued by the State Amuse-
32 ment Games Control Commissioner, if he find that all of the conditions, terms
33 and requirements of this act and of said rules and regulations have been fully
34 met and complied with. As a condition of granting any such State license the
35 applicant therefor shall pay to the said commissioner an annual fee of \$100.00.

36 If any such municipal license authorizes the licensee to conduct and operate
37 games at more than 1 place or of more than 1 specific kind the applicant for
38 the State license shall pay the said annual fee of \$100.00 for each such place
39 and for each such specific kind.

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2 as follows:

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4 of the qualifications of each applicant and the merits of each application, with
5 due expedition after the filing of the application, and if it shall determine
6 that the applicant is duly qualified to hold, operate and conduct amusement
7 games under the provisions of this act governing the issuance of licenses to
8 hold, operate and conduct amusement games and the rules and regulations
9 governing the holding, operation and conduct thereof in the municipality;
10 that the individual applicant and the officers, directors and stockholders of
11 any corporation holding 5% or more of the capital stock [or outstanding
12 indebtedness,] of any corporate applicant, as well as the partners or mem-
13 bers, as the case may be, of any partnership, association or organization ap-
14 plicant, [and the person or persons designated in the application to hold,
15 operate or conduct or assist in holding, operating or conducting the amuse-
16 ment games, to hold, operate and conduct which the license is applied for,]
17 are persons of good moral character [and have never been convicted of
18 crime and have never been found to have violated the provisions of any act,
19 rule or regulation affecting the sale of alcoholic beverages or of narcotic
20 drugs or the operation of games in which the primary element determining the
21 outcome is chance, and have never been convicted of any offense involving
22 misrepresentation, fraud, deceit, violence or public disturbance;] *whose asso-*
23 *ciation with the holding, operation and conduct of amusement games will not*
24 *be contrary to the public interest and who have not, during the 5 years prior*
25 *to the filing of the application, been convicted of crime or confined under sen-*
26 *tence imposed upon conviction of crime; that such amusement games are to*
27 be held, operated and conducted in accordance with the provisions of this act

28 and in accordance with the rules and regulations governing the holding, op-
29 eration and conduct thereof and if the governing body is satisfied that the
30 prize or prizes to be offered and given in any single game shall be of mer-
31 chandise only of a retail value not in excess of \$15.00 and that no such
32 prize or prizes will be redeemed or redeemable, directly or indirectly, for
33 money, it shall issue a license to the applicant for the holding, operation and
34 conduct of said amusement games applied for, accordingly, upon payment of
35 a license fee or fees to be fixed by the governing body by ordinance taking
36 into consideration the number of days or period upon or during which the
37 licensee shall be authorized to operate or conduct the games, the number of
38 units employed therein, the number of places, the number of specific kinds of
39 games to be conducted and the number of persons who may become players
40 of the games at any 1 time, but in no case less than \$10.00 for any 1 license
41 for a period of 1 year or for a lesser term.

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

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

1 3. Section 6 of the act of which this act is amendatory is amended to
2 read as follows:

3 6. Each license shall be in such form as shall be prescribed in the rules
4 and regulations promulgated by the commissioner and shall contain a de-
5 scription of the kind of amusement games authorized to be held, operated
6 and conducted thereunder, a statement of the name and address of the li-
7 censee, [of the names and addresses of the person or persons designated as
8 the one or ones under and by whom such amusement games will be held, op-
9 erated and conducted,] and the place or places where and the period, term

10 or date or dates and time or times when, such [games of chance] *amusement*
11 *games* are to be conducted and any other information which may be required
12 by said rules and regulations to be contained therein, and each license issued
13 for the conduct of any game or games of amusement shall be conspicuously
14 displayed at the place or places where the same is to be conducted at all
15 times during the conduct thereof.

1 4. Section 15 of the act of which this act is amendatory is hereby
2 repealed.

1 5. This act shall take effect immediately.

S P O N S O R ' S S T A T E M E N T

This bill is recommended by the Commissioner of Amusement Games Control.

It is intended to (1) eliminate several references in the amusement games law to "persons designated to hold, operate and conduct" amusement games, other than the licensee, in view of the fact that, unlike bingo or raffles licensees, amusement games licensees do not designate such persons but instead themselves conduct the licensed games albeit they may be assisted by employees; (2) to require that notice be given of changes in facts to license applications after license granted (of particular concern with respect to changes in stockholdings of corporate licensees); (3) to avoid the impracticality of requiring, *inter alia*, all officers, directors and stockholders of a creditor banking institution to qualify as applicants for license, including their fingerprinting; (4) to alleviate the harshness of the present permanent disqualification of applicants for license who may have been convicted of some minor offense many years ago but still disqualify, for a period of time, persons who have been convicted of crime; (5) to correct a typographical error; and (6) to eliminate the provision for issuance of temporary licenses pending promulgation of regulations by the commissioner since such regulations have been promulgated, by repealing section 15.

ASSEMBLY AMENDMENTS TO

SENATE, No. 52

STATE OF NEW JERSEY

ADOPTED MAY 14, 1962

Amend page 3, section 2, line 17, following "character", insert "and have never been convicted of a crime or that such a disqualification has been removed by the commissioner;".

Amend page 3, section 2, lines 22-26, delete "whose association with the holding, operation and conduct of amusement games will not be contrary to the public interest and who have not, during the 5 years prior to the filing of the application, been convicted of crime or confined under sentence imposed upon conviction of crime;".

Amend page 4, section 2, line 41, after line 41, insert the following new paragraph:

"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.".