

5:8-100 ET AL.

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:8-100 et al.

Laws of 1975 Chapter 389

Bill No. A3388

Sponsor(s) Orechio & 12 others

Date Introduced May 1, 1975

Committee: Assembly -

Senate -

Amended during passage Yes  No

Date of passage: Assembly July 30, 1975

Senate August 4, 1975

Date of approval March 3, 1976

Following statements are attached if available:

Sponsor statement Yes  No

Committee Statement: Assembly Yes  No

Senate Yes  No

Fiscal Note Yes  No

Veto message Yes  No

Message on signing Yes  No

Following were printed:

Reports Yes  No

Hearings Yes  No

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10/4/76

CHAPTER 389 LAWS OF N. J. 1975  
APPROVED 3-3-76

ASSEMBLY, No. 3388

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1975

By Assemblymen ORECHIO, CHINNICI, FORAN, HURLEY,  
VAN WAGNER, FLYNN, WORTHINGTON, PERSKIE,  
EWING, SALKIND, Assemblywoman BERMAN, Assemblymen  
KOZLOSKI and JACKMAN

(Without Reference)

AN ACT to amend the title of "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), so that the same shall read "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 \$100.00, and the charge for the privilege of playing shall not exceed \$0.50; 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;

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

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," to amend and supplement the body of said act, and to provide 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.

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

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

2 An act authorizing the conducting, operating and playing of  
3 certain amusement games, whether of chance or skill, or both,  
4 where the prizes or awards to be given shall be of merchandise only,  
5 of a retail value not in excess of ~~[\$15.00]~~ \$100.00, and the charge  
6 for the privilege of playing shall not exceed ~~[\$0.25]~~ \$0.50; provid-  
7 ing for the licensing, regulation and control by a commissioner, of  
8 the conducting and operating of such games; providing restrictions  
9 as to the places where such games may be conducted and operated;  
10 providing that certain playing for money or other valuable things  
11 is not authorized; providing for the operation and inoperation of  
12 the act in any municipality when so determined by referendum vote  
13 therein; and providing for the submission of this act to the legal  
14 voters of the State for their approval or rejection before the same  
15 shall become operative within this State.

1 2. Section 4 of P. L. 1959, c. 109 (C. 5:8-103) is amended to read  
2 as follows:

3 4. The governing body of the municipality shall make an investi-  
4 gation of the qualifications of each applicant and the merits of each  
5 application, with due expedition after the filing of the application,  
6 and if it shall determine that the applicant is duly qualified to hold,  
7 operate and conduct amusement games under the provisions of this  
8 act governing the issuance of licenses to hold, operate and conduct  
9 amusement games and the rules and regulations governing the  
10 holding, operation and conduct thereof in the municipality; that the  
11 individual applicant and the officers, directors and stockholders of  
12 any corporation holding 5% or more of the capital stock of any  
13 corporate applicant, as well as the partners or members, as the case  
14 may be, of any partnership, association or organization applicant,  
15 are persons of good moral character and have never been convicted  
16 of a crime or that such a disqualification has been removed by the  
17 commissioner; that such amusement games are to be held, operated  
18 and conducted in accordance with the provisions of this act and in  
19 accordance with the rules and regulations governing the holding,

20 operation and conduct thereof and if the governing body is satisfied  
 21 that the prize or prizes to be offered and given in any single game  
 22 shall be of merchandise only of a retail value not in excess of  
 23 **[\$15.00]** *\$100.00* and that no such prize or prizes will be redeemed  
 24 or redeemable, directly or indirectly, for money, it shall issue a  
 25 license to the applicant for the holding, operation and conduct of  
 26 said amusement games applied for, accordingly, upon payment of a  
 27 license fee or fees to be fixed by the governing body by ordinance  
 28 taking into consideration the number of days or period upon or  
 29 during which the licensee shall be authorized to operate or conduct  
 30 the games, the number of units employed therein, the number of  
 31 places, the number of specific kinds of games to be conducted and  
 32 the number of persons who may become players of the games at  
 33 any one time, but in no case less than \$10.00 for any one license for  
 34 a period of 1 year or for a lesser term.

35 Any person who would be disqualified from holding a license  
 36 under this act by reason of a conviction for a crime may apply to  
 37 the commissioner for removal of the disqualification. Such applica-  
 38 tion may be made upon the expiration of a period of 5 years from  
 39 the date of conviction or, if the applicant had been confined under  
 40 sentence imposed as a result of the conviction, from the date of  
 41 unrevoked release from that confinement. If the commissioner shall  
 42 find that the applicant has conducted himself in a law abiding  
 43 manner since his conviction or release from confinement and that  
 44 the association of the applicant will not be contrary to the public  
 45 interest, the commissioner shall remove such disqualification.

46 Whenever any change shall occur in the facts as set forth in  
 47 any application for license, the licensee shall file with the municipal  
 48 governing body and the commissioner a notice in writing of such  
 49 change within 10 days after the occurrence thereof, and said notice  
 50 of change shall thereupon become part of said application.

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

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

3 8. No more than **[\$0.25]** *\$0.50* for any one game shall be charged  
 4 or accepted by any licensee from any one player or participant  
 5 as an entry fee or payment for the privilege of participating therein.  
 6 No prize or prizes shall be offered or given in any single game  
 7 except of merchandise and the merchandise prize or prizes so to  
 8 be offered and given in any such game shall not exceed in the

9 aggregate sum of ~~[\$15.00]~~ \$100.00 of retail value and all winners  
10 shall be determined and all prizes shall be awarded in any game  
11 forthwith upon the completion of the game and before making or  
12 accepting any charge for participation in any subsequent game.

1 4. Section 13 of P. L. 1959, c. 109 (C. 5:8-112) is amended to read  
2 as follows:

3 13. Nothing contained in this act shall be deemed to authorize  
4 the playing of bingo hereunder or to modify, change or supersede  
5 the bingo licensing law (P. L. 1954, c. 6), or the raffles licensing  
6 law (P. L. 1954, c. 5), except in regard to such raffles, other than  
7 draw raffles, where the prizes or awards to be given shall be of  
8 merchandise only of an aggregate retail value not in excess of  
9 ~~[\$15.00]~~ \$100.00.

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

3 17. Upon a petition signed by qualified voters of any municipality  
4 equal in number to at least 15% of the total number of votes cast  
5 therein at the latest preceding general election for members of the  
6 General Assembly and filed with the clerk of the municipality at  
7 least 60 days before such election, the governing body of the  
8 municipality shall provide for the submission to the legal voters  
9 of the municipality at such general election, the question of whether  
10 this act shall become operative or cease to be operative in such  
11 municipality, as the case may be. If, upon such submission of the  
12 question, the majority of all the valid votes cast on the question  
13 shall be in favor of having this act inoperative in the municipality,  
14 then this act shall, 60 days thereafter, become inoperative in the  
15 municipality. The question shall be deemed to be a public question  
16 and shall be submitted to the voters as in the case of other public  
17 questions. The question shall be stated as follows:

AMUSEMENT GAMES	
Yes.	<p>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 retail value not in excess of <del>[\$15.00]</del> \$100.00, and the charge for the privilege of playing shall not exceed <del>[\$0.25]</del> \$0.50; 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," become</p> <p>(insert "operative" or "inoperative") in this municipality?</p>
No.	

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

1 6. (New section) For the purpose of complying with the pro-  
2 visions of the State Constitution this amendatory and supple-  
3 mentary act shall be submitted to the people for their approval or  
4 rejection at the next general election.

1 7. (New section) There shall be printed on each official ballot  
2 to be used at such election the following:

3 If you favor the amendment to the Amusement Games Licensing  
4 Law printed below, make a cross  $\times$ , plus + or check  $\checkmark$  in the  
5 square opposite the word "Yes."

6 If you are opposed to the amendment to the Amusement Games  
7 Licensing Law printed below, make a cross  $\times$ , plus + or check  $\checkmark$   
8 in the square opposite the word "No."

	Yes.	<p style="text-align: center;">AMUSEMENT GAMES INCREASE IN VALUE OF PRIZES AND ADMISSION CHARGE</p> <p>Shall the amendment to the Amusement Games Licensing Law enacted by the Legislature authorizing an increase from \$15.00 to \$100.00 in the maximum retail value of prizes, and from \$0.25 to \$0.50 for the privilege of playing amusement games, be approved?</p>
	No.	

9 In any election district in which voting machines are used the  
10 question shall be placed upon the official ballot to be used upon the  
11 voting machines with the foregoing instructions to the voters but  
12 with instructions to vote "Yes" or "No" by the use of such  
13 machines and without marking as aforesaid.

1 8. (New section) If at such election a majority of all the votes  
2 cast both for and against the approval of this amendatory and  
3 supplementary act shall be cast in favor of the approval thereof,  
4 then all of its provisions shall forthwith take effect.

1 9. (New section) This section and sections 6, 7, and 8 of this  
2 amendatory and supplementary act shall take effect immediately  
3 and the remainder hereof shall take effect as hereinbefore provided.

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#### STATEMENT

The purpose of this bill is to amend the "Amusement Games Licensing Law" to increase from \$15.00 to \$100.00 the maximum retail value of the prizes that can be given, and from \$0.25 to \$0.50 the maximum charge that can be made for the privilege of playing amusement games. The bill also provides for the submission thereof, if enacted by the Legislature, to the voters of New Jersey at the next general election for their approval or rejection. Such submission is necessary, according to the State Constitution, in order for the amendment to become operative.

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