
Statutes & Regulations

N.J.S.A. 5:8-1 through 5:8-77.

N.J.A.C. 13:47-1.1 through 13:47-16.27.

Legalized Games of Chance Control Commission

Division of Consumer Affairs

N.J. Department of Law & Public Safety

As of October 2000



Bingos and Raffles

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Guide to Statutes and Regulations

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New Jersey Statutes Annotated

Title 5, Chapter 8.

Legalized Games of Chance Control Commission Statutes

ARTICLE 1. LEGALIZED GAMES OF CHANCE CONTROL COMMISSION

5:8-1. Commission created; members

There is hereby constituted the “Legalized Games of Chance Control Commission,” in the Department of Law and Public Safety, which shall consist of five citizens of the State, who are not holders of any public office, and who shall be appointed by the Governor, with the advice and consent of the Senate, not more than three of whom shall be members of any one political party.

5:8-1.1. Method of transfer of commission to department of law and public safety

The transfer of the commission to the Department of Law and Public Safety as provided by this act shall be effected pursuant to the “State Agency Transfer Act,” P.L.1971, c. 375 (C. 52:14D-1 et seq.).

5:8-2. Terms of office

The first members of the commission shall be appointed, 1 for 1 year, 1 for 2 years, 1 for 3 years, 1 for 4 years and 1 for 5 years, and their successors shall be appointed for terms of 5 years, and the members may hold over and serve on the commission after the termination of their respective terms, until their respective successors are appointed and shall qualify.

5:8-3. Vacancies

Vacancies created by expiration of term or otherwise shall be filled in the same manner as the original appointments were made, but for the unexpired terms only, notwithstanding that the previous incumbents may be holding over in office.

5:8-4. Compensation; expenses

The members of the commission shall serve without compensation but shall be entitled to be reimbursed for their actual expenses within the limits of available appropriations.

5:8-5. First meeting; organization

The commission shall hold its first meeting at the call of the Governor and shall organize by electing a chairman and appointing a secretary who may or may not be a member of the commission.

5:8-6. Duties of commission; rules and regulations; forms

It shall be the duty of the commission to supervise the administration of the Bingo Licensing Law ¹ and the Raffles Licensing Law ² and to adopt, amend and repeal rules and regulations governing the issuance and amendment of licenses thereunder and the holding, operating and conducting of games of chance under such licenses, establishing schedules of rentals or charges which may be paid for the leasing, sale or providing of equipment for use in or in connection with the holding, operating or conducting of any game or games of chance authorized to be held, operated or conducted under the Bingo Licensing Law or the Raffles Licensing Law, and prescribing fees for registrations, licenses and other services provided pursuant to P.L.1954, c. 7 (C. 5:8-1 et seq.), as amended and supplemented, which shall have the force of law and shall be binding upon all municipalities issuing licenses under either or both of said laws and upon all licensees thereunder and lessors, sellers or providers of equipment to licensees, to the end that such licenses shall be issued to qualified licensees only and that said games of chance shall be fairly and properly conducted for the purposes and in the manner in said laws prescribed and to prevent the games of chance authorized to be conducted by said laws from being conducted for commercial purposes instead of for the purposes authorized in said laws, and in order to provide uniformity in the administration of said laws throughout the State, the commission shall prescribe forms of applications for licenses, licenses, amendment of licenses, reports of the conduct of games and other matters incident to the administration of said laws. The commission shall receive and investigate applications from organizations wishing to hold, operate or conduct any game or games of chance pursuant to the Bingo Licensing Law or the Raffles Licensing Law, as amended and supplemented. If the commission determines that the applicant is a bona fide organization or association of veterans of any war in which the United States has been engaged or a church or a religious congregation or a religious organization or a charitable, educational or fraternal organization, or a civic or service club, or a senior citizen association or club, or an officially recognized volunteer fire company or an officially recognized volunteer first aid or rescue squad, the commission shall issue to it a registration certificate as proof of such a determination. The certificate shall be

sufficient proof to a municipal governing body that the organization holding it is eligible to apply for a license to hold, operate and conduct games of chance in accordance with the provisions of the Bingo Licensing Law or the Raffles Licensing Law, as the case may be. The commission shall have power also to approve any person, persons or corporation, applying to it for approval, to lease, sell or provide any equipment for use in or in connection with the holding, operating or conducting of any game or games of chance authorized to be held, operated or conducted under the Bingo Licensing Law or the Raffles Licensing Law as to such person's or persons' good moral character and freedom from conviction of crime or, if a corporation, as to the good moral character and freedom from conviction of crime of all of its officers and each of its stockholders who hold 10% or more of its stock issued and outstanding, and any such application may be disapproved by the commission after hearing and due notice thereof if it shall find that the applicant is not of good moral character and free from conviction of crime as hereinbefore prescribed.

¹Section 5:8-24 et seq.

²Section 5:8-50 et seq.

5:8-6.1,

5:8-6.2. Repealed by L.1962, c. 114, § 1, eff. July 17, 1962

5:8-7. Filing and availability of rules and regulations

A copy of every rule and regulation adopted and promulgated by the commission shall be filed in the office of the Secretary of State before it shall become effective and copies thereof shall be made available to the various municipalities operating under said laws.

5:8-8. Investigations

The commission shall conduct investigations of the administration of said laws in such of the municipalities of this State as it shall deem desirable and as shall serve to furnish a cross section of all of the municipalities operating under said laws in this State and shall receive and investigate complaints as to violations and evasions of said laws in any municipality or municipalities.

5:8-9. Suspension and revocation of licenses

The commission shall have power to suspend and revoke licenses, after hearing, for violation of the law under which the license is issued or for violation of any provision of the rules and regulations adopted and promulgated by the commission.

5:8-10. Institution of prosecutions

The commission shall have power to institute prosecutions for the punishment of violations of either of said laws.

5:8-11. Appeals

The commission shall hear appeals from the determinations and action of the municipal governing bodies in connection with the refusal to issue licenses and the suspension and revocation of licenses in the manner prescribed in said laws and the action and determination of the commission upon any such appeal shall be binding upon the municipal governing body and all parties thereto.

5:8-12. Continuous study of operation of licensing laws

It shall be the duty of the commission to carry on continuous study and investigation of the operation of the Bingo Licensing Law ¹ and the Raffles Licensing Law,² and the administration thereof by the several municipalities of the State, throughout the State, for the purpose of ascertaining from time to time any defects in said laws, which may be discovered, by reason whereof any abuses in the administration thereof and any evasions of the terms thereof may arise or be practiced, and for the purpose of formulating and recommending improvements and changes in said laws and in any other laws of the State, which the commission may determine to be desirable to prevent such abuses and evasions and to guard against the use of said laws as a cloak for the carrying on of organized gambling and crime, and to insure that said laws shall be in such form and be so administered as to serve the true purposes for which they were enacted, namely the operation and conduct of the games of chance therein described for educational, charitable, patriotic, religious or public spirited uses only.

¹Section 5:8-24 et seq.

²Section 5:8-50 et seq.

5:8-13. Continuous study as to similar laws of other states

The commission shall make a continuous study and investigation also of the operation and administration of similar laws which may be in effect in other States of the United States, and of any literature on the subject which from time to time may be published or be available.

5:8-14. Place of investigations and hearings; witnesses; books and documents

The majority of the members of the commission may hold investigations and hearings within or without the State and shall have power to compel the attendance of witnesses, the production of books and documents relating to transactions connected with the holding and conducting of games of chance under either or both of said laws, and transactions, relating thereto, with those conducting the same, by the issuance of subpoena signed by the chairman of the commission, which may be served by any person of full age.

5:8-15. Incriminating evidence

No person shall be excused from testifying or producing any book or document in any investigation or hearing, when ordered so to do by the members of the commission holding the same, upon the ground that testimony or documentary evidence required of him may tend to incriminate or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture on account of any matter or thing concerning which he shall, under oath, have testified or produced documentary evidence, except that he shall not be exempt from prosecution or punishment for any perjury committed by him in his testimony.

5:8-16. Application to judge for show cause order

If a person subpoenaed to attend in any such investigation or hearing fails to obey the command of the subpoena without reasonable cause, or if a person in attendance in any such investigation or hearing refuses, without lawful cause, to be examined or to answer a legal or pertinent question or to exhibit any book, account, record or other document when ordered so to do by the commissioners holding such investigation or hearing, the commission may apply to any judge of the Superior Court, upon proof by affidavit of the facts, for an order returnable in not less than 2 nor more than 10 days directing such person to show cause before the judge why he should not comply with such subpoena or such order.

5:8-17. Examination and determination by judge; order; contempt

Upon return of the order, the judge before whom the matter shall come on for hearing shall examine such person under oath, and if the judge shall determine, after giving such person an opportunity to be heard, that he refused without legal excuse to comply with such subpoena or such order of the commissioners holding such investigation, the judge may order such person to comply therewith forthwith and any failure to obey the order of the judge may be punished as a contempt of the Superior Court.

5:8-18. Privilege from arrest

A witness shall be privileged from arrest, in all civil actions and no other, during necessary attendance before the commission, at any place required by subpoena previously duly served, and during his going to and returning therefrom, allowing one day for every 30 miles from his place of residence.

5:8-19. Payment of witness fees

Every witness shall be entitled to be paid for attendance or attendance and travel by the party on whose behalf he is subpoenaed, at the rates prescribed by law, before being required to testify.

5:8-20. Amount of witness fees

Each witness attending any hearing or investigation shall be entitled to the following fees:

- a. In his own county, per day of attendance, 50 cents;
- b. From a foreign county, at the rate of \$1.00 per day, together with, for each day of attendance, an allowance of \$1.00 for every 30 miles of travel in going to the place of attendance from his place of residence and in returning.

5:8-21. Expenses and personnel

The commission is authorized to incur such necessary expenses, and engage and appoint an executive officer and such competent and expert advisors, and clerical and stenographic assistants and investigators, as it may deem necessary to the proper performance of the purpose of this act, and may fix their compensation and that of its secretary, if he is not a member of the commission, within the limits of any sums appropriated or made available to it for such purposes.

Fees shall be established, prescribed or changed by regulation promulgated by the commission to the extent necessary to defray all proper expenses incurred by the commission and any staff employed to administer the Bingo Licensing Law or the Raffles Licensing Law, except that no fee shall be set at a level that will raise funds in excess of the amount necessary for these purposes. All fees payable to the commission and the proceeds of any civil penalties imposed by the commission or any court shall be deposited in the Legalized Games of Chance Control Commission Fund created pursuant to section 3 of P.L.1994, c. 63 (C. 5:8-21.1).

In addition to the fees to be paid to the commission, licensed organizations shall pay a licensing fee, as established by the commission, to the municipality in which any game or games of chance are conducted.

No investigator employed by the commission need be employed in accordance with the provisions of, or shall be in any manner subject to, the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

5:8-21.1. Legalized Games of Chance Control Commission Fund

There is created in the Department of the Treasury a special nonlapsing fund, to be known as the Legalized Games of Chance Control Commission Fund. Except as otherwise provided by law, all monies from fees, penalties or fines collected by the Legalized Games of Chance Control Commission pursuant to the "Bingo Licensing Law" (P.L.1954, c. 6; C. 5:8-24 et seq.) and the "Raffles Licensing Law" (P.L.1954, c. 5; C. 5:8-50 et seq.) on and after the effective date of this section shall be deposited in the fund. The money in the fund shall be administered by the State Treasurer and all interest on monies in the fund shall be credited to the fund. At the end of each fiscal year there shall be appropriated from the fund to the Department of Law and Public Safety, or its successor, such sums as may be necessary for the Legalized Games of Chance Control Commission to implement and enforce the provisions of the "Bingo Licensing Law" and the "Raffles Licensing Law," as amended and supplemented.

5:8-22. Municipalities to file copies of ordinances; reports

Each municipality, in which the Bingo Licensing Law ¹or the Raffles Licensing Law, ² or both, shall be adopted, shall file with the commission a copy of each ordinance enacted pursuant thereto within 10 days after the same is adopted, and on or before February 1 of each year, and at any other time or times which the commission may determine make report to the commission of the number of licenses issued therein under each of said

laws, the names and addresses of the licensees, the aggregate amount of license fees collected, the names and addresses of all persons detected of violation of each of said laws or of the rules and regulations adopted by the commission pursuant hereto, and of all persons prosecuted for such violations and the result of each such prosecution, and the penalties imposed therein, during the preceding calendar year, or the period for which the report is required, which report may contain any recommendations for improvement of said laws or the administration thereof, which the governing body of the municipality shall deem to be desirable.

¹Section 5:8-24 et seq.

²Section 5:8-50 et seq.

5:8-23. Reports and recommendations by commission

The commission shall report to the Governor, the President of the Senate and the Speaker of the General Assembly annually with its recommendations, if any, and if in the meantime it shall discover any matters which shall require immediate change in said laws of this State, in order to prevent abuses and evasions thereof or rectify undesirable conditions in connection with the administration thereof, the commission shall make an interim report immediately to the Governor, to the President of the Senate and to the Speaker of the General Assembly with its recommendations in order to afford opportunity for the Legislature to take immediate action thereon, if such action appears to be necessary.

ARTICLE 2. BINGO

5:8-24. Short title

This act shall be known as and may be cited as the “Bingo Licensing Law.”

5:8-25. Licensing authorized; organizations eligible; game described; purposes to which proceeds devoted; rights of licensees

It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads,

to hold and operate games of chance of, and restricted to, the specific kind of game of chance commonly known as bingo or lotto played for prizes with cards bearing numbers or other designations, five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, by selling shares or tickets or rights to participate in such games and by conducting the games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and, in the case of senior citizen associations or clubs, to the support of such organizations, and for any such organization, association, church, congregation, society, club, fire company, first aid or rescue squad, or senior citizen association or club, when so licensed, to hold, operate and conduct such games of chance by its active members pursuant to this act and such license, 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 Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

5:8-25.1. Special license; senior citizen association or club; amusement and recreation only

The governing body of any municipality shall issue a special license to any senior citizen association or club desiring to hold, operate and conduct games of chance solely for the purpose of amusement and recreation of its members. Said special license shall be valid only for those games of chance held, operated and conducted where no player or other person furnishes anything of value for the opportunity to participate; the prizes awarded or to be awarded are nominal; no person other than a bona fide active member of the organization participates in the conduct of the games; and no person is paid for conducting or assisting in the conduct of the game or games. Said special license shall be issued under this act without fee and shall be effective for a period of 2 years.

5:8-25.2. Inapplicability of Bingo Licensing Law

Senior citizen associations or clubs holding, operating and conducting games of chance solely for the amusement and recreation of its members under said special license shall not be subject to the provisions of the act to which this act is a supplement.

5:8-26. Application for license

Each applicant for such a license shall file with the clerk of the municipality a written application therefor in the form prescribed in said rules and regulations, duly executed and verified, in which shall be stated the name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable the governing body of the municipality to determine whether or not it is a bona fide organization or association of veterans of any war in which the United States has been engaged or a church or a religious congregation or religious organization or a charitable, educational or fraternal organization, or a civic or service club, or a senior citizen association or club, or an officially recognized volunteer fire company or an officially recognized volunteer first aid or rescue squad; the names and addresses of its officers; the specific kind of games of chance intended to be held, operated and conducted by the applicant, and the place or places where, the date or dates and the time or times when, such games of chance are intended to be held, operated and conducted, by the applicant, under the license applied for; the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; the specific purposes to which the entire net proceeds of such games of chance are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting such game or games of chance or for assisting therein except as in this act otherwise provided; and that no prize or aggregate of prizes will be offered and given under said license of a value in excess of the sum or value authorized to be offered and given by this act and a description of all prizes to be offered and given in all such games of chance to be held, operated and conducted under such license and such other information as shall be prescribed by such rules and regulations.

In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted and to the application shall be appended a statement executed by the applicant and by the member or members so designated, that he or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of the rules and regulations governing the holding, operation and conduct of such games of chance and of this act, if such license is granted.

In event that any premises, upon which any such game of chance is to be held, operated or conducted or which is to be used for any other purpose in connection with the holding, operating or conducting thereof, is to be leased from any person, persons or corporation, a written statement shall accompany the application signed and verified under oath by such person or persons or executed and verified under oath on behalf of such corporation, stating his or its address and the amount of rent which will be paid for said premises and that such lessor or lessors, or if a corporation all of its officers and each of its stockholders who hold 10% or more of its stock issued and outstanding, are of good moral character and have not been convicted of crime.

5:8-27. Investigation; matters to be determined; issuance of licenses; fees; duration of license

The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of each application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to be licensed under this act to hold, operate and conduct games of chance under the provisions of this act and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the member or members of the applicant designated in the application to hold, operate or conduct the games of chance which the license is applied for are bona fide active members of the applicant and are persons of good moral character and have never been convicted of crime; that such games of chance are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and that the proceeds thereof are to be disposed of as provided by this act, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance except as in this act otherwise provided; and that no prize will be offered and given in excess of the sum or value of \$250.00 in any single game of chance, and that the aggregate of all prizes offered and given in all such games of chance, held, operated and conducted on a single occasion, under said license shall not exceed the sum or value of \$1,000.00, it shall issue a license to the applicant for the holding, operation and conduct of the specific kind of games of chance applied for, accordingly, upon payment of a license fee or fees prescribed by regulation promulgated by the control commission for each oc-

casation upon which any game or games are to be conducted under such license.

The \$250.00 limitation on single game prizes and the \$1,000.00 aggregate prize limitation established in this section shall not apply to games in which the prize is determined based upon a percentage of the gross receipts from the sale of cards to participate in the game. The control commission shall, by regulation, prescribe the method of play and set the minimum and maximum percentage to be awarded in any such game.

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

5:8-28. Hearing; amendment of license

No application for the issuance of a license shall be refused by the governing body until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

Any license issued under this act may be amended, upon application made to the governing body of the municipality which issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable, if it had been so included.

5:8-29. Form and contents of license; display of license

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the control commission and shall contain a description of the kind of games of chance authorized to be held, operated and conducted thereunder, a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom such games of chance will be held, operated and conducted, of the number of times, or the hours during which, such games of chance are authorized to be conducted and the place or places where and the date or dates and time or times when, such games of chance are to be conducted and of the specific purposes to which the entire net proceeds of such games of chance are to be devoted; if any prize or prizes are to be offered and given in cash, a statement of the amounts of the prizes authorized so to be offered and given; and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any game or games of chance shall be

conspicuously displayed at the place where the same is to be conducted at all times during the conduct thereof.

5:8-30. Control and supervision; suspension of licenses; inspection of premises

The governing body of any municipality issuing any license under this act shall have and exercise control and supervision over all games of chance 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 control commission and the provisions of this act governing the holding, operation and conduct of the same and such governing body and the control commission 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 their respective officers and agents at all times into any premises where any such game of chance is being held, operated and conducted or where it is intended that any such game of chance 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.

In addition to or in lieu of revoking or suspending or refusing to renew any license or registration certificate issued by it or any municipality, the control commission may, after providing a licensee the opportunity to be heard:

- a. issue a letter of warning, reprimand or censure with regard to any action, conduct or practice which, in the judgment of the control commission upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;
- b. assess civil penalties in accordance with the provisions of section 7 of P.L.1994, c. 63 (C. 5:8-30.2);
- c. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any action found to be unlawful by the control commission;
- d. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to restore to any person aggrieved by an unlawful act or¹ practice, any monies or property, real or personal, acquired by means of such

action or practice, except that the control commission shall not order restoration of a dollar amount greater than those monies received by a licensee or the agent or ² a licensee or any other person violating the law, rule or regulation administered by the control commission; and

- e. order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or other professional treatment as may be necessary to properly discharge licensee functions.

¹ So in original. Probably should be “act or”.

² So in original. Probably should be “agent of a licensee”.

5:8-30.1. Summary proceedings

Whenever it shall appear to the control commission that a violation of a law, including the unlicensed conduct or practice of a regulated activity, or regulation administered by the control commission has occurred, is occurring, or will occur, the control commission, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in Superior Court an injunction prohibiting such action, conduct or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of section 7 of P.L.1994, c. 63 (C. 5:8-30.2), may order restoration to any person in interest of any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice and may enter such orders as may be necessary to prevent the performance of an unlawful action, conduct or practice in the future and to remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license or registration certificate issued by the control commission.

5:8-30.2. Civil penalties

Any person violating any provision of a law or regulation administered by the control commission shall, in addition to any other sanctions provided in section 7 of P.L.1954, c. 6 (C. 5:8-30), be liable to a civil penalty of not more than \$7,500 for the first offense and not more than \$15,000 for the second and each subsequent offense. For the purpose of construing this section, each statutory violation shall constitute a separate offense, except that a second and subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of the control commission for the collection or enforcement of civil penal-

ties for the violation of any provision of a law or regulation administered by the control commission. Such action may be brought in a summary manner pursuant to “the penalty enforcement law” (N.J.S. 2A:58-1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court or Superior Court where the offense occurred. Process in such action may be a summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful action, conduct or practice to have been committed by the defendant, issue a warrant for the defendant’s arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice. Any action alleging the unlicensed conduct or practice of an activity regulated by any law or regulation administered by the control commission shall be brought pursuant to this section, or where injunctive relief is sought, by an action commenced in Superior Court. In any action brought pursuant to P.L.1954, c. 6 (C. 5:8-24 et seq.), as amended and supplemented, the control commission or the court may order the payment of costs to the State.

Organizations registered with the control commission, holding a valid identification number, and not suspended or revoked at the time of any such action, conduct or practice shall not be subject to the provisions of this section.

5:8-31. Sunday; conduct of games on

No games of chance shall be conducted under any license issued under this act on the first day of the week, commonly known and designated as Sunday, unless it shall be otherwise provided in the license issued for the holding, operating and conducting thereof, pursuant to the provisions of an ordinance duly adopted by the governing body of the municipality issuing the license, authorizing the conduct of such games of chance under this act on said day.

5:8-32. Participation by persons under 18

No person under the age of 18 years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this act.

5:8-33. Frequency of games; sale of alcoholic beverages

No game or games of chance shall be held, operated or conducted under any license issued under this act oftener than on 6 days in any one calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

5:8-34. Persons operating and conducting games; equipment; expenses; compensation

- a. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of, or a person approved by the control commission who is compensated by, the organization, association, church, congregation, society, club, fire company, first aid or rescue squad, or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member, or such a person approved by the control commission, or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment that is not purchased or leased from or provided by a person approved by the control commission, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever; no rental shall be paid for the use of any premises for holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in section 3 of this act ¹ or which is in excess of the sum stated as the rental to be charged therefor in such a statement; and no commission, salary, compen-

sation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid by a licensee to a person approved by the control commission for services related to holding, operating or conducting games and to bookkeepers or accountants for bookkeeping or accounting services rendered, according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission.

- b. A licensee may pay reasonable compensation to a person approved by the control commission for services rendered in connection with holding, operating or conducting games, pursuant to regulations adopted by the control commission. The regulations shall include, but not be limited to, provisions which: establish the qualifications required of such a person, the duties which may be performed and the compensation which may be paid; require that a person receive approval of the control commission prior to rendering services for which compensation will be received; provide that an active member of an organization shall oversee the rendering of services by a person receiving compensation; and prohibit the payment of compensation to any person who is an active member of an organization or of an auxiliary or affiliated organization.

¹N.J.S.A. § 5:8-26.

5:8-34.1. Bingo; conduct for two or more affiliated licensees by active member

Notwithstanding any law, rule, or regulation to the contrary, it shall be lawful for any person to engage in the conduct of bingo for any two or more affiliated licensees of which he or she is an active member. The commission shall by regulation determine whether licensees are affiliated.

5:8-35. Charge for admission and participation; amount of prizes; award of prizes

No amount in excess of the amount prescribed by regulation promulgated by the control commission shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this act, which admission fee, upon payment thereof, shall entitle the person paying

the same to a card entitling him to participate without additional charge in all regular games of chance to be played under such license on such occasion, and no charge in excess of the amount prescribed by regulation promulgated by the control commission shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. No prize greater in amount or value than \$250.00 shall be offered or given in any single game conducted under any such license and the aggregate amount or value of all prizes offered and given in all games played on a single occasion shall not exceed \$1,000.00, except as otherwise provided for by P.L.1954, c. 6 (C. 5:8-24 et seq.), and all winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the winner is determined.

5:8-36. Advertising games

No game of chance to be conducted under any license issued under this act shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound truck, or by means of billboards, posters or handbills or any other means addressed to the general public, except that 1 sign not exceeding 60 square feet in area may be displayed on or adjacent to the premises where the game will be played and an additional similar sign may be displayed on or adjacent to the premises where the prize or prizes are displayed and additional signs may be displayed upon any fire fighting equipment belonging to any licensee, which is a volunteer fire company or upon any first-aid or rescue squad equipment belonging to any licensee, which is a first-aid or rescue squad, in and throughout the community or communities served by such volunteer fire company or such first-aid or rescue squad, as the case may be.

5:8-37. Statement of receipts, expenses, etc.

No later than the 15th day of the calendar month immediately following a calendar month in which any such game of chance was held, operated or conducted, the organization, association, church, congregation, society, club, fire company, or first-aid or rescue squad which held, operated or conducted the same, and its members who were in charge thereof, shall furnish to the control commission a duly verified statement showing the amount of the gross receipts derived from each game of chance held, operated or conducted during the preceding calendar month, which shall include receipts from the sale of shares, tickets or rights in any manner con-

nected with participation in said game or the right to participate therein, each item of expense incurred, or paid, and each item of expenditure made or to be made, name and address of each person to whom each such item has been, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied and a list of prizes offered and given, with the respective values thereof and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

5:8-38. Examination of books and records; examination of managers, etc.; disclosure of information

The governing body of the municipality and the control commission shall have power to examine or cause to be examined the books and records of any organization or association, church, congregation, society, fire company, first aid or rescue squad, or senior citizen association or club to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this act.

5:8-39. Appeals from governing body to Control Commission

Any applicant for, or holder of, any license issued or to be issued under this act aggrieved by any action of the municipal governing body of the municipality to which such application has been made or by which such license has been issued, may appeal to the control commission from the determination of said governing body by filing with the governing body a written notice of appeal within 30 days after the determination or action appealed from, and upon the hearing of such appeal the evidence, if any, taken before the governing body and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the control commission upon said appeal shall be binding upon said governing body and all parties to said appeal.

5:8-40. Immunity from prosecution; exceptions

No person or corporation

- (1) lawfully conducting, or participating in the conduct of,
- (2) possessing, selling or in any manner disposing of, any shares, tickets or rights to participate in, or
- (3) permitting the conduct upon any premises owned by him or it, of,¹ any game of chance conducted or to be conducted under any license lawfully issued pursuant to this act, shall be liable to prosecution or conviction for violation of any provision of chapters 112 and 121 of Title 2A,² or of section 2A:170-18³ of the New Jersey Statutes, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of,⁴ any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

¹ So in enrolled bill.

² Both repealed; see, now, § 2C:37-1 et seq.

³ Repealed; see, now, § 2C:37-3.

⁴ So in enrolled bill.

5:8-41. Offenses; disorderly persons; forfeiture of license; ineligibility to apply for license

Any person, association or corporation who or which shall make any false statement in any application for any such license or in any statement annexed thereto or shall pay any rental for the use of any premises for holding, operating or conducting any game of chance under this act or for any other purpose in connection with the holding, operating or conducting thereof, unless the amount of such rental is stated in a statement annexed to the application for the license as provided in section 3 of this act ¹, or shall pay or receive any sum for such rental in excess of the sum stated as the rental to be charged therefor in such a statement, executed by him or on its behalf, or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of games of chance under any such license or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance

under any such license or shall violate any of the provisions of this act or of any term of such license shall be a disorderly person and if convicted as such shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this act and shall be ineligible to apply for a license under this act for 1 year thereafter.

¹ Section 5:8-26.

5:8-42. Act inoperative until adopted by voters

The provisions of this act shall remain inoperative in any municipality unless and until the same shall be adopted by the legal voters of the municipality as herein provided.

5:8-43. Submission to voters; special ballots; voting machines; count, return and canvass

The question of the adoption of the provisions of this act, in the form set forth in section 22 of this act ¹, shall be submitted to the legal voters of every municipality in this State at a special election to be held therein at the same time as the primary election for the general election which will be held on the third Tuesday in April in the year 1954 in such manner that every voter qualified to vote at such special election upon said question may vote at said special election for or against such question separately and whether or not he is qualified to vote, or desires to vote, for any candidate on any party ballot to be voted at said primary election.

In every election district in which paper ballots are used the clerk of the municipality shall provide a sufficient number of special ballots to be voted separately upon said question at said special election by the voters who are qualified to vote upon said question whether or not they are qualified to vote, or desire to vote, for any candidate on any party ballot to be used at said primary election.

The special ballots shall be in such form as shall be determined by the clerk of the county in which the municipality is situated and shall so far as practicable correspond in form and detail to the provisions of Title 19, Elections, of the Revised Statutes but they shall not contain the names of any candidates to be voted upon at any such election.

The special ballots when voted shall be deposited by the election officers in either of the ballot boxes used at such election.

In election districts in which voting machines are used the officers charged with the duty of preparing and placing the ballots upon the machines shall cause the question to be so placed upon every machine used in

such primary election that any voter qualified to vote upon said question may vote thereon separately in such special election whether or not he desires or is qualified to vote a party ballot at said primary election, and special voting authorities shall be provided for use in cases where they are required or are used in such form as shall be determined by the county board of elections of the county in which the respective municipalities are situate and which shall be furnished and paid for in the same manner as are other voting authorities used at said election.

All of the ballots cast at said election on said question in each municipality shall be counted and the result thereof shall be returned and canvassed in the manner provided by law in the case of public questions submitted in the several municipalities of this State.

¹Section 5:8-45.

5:8-44. Resubmission

In event that in any municipality a majority of all the votes cast both for and against the question shall be cast against the question at any election at which said question is submitted, said question may again be submitted to the legal voters of the municipality at a general election held not earlier than the date upon which the third general election, following the date of the election at which the question was submitted, is to be held, if there shall be filed with the clerk of the municipality not less than 45 days prior to such general election a petition requesting the submission of the same signed by at least 15% of the qualified legal voters of the municipality as evidenced by the total number of votes cast at the then next preceding general election held therein.

5:8-45. Form of official ballots

There shall be printed on each official ballot to be used at any election at which said question shall be submitted, the following:

If you favor the proposition printed below make a cross (x), plus (+) or check (√) in the square opposite the word “Yes.” If you are opposed thereto make a cross (x), plus (+) or check (√) in the square opposite the word “No.”

- Yes Shall the “Bingo Licensing Law” (P.L.1954 c.)
- No be adopted within this municipality?

The chapter number of this act shall be inserted in the appropriate blank in said question.

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

5:8-46. Majority of votes determines whether act operative

If at any election at which such question is submitted as provided in this act the majority of all the votes cast, both for and against such question, shall be cast in favor of the question, the provisions of this act shall become operative in such municipality but if a majority of all such votes shall be cast against the question, the provisions of this act shall not become operative in such municipality unless the same shall be again submitted and this act shall be adopted as provided in this act.

5:8-47. Submission of question of rescinding adoption

If in any municipality in which the provisions of this act shall have become operative in the manner hereinbefore provided, there shall be filed with the clerk of the municipality a petition signed by at least 15% of the qualified legal voters of the municipality, as evidenced by the total number of votes cast at the then next preceding general election in such municipality, requesting that there shall be submitted to the voters of the municipality the question of rescinding the adoption of the provisions of this act by the municipality, the said question shall be submitted to the legal voters of the municipality at the next general election succeeding the forty-fourth day following the date of the filing of said petition.

5:8-48. Ballots on question of rescinding adoption

There shall be printed upon the official ballot to be used at such general election the following:

If you favor the proposition printed below, make a cross (x), plus (+) or check (√) in the square opposite the word “Yes.” If you are opposed thereto, make a cross (x), plus (+) or check (√) in the square opposite the word “No.”

- Yes Shall the adoption of the “Bingo Licensing Law” (P.L.1954, c. ...) within the municipality be rescinded?
- No

The chapter number of this act shall be inserted in the appropriate blank in said question.

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

5:8-49. Majority of votes controlling; resubmission

If at such election a majority of all the votes cast, both for and against the rescission of the adoption of this act, in said municipality shall be cast in favor of the rescission thereof, the said adoption of this act shall thereby be rescinded and thereupon this act shall cease to be operative within such municipality and no petition shall be received for the submission of the question of the adoption of the provisions of this act to the voters of said municipality, and no such question shall be submitted to them, at any election earlier than the general election to be held in the third calendar year following the date of such election. If at such election the majority of all the votes so cast shall be against the rescission of said adoption, no petition for such submission of the question of the rescission of such adoption shall be received and no such question shall be again submitted at any election earlier than the general election to be held in the third calendar year following the date of such election.

5:8-49.1. Severability

In case for any reason any provision of the act to which this act is a supplement ¹ shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not affect any other provision of said act except so far as the provisions so declared unconstitutional or invalid shall be inseparable from such other provision.

¹ Section 5:8-24 et seq.

5:8-49.2. Definitions

As used in this act:

“Commission” shall mean the Legalized Games of Chance Control Commission;

“Organization” shall mean any organization licensed to hold, operate or conduct games of chance under the Bingo Licensing Law (P.L.1954, c. 6, as amended and supplemented); ¹

“Person” shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity;

“Premises” shall mean any land, building, enclosure or part thereof used for the purpose of operating or conducting games of chance under the Bingo Licensing Law;

“Rentor” shall mean and include the owner, lessor, and supplier of premises furnished or supplied to, or used by, an organization for the purpose of holding, operating or conducting games of chance under the Bingo Licensing Law;

“Rental” shall mean the amount paid or payable by an organization to a rentor for the use of premises including janitorial services, tables and chairs rented, furnished or supplied to said organization for the purpose of holding, operating or conducting games of chance under the Bingo Licensing Law.

¹Section 5:8-24 et seq.

5:8-49.3. Rental or use of premises not owned by organization; payment for rental; approved renters

An organization may, for the purpose of holding, operating and conducting games of chance under the Bingo Licensing Law ¹ rent or use premises not owned by such organization upon compliance with the provisions of this act. No such rental or use shall be permitted unless the commission shall determine that the payment to be made for such rental or use of the premises is fair and reasonable and that the rentors of said premises are approved renters under this act.

¹Section 5:8-24 et seq.

5:8-49.4. Persons entitled to act as renters

From and after the effective date of this act, no person shall act as, or be, a rentor unless said person (a) is itself licensed to hold, operate or conduct games of chance under the Bingo Licensing Law¹ or (b) has first obtained from the commission a license as an approved rentor.

¹Section 5:8-24 et seq.

5:8-49.5. Application for approved renter’s license; form and requisites

A person seeking a license as an approved rentor shall file in the office of the commission a written application for such license. The application shall specify the premises to be rented and be in such form and require such information as the commission shall deem necessary for the purpose of

effectuating the provisions of chapters 6 and 7 of the laws of 1954 and amendments and supplements thereof ¹.

¹ Sections 5:8-24 et seq. and 5:8-1 et seq.

5:8-49.6. Denial of license; grounds

No license as an approved rentor shall be granted:

- (a) If any person whose signature or name appears in the application is not the real party in interest or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest; and,
- (b) Unless the commission shall determine that (1) the applicant and, (2) if the applicant is not the owner, the owners of said premises, and (3) if said applicant or the owner is a corporation, all of its officers and each of its stockholders who own 10% or more of its issued and outstanding stock, are of good moral character and have not been convicted of a crime.

The commission may, among other things, and without limitation, consider a violation of chapters 5, 6 or 7 of the laws of 1954 or any amendment of or supplement to said acts ¹ as evidence of lack of good moral character.

¹ Sections 5:8-50 et seq., 5:8-24 et seq., and 5:8-1 et seq.

5:8-49.7. Issuance of license; fee; duration; temporary permits

When the application shall have been examined and such further inquiry and investigation made as the commission shall deem proper and when the commission shall be satisfied therefrom that the persons named in section 5(b) hereof ¹ possess the qualifications prescribed in this act, the commission shall issue and deliver a license to such applicant as an approved rentor for the premises stated in the application upon payment by the applicant of a license fee as prescribed by regulation promulgated by the control commission and the approved rentor shall pay a fee as prescribed by regulation promulgated by the control commission for each occasion on which bingo games are held in the licensed premises. Said license shall be valid until revoked, suspended or modified by the commission. The commission may issue a temporary permit to any applicant for such license pending final action on the application. Any such temporary permit shall be valid for a period not in excess of 180 days.

¹ Section 5:8-49.6(b).

5:8-49.8. Revocation or suspension of license; grounds

Any license as approved rentor issued pursuant to this act may be revoked or suspended for such period as the commission deems in the public interest for any of the following offenses on the part of the licensee, its agent or employees, or any person required by this act to sign or be identified in an original application for a license:

- (a) Any cause which would permit or require disqualification of the licensee from receiving a license upon original application;
- (b) Fraud, deceit or misrepresentation in securing the license or in the conduct of the licensed activity or in connection with any application submitted to, or any interview, hearing or proceeding conducted by, the commission.
- (c) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his activities;
- (d) Failure to keep said books and records available during business hours for inspection by the commission and its duly designated representatives until the expiration of the second calendar year following the calendar year during which occurred the transactions recorded therein;
- (e) Violation of any provisions of this act, the Bingo Licensing Law¹ or the rules and regulations adopted by the commission.

¹ Section 5:8-24 et seq.

5:8-49.9. Rules and regulations

The commission shall have power to make and enforce such reasonable rules and regulations as it may deem necessary to effectuate the provisions of this act and the powers conferred upon it hereunder and to prevent the circumvention or evasion thereof. Said rules and regulations may, among other things, require that all rental or use agreements be in writing and in form approved by the commission and may provide for the form of application and the information to be furnished the commission on any application for approval, but shall not impose limitations on the number of days a month the premises may be used for purposes authorized by the act hereby supplemented.

5:8-49.10. Necessity of compliance with statutory provisions and rules and regulations

No agreements or arrangements for the rental or use of premises shall be valid and no moneys paid by licensed organizations for such rental or use or services shall be allowable expenditures or be taken into account in determining net proceeds unless made in accordance with the provisions of this act and of the rules and regulations adopted by the commission pursuant thereto.

5:8-49.11. Violations; disorderly persons

Any person who, without complying with the provisions of this act, directly or indirectly, receives, collects or accepts money or other valuable thing for renting, furnishing or supplying premises to an organization for the purpose of holding, operating or conducting games of chance under the Bingo Licensing Law ¹ is a disorderly person.

¹ Section 5:8-24 et seq.

ARTICLE 3. RAFFLES

5:8-50. Short title

This act shall be known as and may be cited as the “Raffles Licensing Law.”

5:8-51. Licensing authorized; organizations eligible; games permitted; proceeds; rights of licensees; door prize exempt

- a. It shall be lawful for the governing body of any municipality, at any time after this act shall become operative within such municipality and except when prohibited by this act, to license bona fide organizations or associations of veterans of any war in which the United States has been engaged, churches or religious congregations and religious organizations, charitable, educational and fraternal organizations, civic and service clubs, senior citizen associations and clubs, officially recognized volunteer fire companies, and officially recognized volunteer first aid or rescue squads, to hold and operate the specific kind of game or games of chance commonly known as a raffle or raffles played by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such game or games and by conducting the game or games accordingly, when the entire net proceeds of such games of chance are to be devoted to educational,

charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations and clubs to the support of these organizations, and for any such organization or association, church, congregation, society, club, company or squad, when so licensed or without any license when and as hereinafter prescribed, to hold, operate and conduct such game of chance pursuant to this act and such license, in such municipality and to sell shares or tickets or rights to participate in such game or games of chance therein and in any other municipality which shall have adopted this act 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 Legalized Games of Chance Control Commission, hereinafter designated as the control commission, not inconsistent with the provisions of this act, but only when the entire net proceeds thereof are devoted to the uses aforesaid and for any person or persons to participate in and play such games of chance conducted under any such license.

- b. The control commission may adopt regulations authorizing licenses to hold events known as:

“armchair races” at which wagers are placed on the outcome of previously-filmed horse races and wagerers do not know the results in advance, when the prize awarded consists of merchandise or raffle tickets only, and not cash; and

“casino nights” at which players use chips or script purchased from the licensee to wager in games of chance known as blackjack, under/over, beat-the-dealer, chuck-a-luck, craps, roulette, bingo or similar games approved by the commission, when the chips or script are redeemable for merchandise or raffle tickets only, and not for cash.

The regulations shall establish the frequency with which these events may be held, the rules of the games, the specific type and value of prizes which may be offered, the qualifications of the individuals conducting the games and other requirements which the commission may deem pertinent.

- c. No license shall be required for the holding, operating or conducting of a raffle for a door prize of donated merchandise of the value of less than \$50.00 for which no extra charge is made at an assemblage at which no other game of chance is held, operated or con-

ducted, if the proceeds of such assemblage are devoted to the uses described in this section.

5:8-51.1. Senior citizen associations or clubs; special license; amusement and recreation

The governing body of any municipality shall issue a special license to any senior citizen association or club desiring to hold, operate and conduct games of chance solely for the purpose of amusement and recreation of its members. The special license shall be valid only for those games of chance held, operated and conducted where no player or other person furnishes anything of value for the opportunity to participate; the prizes awarded or to be awarded are nominal; no person other than a bona fide active member of the organization participates in the conduct of the games; and no person is paid for conducting or assisting in the conduct of the game or games. The special license shall be issued under this act without fee and shall be effective for a period of two years.

5:8-51.2. Amusement and recreation licenses; exemption from raffles licensing law

Senior citizen associations or clubs holding, operating and conducting games of chance solely for the amusement and recreation of its members under a special license shall not be subject to the provisions of P.L.1954, c. 5 (C. 5:8-50 et seq.).

5:8-51.3. Certain nonprofit organizations eligible to conduct raffles

A nonprofit corporation organized under the laws of this State for the sole purpose of making loans to students from a single New Jersey school district to defray the costs of post-secondary education shall be deemed to be a bona fide educational organization which is eligible to conduct raffles and the net proceeds of such raffles shall be deemed to be devoted to educational uses.

5:8-52. Application for license

Each applicant for such a license shall file with the clerk of the municipality a written application therefor in the form prescribed in said rules and regulations, duly executed and verified, in which shall be stated the name and address of the applicant together with sufficient facts relating to its incorporation and organization to enable the governing body of the municipality to determine whether or not it is a bona fide organization or asso-

ciation of veterans of any war in which the United States has been engaged, or a church or a religious congregation or religious organization, or a charitable, educational or fraternal organization, or a civic or service club, or a senior citizen association or club, or an officially recognized volunteer fire company or an officially recognized volunteer first aid or rescue squad; names and addresses of its officers; the specific kind or kinds of game or games of chance intended to be held, operated and conducted by the applicant, and the place or places where, the date or dates and the time or times when, such game or games of chance are intended to be held, operated and conducted by the applicant, under the license applied for; the items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such game or games of chance and the names and addresses of the persons to whom, and the purposes for which, they are to be paid; the specific purposes to which the entire net proceeds of such game or games of chance are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting of such game or games of chance or shall assist therein except as in this act otherwise provided; and that no prize will be offered and given in cash except as otherwise provided in this act or of greater value than is provided in this act and a description of the value and character of the prizes which are to be given and any other information which said rules and regulations may require.

In each application there shall be designated an active member or members of the applicant under whom the game or games of chance described in the application are to be held, operated and conducted and to the application shall be appended a statement executed by the applicant and by the member or members, so designated, that he or they will be responsible for the holding, operation and conduct of such game or games of chance in accordance with the terms of the license and the provisions of said rules and regulations governing the holding, operation and conduct of such game or games of chance and of this act, if such license is granted.

In event that any equipment to be used in or in connection with the holding, operating or conducting of any such game of chance is to be leased from any person, persons or corporation, a written statement shall accompany the application, signed and verified under oath by such person or persons or executed and verified under oath on behalf of such corporation, stating his or its address and the amount of rent which will be paid for such equipment and that such rental conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and that such lessor or lessors, or, if a corporation, all of its officers

and each of its stockholders who hold 10% or more of its stock issued and outstanding have been approved by said commission as being of good moral character and not having been convicted of crime.

5:8-53. Investigation; matters to be determined; issuance of license

The governing body of the municipality shall make an investigation of the qualifications of each applicant and the merits of the application, with due expedition after the filing of the application, and if it shall determine that the applicant is duly qualified to be licensed under this act to hold, operate and conduct games of chance under the provisions of this act and the rules and regulations governing the holding, operation and conduct thereof in the municipality; that the member or members of the applicant designated in the application to hold, operate or conduct the game or games of chance which the license is applied for are bona fide active members of the applicant and persons of good moral character and have never been convicted of crime; that such game or games of chance are to be held, operated and conducted in accordance with the provisions of this act and in accordance with the rules and regulations governing the holding, operation and conduct thereof and that the proceeds thereof are to be disposed of as provided by this act, and if the governing body is satisfied that no commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting or assisting in the holding, operation or conduct of any such game of chance except as in this act otherwise provided; that any rental to be paid for any equipment to be used in or in connection with the holding, operation and conduct of such game or games of chance conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and that such lessor or lessors have been approved as to good moral character and freedom from conviction of crime by said commission; that no prize will be offered or given in cash except as authorized by regulation promulgated by the control commission or of greater value than is provided in this act in any game or games of chance held, operated and conducted under the license, it shall issue a license to the applicant for the holding, operation and conduct of the specific kind, or one or more of the specific kinds, of games of chance applied for accordingly, upon the payment of a license fee as prescribed by regulation promulgated by the control commission.

5:8-54. Duration of license; games within Bingo Licensing Law

No license for the holding, operation or conduct of any game or games of chance shall be issued under this act which shall be effective for a period of more than 1 year and no license shall be issued under this act for the holding, operation and conduct of any game or games of chance which may be licensed under the Bingo Licensing Law.¹

¹ Section 5:8-24 et seq.

5:8-55. Hearing; amendment of license

No application for the issuance of a license shall be refused by the governing body until after a hearing is held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

Any license issued under this act may be amended, upon application made to the governing body of the municipality which issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon payment of such additional license fee, if any, as would have been payable, if it had been so included.

5:8-56. Form and contents of license; display of license

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the Control Commission and shall contain a description of the kind or kinds of game or games of chance authorized to be held, operated and conducted thereunder, a statement of the name and address of the licensee, of the names and addresses of the member or members of the applicant under whom such game or games of chance will be held, operated and conducted, of the number of times, or the hours during which, such game or games of chance are authorized to be conducted and the place or places where and the date or dates and time or times when, such game or games of chance are to be conducted and of the specific purposes to which the entire net proceeds of such game or games of chance are to be devoted, a statement of the value and character of the prizes authorized to be offered and given, and any other information which may be required, by said rules and regulations, to be contained therein, and each license issued for the conduct of any game of chance shall be conspicuously displayed at the place where any game is to be conducted thereunder at all times during the conduct thereof.

5:8-57. Control and supervision; suspension of license; inspection of premises

The governing body of any municipality issuing any license under this act shall have and exercise control and supervision over all games of chance 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 control commission and the provisions of this act governing the holding, operation and conduct of the same, and such governing body and the control commission 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 by their respective officers and agents have the right of entry at all times into any premises where any such game of chance is being held, operated and conducted or where it is intended that any such game of chance 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.

In addition to or in lieu of revoking or suspending or refusing to renew any license or registration certificate issued by it or any municipality, the control commission may, after providing a licensee the opportunity to be heard:

- a. issue a letter of warning, reprimand or censure with regard to any action, conduct or practice which, in the judgment of the control commission upon consideration of all relevant facts and circumstances, does not warrant the initiation of formal action;
- b. assess civil penalties in accordance with the provisions of section 15 of P.L.1994, c. 63 (C. 5:8-57.2);
- c. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any action found to be unlawful by the control commission;
- d. order any person found to have violated any provision of a law, rule or regulation administered by the control commission to restore to any person aggrieved by an unlawful act or practice, any monies or property, real or personal, acquired by means of such action or practice, except that the control commission shall not order restoration of a dollar amount greater than those monies received by a licensee or the agent of a licensee or any other person

violating the law, rule or regulation administered by the control commission; and

- e. order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or other professional treatment as may be necessary to properly discharge licensee functions.

5:8-57.1. Summary proceedings

Whenever it shall appear to the control commission that a violation of a law, including the unlicensed conduct or practice of a regulated activity, or regulation administered by the control commission has occurred, is occurring, or will occur, the control commission in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in Superior Court an injunction prohibiting such action, conduct or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of section 15 of P.L.1994, c. 63 (C. 5:8-57.2), may order restoration to any person in interest of any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice and may enter such orders as may be necessary to prevent the performance of an unlawful action, conduct or practice in the future and to remedy any past unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license or registration certificate issued by the control commission.

5:8-57.2. Civil penalties

Any person violating any provision of a law or regulation administered by the control commission shall, in addition to any other sanctions provided in section 8 of P.L.1954, c. 5 (C. 5:8-57), be liable to a civil penalty of not more than \$7,500 for the first offense and not more than \$15,000 for the second and each subsequent offense. For the purpose of construing this section, each statutory violation shall constitute a separate offense, except that a second and subsequent offense shall not be deemed to exist unless an administrative or court order has been entered in a prior, separate and independent proceeding. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of the control commission for the collection or enforcement of civil penalties for the violation of any provision of a law or regulation administered by the control commission. Such action may be brought in a summary manner pursuant to “the penalty enforcement law” (N.J.S.2A:58-1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court or Superior Court where the offense occurred. Pro-

cess in such action may be a summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful action, conduct or practice to have been committed by the defendant, issue a warrant for the defendant's arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any monies or property, real or personal, acquired by means of an unlawful action, conduct or practice. Any action alleging the unlicensed conduct or practice of an activity regulated by any law or regulation administered by the control commission shall be brought pursuant to this section, or where injunctive relief is sought, by an action commenced in Superior Court. In any action brought pursuant to P.L.1954, c. 5 (C. 5:8-50 et seq.), as amended and supplemented, the control commission or the court may order the payment of costs to the State.

Organizations registered with the control commission, holding a valid identification number, and not suspended or revoked at the time of any such action, conduct or practice shall not be subject to the provisions of this section.

5:8-58. Sunday; conduct of games

No games of chance shall be conducted under any license issued under this act on the first day of the week, commonly known and designated as Sunday, unless it shall be otherwise provided in the license issued for the holding, operating and conducting thereof, pursuant to the provisions of an ordinance duly adopted by the governing body of the municipality issuing the license, authorizing the conduct of such games of chance under this act on said day.

5:8-59. Persons under 18 not to participate

- a. No person under the age of 18 years shall be permitted to participate in any manner in any game or games of chance not conducted by a drawing, except that a person under the age of 18 years shall be permitted to play a game of chance not conducted by a drawing when the prize offered and awarded consists of merchandise only and does not include cash or money.
- b. No person under the age of 18 years shall be permitted to participate in any manner in any game or games of chance conducted by a drawing, held, operated or conducted pursuant to any license issued under this act, except that a person under the age of 18 years shall be permitted to play an on-premises draw raffle, including a

Penny auction, when any prize offered and awarded consists of merchandise only.

5:8-60. Frequency of games

No game or games of chance shall be held, operated or conducted under any license issued under this act more often than authorized by regulation promulgated by the control commission.

5:8-60.1. Legislative findings and declarations relating to charitable raffles

The Legislature finds and declares that it is the purpose of this act to assist charitable, civic and service organizations, including volunteer fire companies, first-aid squads, church organizations, school groups, veterans' organizations and senior citizen clubs, in conducting raffles to raise funds for educational, charitable, patriotic, religious and public-spirited purposes.

5:8-60.2. "Penny auction"; definition

As used in P.L.1954, c. 5 (C.5:8-50 et seq.), as amended and supplemented, "Penny auction" means an event at which multiple items of merchandise, or gift certificates therefor, but not cash, are raffled by drawing the winning ticket from a container designated for each item into which players seeking to win that item have placed tickets, with all tickets having been sold for the same price or different prices and each ticket placed in a container having an equal chance of winning.

5:8-60.3. Regulations; prizes offered; discount tickets; non-draw raffles

The Legalized Games of Chance Control Commission shall promulgate regulations allowing qualified organizations to:

- a. offer as a raffle prize any personal or professional service, or a gift certificate for any personal or professional service, which is a lawful activity and which the commission determines to be an appropriate raffle prize, and the value of which is within the limits set by the commission for raffle prizes;
- b. offer as a raffle prize a gift certificate redeemable for live, edible seafood the value of which is within the limits set by the commission for raffle prizes;

- c. offer a discount to any person purchasing two or more tickets for a draw raffle; and
- d. use a big six wheel, a big eight wheel or other wheel to determine the winner of a non-draw raffle.

5:8-60.4. Legalized Games of Chance Control Commission pamphlet; conducting raffles

The Legalized Games of Chance Control Commission shall prepare, publish and make available to any qualified organization, upon request, a pamphlet which describes in plain and simple language the rights, duties and responsibilities of organizations conducting raffles and the exact manner in which games of chance are to be conducted.

5:8-60.5. Violation of rules of conduct; verbal or written warning

Prior to initiating administrative action or bringing charges against an organization qualified to conduct raffles for a violation which relates to the conduct of games or the awarding of prizes, the Legalized Games of Chance Control Commission shall first issue a verbal or written warning and offer the organization the opportunity to cease the conduct which constitutes the violation.

5:8-61. Persons conducting or operating games; equipment; expenses; compensation; cash prizes

- a. No person shall hold, operate or conduct any game or games of chance under any license issued under this act except an active member of, or a person approved by the control commission who is compensated by, the organization, association, church, congregation, society, club, fire company, first-aid or rescue squad or senior citizen association or club to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member, or such a person approved by the control commission, or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such licensee is an auxiliary or a member of any organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided, and no such game of chance shall be conducted with any equipment ex-

cept such as shall be owned absolutely or used without payment of any compensation therefor by the licensee or shall be leased for a rental, the amount of which is stated in a statement annexed to the application for the license as provided in section 3 of this act ¹ and conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and the lessor or lessors of which have been approved as to good moral character and freedom from conviction of crime by said commission and no other item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance, held, operated or conducted pursuant to any license issued under this act, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, under any circumstances whatever, and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of, any game of chance so held, operated or conducted, except that reasonable compensation may be paid by a licensee to a person approved by the control commission for services related to holding, operating or conducting games and to bookkeepers or accountants for bookkeeping or accounting services rendered, according to a schedule of compensation prescribed by rule of the Legalized Games of Chance Control Commission, and no prize shall be given in cash in any such game of chance except as authorized by regulation promulgated by the control commission.

- b. A licensee may pay reasonable compensation to a person approved by the control commission for services rendered in connection with holding, operating or conducting games, pursuant to regulations adopted by the control commission. The regulations shall include, but not be limited to, provisions which: establish the qualifications required of such a person, the duties which may be performed and a schedule of compensation which may be paid; require that a person receive approval of the control commission prior to rendering services for which compensation will be received; provide that an active member of an organization shall oversee the rendering of services by a person receiving compensation; and prohibit the payment of compensation to any person who is an active member of an organization or of an auxiliary or affiliated organization.

¹ N.J.S.A. § 5:8-52.

5:8-62. Cash prizes; retail value of prizes

No prize shall be offered and given in cash except as authorized by regulation promulgated by the control commission.

- a. The aggregate retail value of all prizes to be offered and given by raffles held, operated and conducted under any license issued under P.L.1954, c. 5 (C. 5:8-50 et seq.) in any calendar year shall not exceed \$500,000.00, but the limit so fixed shall not apply to any raffle with respect to which all tickets, shares or rights to participate are sold only to persons present, the winners determined, and the prizes awarded, on the same occasion or if the prizes are wholly donated.
- b. Notwithstanding the provisions of subsection a. of this section, the maximum prize that may be offered and awarded in a golf hole-in-one contest shall not exceed \$1,000,000. Any prizes above \$25,000 shall be offered and awarded only when the entire amount is insured by a company licensed to conduct business in this State and approved by the control commission. The prize shall be paid as an annuity with a payout over a maximum period of 20 years. Ancillary prizes awarded shall have an aggregate retail value no greater than that provided by subsection a. of this section and shall also be subject to the provisions of subsection c. of this section.
- c. No prize having a retail value greater than that prescribed by regulation promulgated by the control commission shall be awarded in any raffle conducted by a drawing, or for each spin of the wheel or other allotment by chance.

5:8-63. Advertising games

No game of chance to be conducted under any license issued under this act shall be advertised as to its location, the time when it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound truck, or by means of billboards, posters or handbills or any other means addressed to the general public in any municipality in which the majority of voters voting therein have not voted in favor of the adoption of the provisions of P.L.1954, c. 5 (C. 5:8-50 et seq.) or in any municipality in which the majority of voters voting therein have voted in favor of rescinding the adoption of the provisions of this act.

5:8-63.1. Advertising games of chance; regulations

The Legalized Games of Chance Control Commission shall promulgate regulations to govern the advertising of any game of chance occurring in any municipality in which the majority of voters voting therein have voted in favor of the adoption of the "Raffles Licensing Law," P.L.1954, c. 5 (C. 5:8-50 et seq.) and in which the game of chance is held, operated or conducted under any license issued by the control commission pursuant to the provisions of that act.

The regulations shall prohibit:

- a. any advertisement from containing any false, deceptive, misleading or fraudulent statement regarding the holding, operation or conduct of a game of chance;
- b. any advertisement from causing undue or unfair competition between organizations registered with the control commission that are holding competing games of chance; and
- c. the use, to an extent deemed excessive, of the proceeds derived from the conduct of any individual game of chance for advertising subsequent games of chance.

5:8-64. Statement of receipts, expenses, etc.; books and records

No later than the 15th day of the calendar month immediately following a calendar month in which any such game of chance was held, operated or conducted, the organization, association, church, congregation, society, club, fire company, first-aid or rescue squad, or senior citizen association or club which held, operated or conducted the same and its member or members who were in charge thereof shall furnish to the control commission a duly verified statement showing the amount of the gross receipts derived from each such game of chance held, operated or conducted in the preceding month, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game or the right to participate therein, each item of expense incurred or paid, and each item of expenditure made or to be made, name and address of each person to whom each such item has been or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net profit derived from each such game of chance, and the uses to which such net profit has been or is to be applied and a list of prizes offered or given, with the respective values thereof and it shall be the duty of each licensee

to maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.

5:8-65. Examination of books and records; disclosure of information

The governing body of the municipality and the control commission shall have power to examine or to cause to be examined the books and records of any organization, association, church, congregation, society, fire company, first-aid or rescue squad or senior citizen association or club to which any such license is issued so far as they may relate to any transactions connected with the holding and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game of chance under any such license but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this act.

5:8-66. Appeal from governing body to Control Commission

Any applicant for, or holder of, any license issued or to be issued under this act aggrieved by any action of the governing body of the municipality to which such application has been made or by which such license has been issued, may appeal to the control commission from the determination of said governing body by filing with the governing body a written notice of appeal within 30 days after the determination or action appealed from, and upon the hearing of such appeal the evidence, if any, taken before the governing body and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the control commission upon said appeal shall be binding upon said governing body and all parties to said appeal.

5:8-67. Immunity from prosecution; exceptions

No person, association or corporation

- (1) Possessing, selling or in any manner disposing of, in any municipality which has adopted the provisions of this act, any shares, tickets or rights to participate in any game or games of chance conducted or to be conducted under any license lawfully issued pursuant to this act.
- (2) Lawfully conducting or participating in the conduct of any such game of chance, or

- (3) Permitting the conduct of any such game of chance upon any premises owned by him or it, under any license lawfully issued pursuant to this act, shall be liable to prosecution or conviction for violation of any provision of chapters 112 and 121 of Title 2A, or of section 2A:170-18 of the New Jersey Statutes,¹ but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of, any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

¹ All repealed; see, now, § 2C:37-1 et seq.

5:8-68. Offenses; violators as disorderly persons; forfeiture of license; ineligibility to apply for license

Any person, association or corporation who or which shall make any false statement in any application for a license under this act or in any statement annexed thereto or shall pay or receive any rental for the use of any equipment in or in connection with the holding, operating or conducting of any game of chance under any license issued under this act unless the amount thereof is stated in a statement annexed to the application for the license and conforms to the schedule of authorized rentals prescribed by rules of the Legalized Games of Chance Control Commission and is paid to a person or persons or corporation approved as to good moral character and freedom from conviction of crime by said commission or shall fail to keep such books and records as shall fully and truly record all transactions connected with the holding, operating or conducting of games of chance under any such license or shall falsify or make any false entry in any books or records so far as they relate to any transaction connected with the holding, operating and conducting of any game of chance under any such license or shall violate any of the provisions of this act or of any term of such license, shall be a disorderly person and if convicted as such shall, in addition to suffering any other penalties which may be imposed, forfeit any license issued to it under this act and shall be ineligible to apply for a license under this act for 1 year thereafter.

5:8-69. Act inoperative until adopted by voters

The provisions of this act shall remain inoperative in any municipality unless and until the same shall be adopted by the legal voters of the municipality as herein provided.

5:8-70. Submission to voters; time; ballots; voting machines; count, return and canvass

The question of the adoption of the provisions of this act, in the form set forth in section 23 of this act,¹ shall be submitted to the legal voters of every municipality in this State at a special election to be held therein at the same time as the primary election for the general election which will be held on the third Tuesday in April in the year 1954 in such manner that every voter qualified to vote at such special election upon said question may vote at said special election for or against such question separately and whether or not he is qualified to vote, or desires to vote, for any candidate on any party ballot to be voted at said primary election.

In every election district in which paper ballots are used the clerk of the municipality shall provide a sufficient number of special ballots to be voted separately upon said question at said special election by the voters who are qualified to vote upon said question whether or not they are qualified to vote, or desire to vote, for any candidate on any party ballot to be used at said primary election.

The special ballots shall be in such form as shall be determined by the clerk of the county in which the municipality is situated and shall so far as practicable correspond in form and detail to the provisions of Title 19, Elections, of the Revised Statutes but they shall not contain the names of any candidates to be voted upon at any such election.

The special ballots when voted shall be deposited by the election officers in either of the ballot boxes used at such election.

In election districts in which voting machines are used the officers charged with the duty of preparing and placing the ballots upon the machines shall cause the question to be so placed upon every machine used in such primary election that any voter qualified to vote upon said question may vote thereon separately in such special election whether or not he desires or is qualified to vote a party ballot at said primary election, and special voting authorities shall be provided for use in cases where they are required or are used in such form as shall be determined by the county board of elections of the county in which the respective municipalities are

situate, which shall be furnished and paid for in the same manner as are other voting authorities used at said election.

All of the ballots cast at said election on said question in each municipality shall be counted and the result thereof shall be returned and canvassed in the manner provided by law in the case of public questions submitted in the several municipalities of this State.

¹ Section 5:8-72.

5:8-71. Resubmission if majority against question

In event that in any municipality a majority of all the votes cast both for and against the question shall be cast against the question at any election at which said question is submitted, said question may again be submitted to the legal voters of the municipality at a general election held not earlier than the date upon which the third general election, following the date of the election at which the question was submitted, is to be held, if there shall be filed with the clerk of the municipality not less than 45 days prior to such general election a petition requesting the submission of the same signed by at least 15% of the qualified legal voters of the municipality as evidenced by the total number of votes cast at the then next preceding general election held therein.

5:8-72. Contents of ballots; voting machines

There shall be printed on each official ballot to be used at any election at which said question shall be submitted, the following:

If you favor the proposition printed below make a cross (x), plus (+) or check (√) in the square opposite the word "Yes." If you are opposed thereto make a cross (x), plus (+) or check (√) in the square opposite the word "No."

- Yes Shall the "Raffles Licensing Law" (P.L.1954, c.)
- No be adopted within this municipality?

The chapter number of this act shall be inserted in the appropriate blank in said question.

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

5:8-73. Majority vote determines whether act operative

If at any election at which such question is submitted as provided in this act the majority of all the votes cast, both for and against such question, shall be cast in favor of the question, the provisions of this act shall become operative in such municipality but if a majority of all such votes shall be cast against the question, the provisions of this act shall not become operative in such municipality unless the same shall be again submitted and this act shall be adopted as provided in this act.

5:8-74. Submission of question of rescinding adoption of act

If in any municipality in which the provisions of this act shall have become operative in the manner hereinbefore provided, there shall be filed with the clerk of the municipality a petition signed by at least 15% of the qualified legal voters of the municipality, as evidenced by the total number of votes cast at the then preceding general election in such municipality, requesting that there shall be submitted to the voters of the municipality the question of rescinding the adoption of the provisions of this act by the municipality, the said question shall be submitted to the legal voters of the municipality at the next general election succeeding the forty-fourth day following the date of the filing of said petition.

5:8-75. Ballots on question of rescinding adoption

There shall be printed upon the official ballot to be used at such general election the following:

If you favor the proposition printed below, make a cross (x), plus (+) or check (√) in the square opposite the word "Yes." If you are opposed thereto, make a cross (x), plus (+) or check (√) in the square opposite the word "No."

- Yes Shall the adoption of the "Raffles Licensing Law"
- No (P.L.1954, c.) within the municipality be rescinded?

The chapter number of this act shall be inserted in the appropriate blank in said question.

In any municipality in which voting machines are used, the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.

5:8-76. Majority vote determines question of rescission; resubmission

If at such election a majority of all the votes cast, for and against the rescission of the adoption of this act, in said municipality shall be cast in favor of the rescission thereof, the said adoption of this act shall thereby be rescinded and thereupon this act shall cease to be operative within such municipality and no petition shall be received for the submission of the question of the adoption of the provisions of this act to the voters of said municipality, and no such question shall be submitted to them, at any election earlier than the general election to be held in the third calendar year following the date of such election. If at such election the majority of all the votes so cast shall be against the rescission of said adoption, no petition for such submission of the question of the rescission of such adoption shall be received and no such question shall be again submitted at any election earlier than the general election to be held in the third calendar year following the date of such election.

5:8-77. Severability

In case for any reason any provision of the act to which this act is a supplement ¹ shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not affect any other provision of said act except so far as the provision so declared unconstitutional or invalid shall be inseparable from such other provision.

¹ L.1954, c. 5, classified as § 5:8-50 et seq.

New Jersey Administrative Code

Title 13, Chapter 47.

Legalized Games of Chance Control Commission Regulations

SUBCHAPTER 1. DEFINITIONS

13:47-1.1 Words and phrases defined

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Authorized purpose” means an educational, charitable, patriotic, religious or public-spirited purpose, which terms are defined to be the purpose of benefiting an indefinite number of persons either by bringing their minds or hearts under the influence of education or religion, by relieving their bodies from disease, suffering, or constraint, by assisting them to establish themselves in life or by erecting or maintaining public buildings or works, or otherwise lessening the burden of government or, in the case of a senior citizen association or club, the support of such organization. Such terms do not include the erection, acquisition, improvement, maintenance or repair of property, real, personal or mixed, unless such property is and shall be used exclusively for one or more of the purposes hereinabove stated.

“Authorized use” means the use of funds for an authorized purpose.

“Balanced” means the wheel is so installed as to give each section or subsection on the wheel an equal opportunity to win.

“Big six wheel” means a wheel having a 60-inch diameter, manufactured to have 60 sections of equal size on the face of the wheel. Each section of the wheel contains three dice with one side of each of the three dice bearing one of the numbers 1 through 6. The wheel has a laydown containing the numbers 1 through 6.

“Bingo” means a specific kind of game of chance played for prizes with cards bearing numbers or other designations five or more in one line, the holder covering numbers, as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such card, by selling tickets or rights to participate in such games.

“Bingo equipment” means the receptacle and numbered objects to be drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be

covered and the objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address systems, and all other articles essential to the operation, conduct and playing of bingo.

“Bingo equipment provider” means any person licensed by the Control Commission to provide equipment for use in, or in connection with, the holding, operating or conducting of bingo games.

“Bingo occasion” means a single gathering or session at which a series of successive bingo games is played not to exceed 35 in number.

“Calendar raffle” means an off-premises draw raffle in which calendars bearing non-repeating consecutive numbers are sold. A specific cash or merchandise prize is designated for each date on the calendar upon which a prize(s) is to be awarded. The winners are determined by drawing from a container, objects bearing numbers matching the non-repeating numbers on all calendars sold.

“Consolation prize” means 25 percent of the gross receipts derived from the sale of cards to participate in a Progressive Jackpot Bingo Game on each occasion.

“Control Commission” means the Legalized Games of Chance Control Commission.

“Deal” means a package sealed by the manufacturer consisting of one game of instant raffle tickets with the same serial number.

“Distributor” means any person who sells, offers to sell or otherwise provides to a registered organization, any instant raffle ticket or any equipment or device to be used in, or in connection with, an instant raffle game.

“Draw raffle” means a raffle in which the winners are determined by drawing from a container having therein counterparts of all tickets sold.

“Duck race raffle” means a variation of an off-premises draw raffle wherein a player is sold a ticket, share or right to participate. Game pieces representing all tickets, shares or rights to participate are released into a running waterway which has been barricaded in an acceptable form to create a gate which will permit the passage of only one game piece at a time. The winner is the holder of the ticket, share or right to participate on which is printed the number that corresponds with the number on the game piece that passes through the gate in the predetermined sequence required to win a particular prize.

“50/50 bingo game” means a bingo game played on non-reusable cards that are permanently marked wherein the prizes awarded are 50 percent of the gross receipts derived from the sale of cards for participation in the game.

“50/50 bingo game prize” means 50 percent of the gross receipts from the sale of all cards to participate in the game.

“Flare” means the information sheet provided by the manufacturer which describes a particular instant raffle game.

“Form number” means a unique number used by the manufacturer to identify the type of game, price to play and the prize structure.

“Golf Hole-in-One Contest” means a golf-like game categorized as a non-draw raffle in which a participant pays a fee for the right to drive a golf ball from a tee into a golf hole in an area known as or similar to a “green” on a golf course by striking it one time. The grand prize winner(s) is the player(s) whose ball lands in the grand prize hole in one stroke in the final phase of play. These contests may be conducted as multiple day events having qualifying phases where participants qualify for the final phase. Participants may also qualify to win ancillary prizes for other accomplishments.

“Goods, wares and merchandise” means prizes, equipment as defined in this section, chairs and tables, and articles of a minor nature such as pencils, crayons, tickets, envelopes, paper clips and coupons necessary to the conduct of games of chance.

“Horse race wheel” means a wheel having a 60-inch diameter, manufactured to have on its face 10 sections each of which contain six subsections which subsections are located on the outer rim of the wheel. Each section bears a number from 1 through 10 together with a picture of a horse. Each of the six subsections located along the outer rim of the wheel and contained in each of the 10 sections determines the odds to be paid to a winner and shows the following payoff odds: 7 to 1, 6 to 1, 5 to 1 and 4 to 1 and two of the six subsections show 3 to 1 payoff odds. The wheel has a laydown with the numbers 1 through 10 which corresponds with the numbers displayed on the pictorial of the horse in each of the 10 sections on the face of the wheel.

“Ideal gross receipts” means the gross receipts derived from a deal if all of the instant raffle tickets in the deal are sold.

“Ideal net receipts” means the gross receipts derived from a deal if all of the instant raffle tickets in the deal are sold minus the prizes awarded.

“Instant raffle equipment” means any ticket, equipment or device designed and approved for use in conducting, or in connection with the conduct of, any instant raffle game.

“Instant raffle equipment supplier” means any distributor or manufacturer licensed by the Control Commission to provide instant raffle equipment or services.

“Instant raffle game” means a non-draw raffle game in which a player purchases shares, tickets or rights to participate and the winner(s) is determined by a previously determined prize designation which has been obscured from the player’s view until a tab or other opaque covering has been removed.

“Instant raffle ticket” means a folded and banded paper ticket or a paper card with perforated break-open tabs, the face of which is covered or otherwise hidden from view to conceal a number, letter, symbol, or set of numbers, letters or symbols, some of which have been designated in advance as prize winners.

“Laydown” means the shelf area in the front of a booth containing a raffle wheel divided into sections each of which bears a number or symbol corresponding to a number or symbol on the wheel upon which participants place their wagers.

“Manufacturer” means a person who assembles from raw materials, supplies or subparts, any ticket, equipment or device used in connection with the holding, operating or conducting of any instant raffle game.

“Merchandise” means any objects, wares, goods or commodities not specifically prohibited by this chapter.

“Multi-color bingo game” means a game played on a minimum of six non-reusable cards, three of which are one color, two of which are a different color and one of which is a third color, which are indelibly marked wherein the prize(s) are a percentage of the gross receipts derived from the sale of cards to participate in the game and are determined by the color of the card upon which the player achieves bingo. If a player achieves bingo on a card in the group of three cards of the same color that player wins 25 percent of the prize pool. If a player achieves bingo on one of the two cards of the same color, that player wins 50 percent of the prize pool. If a player achieves bingo on the single card having the third color, that player wins 75 percent of the prize pool.

“Multi-color bingo prize pool” means the gross receipts derived from the sale of cards to participate in the multi-color bingo game. Prizes of 75

percent, 50 percent and 25 percent of the prize pool are awarded to the winner(s) of the multi-color bingo game based upon the specific category of the card on which the winner(s) achieve bingo.

“Net proceeds,” as pertains to bingo, means the gross income received from all activities engaged in on an occasion when bingo is played, less only such actual expenses incurred as are authorized in the Bingo Licensing Law and this chapter.

“Net proceeds,” as pertains to raffle, means the gross income from the sale of tickets or rights to participate in a raffle, whether sold in advance of the occasion or not, less only such actual expenses incurred as are authorized in the Raffles Licensing Law and this chapter. In the case of a special door prize raffle, “net proceeds” means the entire net income derived from the assemblage at which such raffle is held.

“Non-draw raffle” means a raffle conducted by means other than drawing from a container having therein the counterparts of all tickets or rights to participate, that is, any wheel or game approved by the Control Commission to be licensed as an allotment of a prize(s) by chance.

“Off-premises draw raffle” means a raffle conducted by a drawing, for a merchandise prize(s), with respect to which tickets may be sold in advance of the occasion of the drawing and the winner(s) need not be present to win.

“Off-premises 50-50 raffle” means a raffle conducted by a drawing for a cash or money prize or prizes, with respect to which tickets may be sold in advance of the occasion of the drawing and the winner(s) need not be present to win, the prize or prizes equaling 50 percent of the amount received for all tickets or rights to participate.

“On premises draw raffle” means a raffle conducted by a drawing for a merchandise prize or prizes, with respect to which all tickets are sold only to persons present at the place of the drawing, the winner(s) determined and the prize(s) awarded to a person or persons present at the drawing.

“On-premises 50-50 raffle” means a raffle conducted by a drawing for cash or money prizes, with respect to which all tickets are sold only to persons present at the place of the drawing, the winner(s) determined and the prize(s) awarded equaling 50 percent of the amount received for all tickets or rights to participate.

“Person” means a natural person, firm, association, corporation or other legal entity.

“Playing board” means a board containing more than one playing card.

“Playing card” means a card bearing 24 numbers or other designations and a free space, upon which “Bingo” is played.

“Predraw bingo game” means a bingo game played on a non-reusable card which is indelibly marked. A predesignated number of numbers are drawn by the licensee prior to the purchase of cards by the player(s). The cards used are sealed so that the face of the card is undetectable prior to purchase. The prize is determined by a percentage of the gross receipts derived from the sale of cards to participate in the game. The maximum prize is awarded to the player(s) who achieves bingo with the predrawn numbers. The prize is reduced as additional numbers are called.

“Progressive jackpot bingo game” means a bingo game played on a non-reusable card which is indelibly marked, wherein the prize(s) is determined by a percentage of the gross receipts derived from the sale of cards to participate in the game. The jackpot prize winner is the player(s) who completes a full card pattern within a pre-designated number of numbers called. The jackpot game shall on all occasions be played to a conclusion and except for the occasion upon which the jackpot prize is won, award a consolation prize to the player(s) who completes the full card pattern notwithstanding the number of calls in excess of the predesignated number of calls permitted to win the jackpot prize.

“Progressive jackpot prize” means 50 percent of the gross receipts derived from the sale of cards to participate in a progressive jackpot bingo game on the occasion it is won and all previous occasions in the particular progression.

“Raffle equipment provider” means any person licensed by the Control Commission to provide equipment for use in, or in connection with, the holding, operating or conducting of a raffle, except instant raffle equipment as defined by this chapter.

“Qualified organization” means a bona fide organization or association of veterans, religious congregation, religious organization, charitable organization, educational organization, fraternal organization, civic and service club, officially recognized volunteer fire company, officially recognized first aid squad, and officially recognized rescue squad, and senior citizens association or club which:

1. If incorporated, is incorporated in New Jersey as a religious corporation or as an association not for pecuniary profit and

is empowered by its articles of incorporation to further one or more of the authorized purposes;

2. If unincorporated, is organized in New Jersey as a religious organization or as an organization not for pecuniary profit and is authorized by its written constitution, charter or by-laws, or by the written constitution, charter or by-laws of a parent organization of which it is a part, to further one or more of the authorized purposes;
3. Has a membership of not less than 25 persons;
4. Has actively engaged prior to its initial application for registration in serving one or more of the authorized purposes in this State for a period of not less than one year; and
5. Has received and used and in good faith expects to continue to receive and use funds from sources other than the conducting of games of chance for the furtherance of an authorized purpose.

“Raffle” means a specific kind of game of chance played by drawing for prizes or the allotment of prizes by chance, by the selling of shares or tickets or rights to participate in such game. Nothing contained in this chapter shall be deemed to authorize as a raffle the playing for money or other valuable thing at any game not specifically authorized by the Control Commission.

“Raffle equipment” means implements, devices and machines designed, intended or used for the conduct of raffles and the identification of the winning number or unit and the ticket or other evidence of rights to participate in raffles.

“Raffle occasion” means the day upon which the drawing or allotment of prize(s) takes place.

“Regular bingo game” means a game in which a player is entitled to participate without additional charge, upon payment of the charge for admission to the room or place where the game is played.

“Seal card” means a board or placard used in conjunction with an instant raffle game which contains a seal or seals which, when removed or opened, reveals a pre-designated number, letter, symbol or monetary denomination which awards a prize to the winner. Some winners may qualify for an additional top-tier monetary or merchandise prize.

“Senior citizens association or club” means an association or club that is formed and is functioning as an organization not for profit to the benefit of its membership in general and is comprised predominantly of persons who are at least 62 years of age.

“Serial number” means a number having a minimum of five characters, printed by the manufacturer on each ticket, right or share to participate in an instant raffle game or on each card to participate in a special bingo game.

“Services rendered” means repair to equipment and reasonable compensation to bookkeepers or accountants who assist by rendering their professional services for an amount conforming to the schedule of authorized fees fixed by this chapter (see N.J.A.C. 13:47-16.2, Schedule of Fees, “B”). In the case of bingo “services rendered” also means rental of premises (see N.J.A.C. 13:47-14, Rental of Premises for Bingo). Where premises are not rented for a fee, “services rendered” may include a reasonable amount for janitorial service. In the case of raffles, “services rendered” does not include rental of premises but does include rental of equipment for raffles, when rented from an approved person in an amount conforming to the schedule of authorized rates fixed by these rules. In the case of raffles, “services rendered” shall not be an authorized expense unless rendered solely for the conduct of the raffle.

“Six-on playing board” means a playing board containing six playing cards used to play bingo.

“ ‘Special’ bingo game” means a game that is played in addition to a “regular” bingo game, for which a player must pay a charge in addition to the charge for admission to the room or place where the game is played. A “special” game must be played on a non-reusable card that is indelibly marked.

“Special door prize raffle” means a raffle for a door prize(s) of donated merchandise, the total retail value of which shall not exceed \$50.00, for which no extra charge is made, at an assemblage where no other game of chance is held, operated or conducted, and the net proceeds of which are devoted to an authorized purpose.

“Special Senior Citizen Bingo” means any bingo game held, operated and conducted by a senior citizen association or club solely for the purpose of amusement and recreation of its members, where:

1. No player or other person furnishes something of value for the opportunity to participate;

2. The prizes offered or awarded are of nominal value;
3. No person other than a bona fide active member of the licensed organization participates in the conduct of the game or games; and
4. No person is paid for conducting or assisting in the conduct of the game or games.

“Something of value” means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise directly or indirectly contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game without charge.

“Successive occasion” means the next occasion in the sequence of occasions for which the license is issued.

SUBCHAPTER 2. REGISTRATION AND IDENTIFICATION

13:47-2.1 General provisions

- (a) Every organization desiring to apply for a license to conduct bingo or raffles or to allow its members to assist a licensed affiliated organization, as described in N.J.A.C. 13:47-6.4 shall, before making any such application or allowing any assistance, register with the Control Commission and secure an identification number.
- (b) An identification number issued by the Control Commission shall be valid for a period of two years or until modified, suspended or revoked by the Control Commission.

13:47-2.2 Registration form

Registration shall be upon a form supplied on request by the Secretary of the Control Commission. Form 1-A is hereby adopted for that purpose.

13:47-2.3 Application for registration: renewal; fees

- (a) Except as provided in subsection (b) below, each organization requesting registration shall remit by check or money order a non-refundable biennial registration fee of \$50.00, payable to the Legalized Games of Chance Control Commission, and shall submit a completed application together with sufficient proof of the organization’s eligibility for registration. Such proofs shall include at least the following:

1. The by-laws and constitution or any other written authority under which the applicant organization operates;
 2. A detailed financial summary, showing all sources and amounts of income and expenditures, including the amounts, recipients and the purpose for which the expended funds were used, for a period of not less than one year prior to the date of application;
 3. A complete list of the organization's members, including the name, address and age of each member; and
 4. If incorporated, a copy of the applicant organization's articles of incorporation which have been filed with the Secretary of State of New Jersey.
- (b) A senior citizen association or club requesting registration shall submit a completed application together with sufficient proof of the organization's eligibility for registration. Qualified senior citizen associations and clubs shall be exempt from the biennial registration fee.
- (c) The Control Commission, when provided with all information required by this section and upon its considered review of such qualifying information, and being satisfied that the applicant organization is a qualified organization, shall direct the Secretary to assign an identification number to the organization and affix that number to a copy of Form 1-AC.
- (d) Each registered organization requesting renewal of its registration with the Control Commission shall apply for renewal on the form provided by the Commission. The renewal form shall report any changes in the information previously supplied or shall confirm that the information previously supplied to the Commission has not changed.
- (e) Each registered organization requesting renewal of its registration with the Control Commission shall remit by check payable to the Legalized Games of Chance Control Commission, a non-refundable fee of \$50.00 together with any additional information requested by the Control Commission.

13:47-2.4 Identification number

All applications for licenses, amendment of licenses, reports and any other papers relating to licensed games of chance, shall bear the identification number of the organization involved.

13:47-2.5 Municipal approval

Neither registration nor the assignment of an identification number shall entitle any organization to hold, operate or conduct, or assist in the holding, operating or conducting of, any game or games of chance without the approval of the governing body of the municipality in which the game or games are to be held, operated or conducted.

13:47-2.6 Assisting organization

Every organization, a member or members of which are to assist a licensed organization in the holding, operating or conducting of bingo or raffles according to law and this Chapter, shall register with the Control Commission and secure an identification number before such assistance is given.

13:47-2.7 Special door prize raffle

Qualified organizations desiring to conduct a special door prize raffle for which no license is required shall, before conducting the same, register with the Control Commission and secure an identification number.

13:47-2.8 Duplicate registration certificate

(a) Upon loss of its original registration certificate a registered organization shall obtain a duplicate registration certificate by filing a written request with the Control Commission which is signed by an elected officer of the registered organization. The request shall state the following:

1. The reason the request is being made;
2. The approximate date upon which the original certificate was lost;
3. The name and address of last person known to have possession of the original certificate;
4. The name and address of the person to whom the duplicate registration form is to be sent; and

5. The name, address, signature of and office held by the officer making the request on behalf of the organization.
- (b) The signature and statement of the elected officer making the request must be notarized.
- (c) The request must be forwarded to the Control Commission together with a non-refundable fee of \$50.00, by check payable to the Legalized Games of Chance Control Commission, together with any additional information requested by the Control Commission.

13:47-2.9 License to conduct games of chance

- (a) No registered organization shall conduct bingo, any type of raffle, or other forms of games of chance, except a special door prize raffle, without having first obtained a license to conduct the same from the municipality in which the game or games are to be held, operated or conducted.
- (b) No registered organization shall conduct any unauthorized bingo, raffle or other game of chance.

13:47-2.10 Suspension; revocation; penalties; other sanctions

- (a) Any registered organization that violates any provision of the Legalized Games of Chance Commission Law, N.J.S.A. 5:8-1 et seq., the Bingo Licensing Law, N.J.S.A. 5:8-24 et seq., the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq., or the rules and regulations promulgated by the Control Commission shall be subject to suspension or revocation of the identification number or other sanction in the same manner as established under N.J.A.C. 13:47-10.
- (b) Only the Control Commission shall conduct proceedings to suspend or to revoke an organization's identification number.
- (c) Any person violating any provision of any law or regulation administered by the Control Commission shall in addition to any other sanctions provided in section 7 of P.L. 1954, c.6 (N.J.S.A. 5:8-30) or section 8 of P.L. 1954 c.5 (N.J.S.A. 5:8-57) be liable to a civil penalty of not more than \$7,500 for the first offense and not more than \$15,000 for the second and each subsequent offense.

SUBCHAPTER 3. APPLICATIONS

13:47-3.1 Bingo license application form; certificate for rented premises

Applications for bingo licenses shall be made on Form 2B-A, which is hereby adopted. Where premises are to be rented, a certificate of the landlord shall be obtained from the landlord and attached to the application, such certificate to be on Form 10-A which is hereby adopted.

13:47-3.2 Raffles license application form; certificate for leased equipment

Applications for raffles licenses shall be made on Form 2R-A, which is hereby adopted. Where raffles equipment is to be leased, a certificate of the lessor shall be obtained from the raffle equipment supplier and attached to the application, such certificate to be Form 13 which is hereby adopted.

13:47-3.3 Filing

License applications shall be filed in quadruplicate with the municipal clerk. One copy shall be retained by the municipal clerk, the second copy shall be returned to the applicant after a license has been granted or denied by the governing body. The third copy shall be forwarded to the Control Commission by the municipal clerk and the fourth copy shall be delivered to the Law Enforcement Agency in the municipality.

13:47-3.4 Exhibits required for filing application for municipal license

No application shall be accepted unless the applicant at the time of filing the application exhibits a valid registration certificate issued to it by the Control Commission bearing its identification number which shall be entered on the application.

13:47-3.5 Assignment of number

Upon receiving a license application, the municipal clerk shall assign a number thereto and endorse it on all copies of the application. The number shall be composed of the prefix BA for bingo application or the prefix RA for a raffles application and a consecutive serial number. Thus, the number BA:110 will indicate that the application was filed for Bingo, and that it was the 110th application for a license to conduct games of chance.

13:47-3.6 Bingo and raffle; separate application and license;
special senior citizen bingo license

- (a) A separate application for a Special Senior Citizen Bingo shall be filed with the clerk of the municipality where the games are to be held, operated or conducted. The license shall be valid for a period of two years.
- (b) An application and license to conduct Bingo may include up to 72 occasions, provided the application does not include:
 - 1. More than six occasions in any one calendar month;
 - 2. Dates of occasions for a period of more than one year; or
 - 3. A date of an occasion beyond the date upon which the applicant's registration with the Control Commission expires.
- (c) A separate application and license shall be used for each of the following types of raffles and shall, in each instance, specify the particular type of raffle as follows:
 - 1. On-premises draw raffle offering merchandise as a prize;
 - 2. On-premises 50-50 raffle offering a cash or money prize;
 - 3. Off-premises draw raffle offering a merchandise prize;
 - 4. Non-draw raffles (carnival games and wheels);
 - 5. Off-premises 50-50 raffle offering a cash or money prize;
 - 6. Off-premises duck race raffles offering a merchandise prize;
 - 7. Off-premises calendar raffle offering a merchandise or cash prize;
 - 8. Instant raffle game offering cash or merchandise as a prize; and
 - 9. A Golf Hole-in-One Contest offering a merchandise or cash prize.
- (d) In the case of a special door prize raffle, see N.J.A.C. 13:47-3.11, Notice to clerk, and N.J.A.C. 13:47-8.15, Special door-prize raffle.
- (e) No application for a license to conduct any type of game of chance shall be accepted if the application includes:
 - 1. Dates that exceed a period of one year;

2. Dates in a specific time period in excess of the maximum allowable frequency with which that type of game of chance may be held, operated or conducted as set forth in N.J.A.C. 13:47-6.11;
 3. A date beyond the date upon which the applicant's registration with the Control Commission expires; or
 4. A date in a period during which the applicant organization's registration has been suspended by the Control Commission.
- (f) No application shall be accepted if the applicant organization's registration has been revoked by the Control Commission.

13:47-3.7 Register of applications

- (a) The municipal clerk shall keep a register or list of all applications filed, containing the following:
1. Date of filing;
 2. Name of applicant;
 3. Identification number;
 4. The designation BA if the application is for bingo, or RA if it is for raffles;
 5. The consecutive serial number;
 6. Date of issuance of license;
 7. Amount of fee paid;
 8. Date of denial of license;
 9. Date of suspension or revocation of license.
- (b) The register shall be substantially in the form designated by Form 3, hereby adopted.

13:47-3.8 Reinstatement of license

When a license has been suspended or revoked, and the suspension or revocation is set aside, or the license is reinstated, the original license shall not be reissued. In such case the applicant shall file a new application, which shall be given a new number, as shall the license issued thereon, as though there had been no prior license, but the number shall be followed by the suffix "X." The licensee shall receive credit for any license fee paid that has not been refunded.

13:47-3.9 Denial of license set aside

When a license has been denied, and the denial is set aside, the applicant shall again submit the application which was returned to him, and the clerk shall endorse a new application number thereon, and on the clerk's copy, and make entry thereof in the register, as though a new application had been filed. The municipal clerk shall immediately notify the Control Commission of the new application number assigned together with the number which it replaces. The license issued thereon shall carry the new number, but the number shall carry the suffix "Y".

13:47-3.10 Docket

- (a) The municipal clerk shall also keep and maintain a docket, with a separate sheet for each licensee, on which he shall enter the following:
1. The serial number of all licenses issued to each licensee;
 2. The date of issue;
 3. The dates for which the license permits games of chance to be played;
 4. The retail value of prizes to be awarded by raffles as to raffles subject to an annual limit; and
 5. The date when the report is filed.
- (b) The dates for which bingo and raffles are licensed shall be entered in separate columns to permit determination of compliance with limits on the number of games per month.
- (c) The docket shall be substantially in the form designated by Form 4, hereby adopted.

13:47-3.11 Notice to clerk

- (a) Before conducting a special door prize raffle for which no license is required, the qualified organization shall notify the clerk of the municipality in which the door prize will be awarded.
- (b) The notice shall be in writing and in duplicate signed by an officer, giving the following:
1. The name and identification number of the organization;
 2. The place and date for the special door prize raffle or raffles;

3. A description of the prizes and the retail value thereof;
 4. Names of the donors of the prizes.
- (c) The notice shall be sent at least one week in advance of the raffle.
- (d) The municipal clerk, on receipt of the notice, shall forthwith forward one copy to the Control Commission.

SUBCHAPTER 4. LICENSE ISSUANCE

13:47-4.1 Findings and determination

- (a) Upon investigating and passing upon a license application, or an amendment, suspension or revocation of license, the governing body shall record its findings and determination as to each of the conditions established by law.
- (b) At least seven days shall elapse between the time the application is filed and the time when the governing body makes its findings and determination.
- (c) Such record shall be made in duplicate, on Form 5-A, which is hereby adopted, Form 5-A shall be signed by a member of the governing body or the municipal clerk.

13:47-4.2 Transmittal of copies of findings and determination

Upon making its findings and determination, the governing body shall forthwith (within three days) transmit one copy thereof to the Control Commission. Said copy together with the third copy of the application as provided in Section 3.3 (Filing) of this Chapter, must be received by the Control Commission at least seven days prior to the holding of the first game authorized.

13:47-4.3 Duties of municipal clerk; computation of fees; notice of denial; license issuance

- (a) Upon receiving the finding and determination of the governing body the municipal clerk shall, if the license is granted, compute the fee payable by law, collect any fee due the municipality or the State from the applicant organization and forward any fee due the State together with the application to the Control Commission.
- (b) At least 14 days shall have elapsed between the time the municipality forwards the application and licensing fee to the Control Commission and the license is issued by the municipality.

- (c) If the license is denied, the municipal clerk shall forward a copy of the application marked denied, together with a copy of the findings and determinations of the governing body to the Control Commission and notify the applicant by regular mail. The notification of the Control Commission and the applicant shall be made within three days of the governing body's decision to deny the license.

13:47-4.4 Form for license issuance

- (a) Bingo licenses and Raffles licenses shall be issued on Form 6B/R which is hereby adopted.
- (b) In the case of Raffles licenses, the license must show the specific type and number of raffle games or allotment of prizes by chance to be conducted under the license.

13:47-4.5 Endorsement of license number

Upon the issuance of a license, the municipal clerk shall endorse a license number thereon, which shall be the same as the application number, except that the prefix shall be BL for bingo licenses and RL for raffles licenses.

13:47-4.6 Copies of license

The municipal clerk shall prepare licenses in triplicate, retaining one copy, issuing the original to the licensee and forwarding the second copy to the Law Enforcement Agency of the municipality.

13:47-4.7 Duration of license

No licenses for the holding, operating and conducting of any game of chance shall be effective for a period of more than one year or for a date beyond the date upon which the organization's registration with the Control Commission expires.

13:47-4.8 Joint license

No joint license for the holding, operating and conducting of any game of chance shall be issued to two or more organizations.

13:47-4.9 Licensing fees payable to the Control Commission

- (a) Except as provided in (d) below, all licensing fees are to be paid by check made payable to the Legalized Games of Chance Control Commission at the time the application is filed with the municipality, except as set forth in (c)6 below.
- (b) The licensing fees payable by law to the Control Commission which are set forth in this chapter are non-refundable.
- (c) The licensing fees payable to the Commission are:
 1. Bingo: \$10.00 for each occasion on which any game or games of bingo are to be conducted under the license;
 2. On-premises draw raffle for cash prizes (50/50) in excess of \$400.00 or merchandise prizes where the total combined retail value of prizes awarded is in excess of \$400.00: \$10.00 for each day on which a drawing is to be conducted under the license;
 3. On-premises draw raffle for cash prizes (50/50) of less than \$400.00 or merchandise prizes where the total combined retail value of prizes awarded is less than \$400.00: no licensing fee. In the event the retail value of the prize offered or awarded exceeds \$400.00 in a raffle in which it was anticipated that the retail value would not exceed \$400.00, the licensee shall submit a check or money order made payable to the Legalized Games of Chance Commission, in the amount of \$10.00 at the time of filing the report of operations required by N.J.A.C. 13:47-9;
 4. Off-premises draw raffle awarding merchandise as a prize: \$10.00 for each \$1,000 or part thereof of the retail value of the prize(s) to be awarded;
 5. Carnival games or wheels: \$10.00 for each game or wheel held on any one day, or any series of consecutive days not exceeding six at one location;
 6. Off-premises cash (50/50) raffle: a \$10.00 fee shall be paid at the time the application is filed. In the event the awarded prize exceeds \$1,000 then an additional fee of \$10.00 for each \$1,000 or part thereof in value of the awarded prize in excess of \$1,000 or part thereof shall be forwarded to the Control Commission by check payable to the Legalized Games of

Chance Control Commission together with the Report of Operations as required by N.J.A.C. 13:47-9;

7. Special door prize raffle: no fee is payable and no license is required, provided the merchandise is wholly donated, has a total retail value of less than \$50.00, and the raffle is conducted in accordance with N.J.A.C. 13:47- 3.11 and 8.14.
 8. Calendar raffle awarding cash or merchandise as a prize: \$10.00 for each \$1,000 or part thereof of the retail value of the prize(s) to be awarded.
 9. Instant raffle games awarding cash or merchandise as a prize:
 - i. \$10.00 for each day on which instant raffle tickets are sold or offered for sale; or
 - ii. \$500.00 for a one-year license to sell, or to offer for sale, instant raffle tickets during that year.
 10. Golf Hole-in-One Contest: \$10.00 for each \$1,000 or part thereof of the retail value of the ancillary prizes offered.
- (d) The licensee fees set forth in (a) through (c) above shall not apply to any senior citizen association or club registered with the Control Commission, which will hold, operate or conduct the games solely for the bona fide active members of the licensed association or club. No fee shall be charged to any senior citizen association or club for processing an application or issuing a license to hold, operate or conduct any legalized game of chance solely for its bona fide active members.

13:47-4.10 Licensing fees payable to the licensing municipality

- (a) Where no specific ordinance setting fees due the licensing municipality exists, the licensing municipality shall charge a fee in an amount equal to the amount charged by the Control Commission.
- (b) Each licensing municipality may set by ordinance a licensing fee in an amount necessary to defray all proper expenses incurred by the municipality in the administration of the Bingo Licensing Law, the Raffles Licensing Law and the regulations governing the conduct of any game or games held, operated or conducted under any license issued by it. No municipal licensing fee shall be set at an amount in excess of the amount charged by the Control Commission.

- (c) A municipality may by ordinance exempt all qualified organizations from the payment of any municipal licensing fee.
- (d) No municipal ordinance shall exempt any organization from payment of any fee due the Control Commission.
- (e) Each licensing municipality shall forward a copy of any such ordinance to the Control Commission immediately upon adoption.

SUBCHAPTER 5. LICENSE AMENDMENT

13:47-5.1 Application form

Application to amend a license shall be made by an officer of the licensee on Form 7-A, hereby adopted. The application shall have annexed such proofs, signatures and verifications as would have been necessary if the changes were in the original application.

13:47-5.2 Copies of application

The same number of copies of an application to amend a license shall be required as for an application for a license, and the application shall be processed and disposed of in the same manner.

13:47-5.3 Approval

When the governing body approves an amendment of a license, the original license shall be returned and exchanged for the amended license, upon payment of any additional fee required.

13:47-5.4 New date

If a game of chance cannot be held on the date stated in the license because of emergency weather conditions or because of other emergency conditions determined by the Control Commission, the organization may within 48 hours fix a new date for the game, which date shall be within seven days of the original date. Within such 48-hour period, and in any case before the postponed game is held, written notification of the new date shall be filed in duplicate with the municipal clerk of the municipality in which the Game of Chance is to be held. The municipal clerk shall immediately forward the duplicate copy of the notification to the Control Commission.

SUBCHAPTER 6. GENERAL CONDUCT OF GAMES
OF CHANCE

13:47-6.1 Member in charge of conduct of games

- (a) The officers of a licensee shall designate a bona fide, active member to be in charge of, and primarily responsible for, the conduct of the game of chance on each occasion.
- (b) The member in charge shall supervise all activities on the occasions for which he is in charge and shall be responsible for the making of the required report of operations thereof.
- (c) The member in charge shall be familiar with the provisions of the Bingo Licensing Law or the Raffles Licensing Law as the case may be and the rules and regulations of this Chapter.

13:47-6.2 Member in charge of proceeds; separate bank account

- (a) The officers of a licensee shall designate an officer or member to be in full charge of, and responsible for, the proper utilization of the entire net proceeds of the games of chance in accordance with the law and the rules and regulations of this Chapter.
- (b) Each registered organization shall establish, keep and maintain a bank account in a State or Federal chartered banking institution in which only the proceeds derived from the conduct of games of chance shall be deposited and from which only payments for authorized expenses and utilization of net proceeds for authorized purposes shall be made.

13:47-6.3 Use of proceeds

The entire net proceeds of the games of chance must be devoted to authorized purposes.

13:47-6.4 Conduct by active members exclusively

- (a) No person shall assist in the holding, operating or conducting of a game of chance except active members of the licensee, active members of its parent organization, active members of an auxiliary organization, active members of an organization of which the licensee is an auxiliary or active members of an organization having a common parent organization, provided that the assisting organization is registered with the Control Commission.

- (b) Before members of an affiliated organization assist the licensee in the conduct of a game of chance, the affiliated organization shall register with the Control Commission and secure an identification number.
- (c) Bookkeepers and accountants who assist by rendering their professional services need not be within the categories stated in (a) above, provided the professional services of bookkeepers and accountants are limited to making bookkeeping entries for the operation of games of chance on any one day, preparing reports of operations required by this chapter for any game of chance, opening books for a games of chance account, or supervising bookkeeping and accounting systems for the operation of games of chance.
- (d) No bookkeeper or accountant shall receive or handle any of the proceeds of a game of chance during the conduct of the game of chance or be present in the money room or other place on the licensed premises where the proceeds of the game of chance are received by the member of the licensee designated to be in charge of and primarily responsible for the proceeds.
- (e) No bookkeeper or accountant shall assist in the holding, operating or conducting of a game of chance except as specified in (c) above.
- (f) No person who has participated as a player in any game of chance held, operated or conducted concurrently with the holding, operating or conducting of bingo, including, but not limited to, participating in the playing of bingo shall hold, operate or conduct or assist in the holding, operating or conducting of any game of chance conducted on that occasion.
- (g) No person who has held, operated or conducted or assisted in the holding, operating or conducting of any game of chance held, operated or conducted concurrently with the holding, operating or conducting of bingo shall participate as a player in any game of chance held, operated or conducted on that occasion including, but not limited to, the playing of bingo.

13:47-6.5 Compensation

- (a) No commission, salary, compensation, reward or recompense may be paid to any person for holding, operating or conducting, or assisting in the holding, operating or conducting of a game of chance, except for bookkeepers or accountants who assist by rendering their

professional services for an amount within the schedule of fees fixed by these rules.

- (b) No person holding, operating or conducting, or assisting in the holding, operating or conducting of a game of chance may receive or accept any reward, compensation, gratuity or recompense, directly or indirectly, from any patron or participant in such game of chance.

13:47-6.6 Display of license; other notice

- (a) Each license issued for the conduct of a game of chance shall be conspicuously displayed at the place where the game of chance is being conducted at all times during the conduct of the game.
- (b) Whenever an organization shall conduct a game of chance it shall display, adjacent to the wheel or the place of the allotment of prize(s) by chance, a sign as follows: "Is gambling a problem for you or someone in your family? Dial 1-800-GAMBLER." The sign shall be provided by the Control Commission.

13:47-6.7 Inspection

- (a) The premises where any game of chance is being held, operated or conducted, or where it is intended that any game of chance shall be held, operated or conducted, or where it is intended that any equipment be used, shall at all times be open to inspection by the officers and agents of the municipality in which the premises are situated and to the Control Commission and its agents and employees.
- (b) If, in the course of such inspection, a violation of the rules and regulations of this Chapter or the Bingo Licensing Law or the Raffles Licensing Law shall be observed, said officers and agents of the municipality in which the premises are situated or said agents and employees of the Control Commission shall have the right to suspend the continued operation of any and all games of chance being held, operated or conducted on the premises until such time as said violation is corrected and all games of chance are held, operated and conducted in accord with the license therefor, the Rules and Regulations promulgated by the Control Commission and the Bingo or Raffles Licensing Law.

13:47-6.8 Authorization by municipality for games on Sunday

No municipality may authorize the holding, operating or conducting of a game of chance on Sunday, unless specifically so authorized by an ordinance duly adopted by the municipality.

13:47-6.9 Provision in license for games on Sunday

No game of chance shall be conducted under any license on Sunday, unless the license specifically so provides.

13:47-6.10 Player age limitation

- (a) No person under the age of 18 years shall be permitted to participate as a player in any game of bingo.
- (b) No person under the age of 18 years shall be permitted to participate in any draw raffle or in any non-draw raffle offering and awarding cash or money as a prize.
- (c) No person under the age of 18 years shall hold, operate or conduct or assist in the holding, operating or conducting of any game of chance held, operated or conducted under any license issued pursuant to the Bingo Licensing Law, N.J.S.A. 5:8-24 et seq. or the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq., and the rule set forth in this chapter.
- (d) Whenever an organization shall conduct any draw raffle, or non-draw raffle which offers cash or money as a prize, it shall cause a sign to be displayed adjacent to the place of the allotment of prize(s) by chance as follows: "Persons under the age of 18 years are not permitted to participate in this game of chance (N.J.S.A. 5:8-59)." The sign shall not be smaller than 288 square inches and shall be posted in such a location as to be in view of all persons who shall desire to participate.

13:47-6.11 Frequency and location of games

- (a) No registered organization shall conduct any game(s) of chance more often than as set forth in this section:
 - 1. Bingo shall not be conducted more often than six days in any calendar month.
 - 2. On-premises draw raffles awarding either cash or merchandise as prizes shall not be conducted more often than six days in any calendar month.

3. Off-premises draw raffles awarding merchandise prizes shall not be conducted more often than six days in any calendar month.
 4. Non-draw raffles (wheels and games) shall not be conducted more often than six days in any calendar month.
 5. Off-premises 50/50 cash draw raffles shall not be conducted more often than once in any calendar month.
 6. A Duck Race raffle shall not be conducted more often than once in any calendar month.
 7. A calendar raffle shall not be conducted more often than twice in any calendar year.
 8. No instant raffle game shall be held, operated or conducted at any location or on any date within the licensing municipality unless the license indicates each location where, and each date when, the instant raffle games are to be held, operated or conducted and conforms to the provisions of N.J.A.C. 13:47-6.9.
- (b) Only the day upon which a drawing or allotment of prizes takes place shall be considered when determining the frequency of games prescribed by this section.

13:47-6.12 Expenses: payment requirements

- (a) No item of expense shall be incurred or paid in connection with the holding, operating, or conducting of a game of chance, except such expenses as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting of the game of chance.
- (b) No item of expense shall be incurred or paid for any goods, wares, merchandise, service, equipment or premises provided for use in or in connection with the holding, operating, or conducting of any game of chance that is not provided by a person approved by the Control Commission.
- (c) No expense other than cash prizes, incurred in the holding, operating or conducting of any game of chance shall be paid from any source other than the account required by N.J.A.C. 13:47-6.2.
- (d) Payment for prizes in a draw raffle shall be made prior to the date of the drawing.

- (e) Payment for prizes in a non-draw raffle shall either be made prior to the date of the allotment of prizes or be available to the winner through the licensed organization which holds the prize on consignment basis through a contract agreement between the licensed organization and a person approved by the Control Commission.

13:47-6.13 Advertisement; bingo

(a) No bingo game shall be advertised by means of newspaper, radio, television, sound truck, or by means of billboards, posters or handbills, or any other means addressed to the general public; provided, however, that signs not exceeding 60 square feet, each, in area may be displayed as follows:

1. One sign on or adjacent to the premises where the game is to be held; and
2. One sign on or adjacent to the premises where the prize or prizes are exhibited; the prize may be exhibited only in the municipality in which the game of chance is to be held and in the municipality in which the licensee has its headquarters; except as provided in paragraphs 3 and 4 of this subsection; and
3. By a volunteer fire company holding the license for the game, on any fire-fighting equipment belonging to it, in and throughout any community which it serves; and
4. By a first-aid or rescue squad holding the license for the game, on any first-aid or rescue squad equipment belonging to it, in and throughout any community which it serves.

13:47-6.14 Advertisement of raffle; mandatory information

- (a) A raffle may be advertised by means of newspaper, radio, television, sound truck, or by means of billboards, posters or handbills, or any other means addressed to the general public in accordance with the provisions of (c) through (e) below only in a municipality in which the majority of the voters therein have voted in favor of the adoption of the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq.
- (b) No person shall make any false, deceptive, misleading or fraudulent statement as to any representation of the value or description of the prize offered, the time, date or place of the drawing or allot-

ment of the prize(s), or the purpose to which the entire net proceeds of a raffle shall be devoted.

- (c) No person shall make any comparison whatsoever, directly or indirectly, between a raffle being advertised and any other raffle licensed or unlicensed held, operated or conducted, or to be held, operated or conducted.
- (d) Only reasonable costs for advertisement consistent with the size and scope of a raffle shall be authorized as an expense to be deducted from the gross receipts derived from the conduct of the raffle.
- (e) In the event a raffle is held, operated or conducted in conjunction with another activity that is advertised together with the raffle, the cost of advertisement shall not be authorized as an expense deductible from the gross receipts derived from the conduct of the raffle.
- (f) Any advertisement of a raffle, whether written or oral, shall contain at least the following information:
 - 1. The name of the licensed organization;
 - 2. The identification number issued to it by the Control Commission;
 - 3. The raffle license number issued by the municipality in which the allotment of prizes will take place;
 - 4. The date, time and place of the allotment of the prize(s);
 - 5. An accurate description of the prize(s) to be awarded;
 - 6. The current retail value of the prize(s) to be awarded;
 - 7. The purpose to which the entire net proceeds of the raffle are to be devoted; and
 - 8. The price of the ticket share or right to participate in the raffle.
- (g) When the advertised raffle is a draw raffle or is a nondraw raffle offering cash or money as a prize, the advertisement shall contain the statement or announcement “No one under the age of 18 years is permitted to participate.”
- (h) Each raffle advertisement shall contain the statement or announcement “If gambling is a problem for you or someone in your family, Dial 1-800-GAMBLER.”

13:47-6.15 Examination of licensee

The governing body of a municipality where a game of chance is to be held and its duly authorized agents and employees, and the Control Commission and its duly authorized agents and employees, may examine the books and records of any licensee, so far as those books and records relate to any transaction connected with the holding, operating and conducting of a game of chance, and may examine any manager, officer, director, agent, member, employee or assistant of the licensee under oath in relation to the conduct of a game of chance.

13:47-6.16 Value of merchandise prize

When any merchandise prize is awarded in a game of chance, its value for the purpose of the Bingo Licensing Law, the Raffles Licensing Law, and the rules and regulations of this chapter shall be its current retail price. No merchandise prize shall be redeemable or convertible into cash directly or indirectly.

13:47-6.17 Price of supplies; interest

Equipment, prizes and supplies for games of chance shall not be purchased or sold at prices in excess of the usual cash price thereof and when purchased on conditional sale or on any other installment purchase arrangement shall be purchased only at the usual cash price with interest not to exceed six percent per annum on the unpaid balance.

13:47-6.18 Transportation of patrons

No licensee shall provide by contract or other arrangement transportation of patrons to or from the place where any game of chance is played. The providing of such transportation by another to the knowledge of a licensee shall be presumed to be the act of the licensee and shall constitute a violation of the rules and regulations of this chapter.

13:47-6.19 Gifts other than prizes

No licensee shall offer, distribute or give any service or thing of value without charge, other than the prizes awarded in the conduct of a game of chance.

13:47-6.20 Prohibited prizes

- (a) No licensee shall offer or award any prize consisting of real estate or any interest therein, bonds, shares of stock, securities or evidences of indebtedness, weapons, live animals, alcoholic beverages,

ages, foreign or domestic coins, except collector pieces or sets that are marketed as such and are clearly not intended for use as legal tender, tobacco products, motor vehicle leases, or any merchandise refundable in any of the foregoing or as money or cash.

- (b) A prize consisting of cash or money shall not be offered or awarded except in the case of:
 - 1. A raffle conducted by drawing with the prize(s) equaling 50 percent of the amount received for all tickets or fights [should be “rights”] to participate;
 - 2. A calendar raffle with the maximum prize amount not to exceed \$25,000, held, operated, and conducted pursuant to N.J.A.C. 13:47-8;
 - 3. An instant raffle game having a maximum prize amount of \$500.00 for any one ticket, held, operated, and conducted pursuant to N.J.A.C. 13:47-8;
 - 4. Any bingo game(s) held, operated and conducted in accordance with the provisions of this chapter and the Bingo Licensing Law, N.J.S.A. 5:8-24 et seq.; or
 - 5. Big six wheels and horse race wheels conducted in accordance with the provisions set forth in N.J.A.C. 13:47-8.

13:47-6.21 Conduct by unaffiliated organizations

- (a) Two or more unaffiliated organizations may not conduct bingo at the same place on the same day except as provided in N.J.A.C. 13:47-14.3(c).
- (b) Two or more unaffiliated organizations may conduct raffles at the same place at the same time.

13:47-6.22 Time limit for devoting of proceeds

- (a) The net proceeds derived from the holding of a game of chance must be devoted to one or more of the authorized purposes within one year of the holding of the game of chance. Organizations failing to comply with this section will be required to show cause before the Commission why their right to conduct games of chance should not be revoked.

- (b) Any organization desiring to hold the net proceeds of games of chance for a period longer than one year may apply to the Commission for special permission.

13:47-6.23 Unreasonable proceeds

Any organization licensed to conduct games of chance, which does not show that the conduct of games of chance during any one year period has produced reasonable net proceeds for authorized purposes, will be required to show cause before the Commission why its right to conduct games of chance should not be revoked.

13:47-6.24 Payment for equipment

The registered organization shall pay for all equipment used in or in connection with the holding, operating or conducting of bingo or raffle games no later than 60 days from the date upon which it is delivered or provided to the licensed organization.

SUBCHAPTER 7. CONDUCT OF BINGO

13:47-7.1 (Reserved)

13:47-7.2 Amount of prize limitation

- (a) No prize may be offered or awarded in excess of the sum or value of \$250.00 for a single game, nor may the aggregate of all prizes offered and awarded in all games held on one occasion exceed \$1,000, except as provided in (b) below.
- (b) No prize awarded in a bingo game wherein the prize is a percentage of the gross receipts derived from the sale of cards to participate in the game, which is authorized to be held, operated and conducted pursuant to this subchapter shall be subject to the limitations set forth in (a) above.
- (c) No prize shall be offered or awarded in any bingo game in any manner that is not specifically authorized by this subchapter.

13:47-7.3 Alcoholic beverage prohibition

No game may be conducted in any room or outdoor area where alcoholic beverages are sold, dispensed or consumed during the period between the commencement of the first and the conclusion of the last bingo game of the occasion.

13:47-7.4 Equipment, premises: limitation

- (a) No licensee shall use any equipment or premises for the holding, operating or conducting of bingo unless:
 - 1. The equipment or premises is wholly owned by the licensee;
 - 2. The equipment or premises is provided by a person, and at a rate approved by the Control Commission; or
 - 3. The equipment or premises is loaned free of charge to the licensee by another qualified organization that is registered with the Control Commission.
- (b) Any premises used for the holding, operating or conducting of bingo shall be used in accordance with the provisions of N.J.A.C. 13:47-14.

13:47-7.5 Charge for playing bingo

- (a) A charge shall be made for the playing of bingo. No more than \$1.00 and no less than \$0.50 shall be charged for admission to a room or place in which bingo is to be held, operated or conducted. This fee shall entitle a person to one card allowing him to participate without additional charge in all regular games to be played on that occasion.
- (b) No charge in excess of \$0.25 may be made for a single opportunity to participate in any special game to be played on an occasion.
- (c) No more than \$1.00 and no less than \$0.25 may be charged for any extra card with which a player may participate in all regular games on an occasion.
- (d) All charges to participate in a bingo game shall be paid in cash. No check shall be accepted or extension of credit allowed as payment of a charge to participate in a bingo game. Extension of credit shall include, but not be limited to, purchases on account or through the use of a credit card or a bank card.
- (e) No charge to participate in a bingo game shall be made to or accepted from any person under the age of 18 years.
- (f) All cards shall be sold for a uniform unit price without any discount or allowance for the purchase of more than one card.
- (g) Legally blind or otherwise disabled players may use their personal bingo card(s) or licensees may provide such players with modified

bingo card(s) to participate in any bingo game upon payment of an amount equal to that paid by players using traditional cards.

- (h) Legally blind or otherwise disabled players using modified card(s) to participate in a special bingo game shall purchase traditional special cards and keep them as proof of purchase until the game is won, at which time the member in charge of the occasion shall cause the paper special cards to be destroyed.

13:47-7.6 Division of prize

When more than one player is found to be the winner on the call of the same number in the same game, the designated prize shall be divided as equally as possible; and when division is not possible, substitute prizes, whose aggregate value shall not exceed that of the designated prize, shall be awarded; but such substitute prizes shall be of equal value to each other.

13:47-7.7 Notice

- (a) The licensee shall conspicuously post a notice in the premises where bingo is played, listing the amounts of the charges for admission and the opportunity to play and for any other service or privilege offered.
- (b) The notice shall also describe the nature and amount of prizes to be awarded.
- (c) The notice shall also bear the name of the licensee, the name of the member in charge, and the identification and license numbers.
- (d) The notice shall also bear the statement “no tipping of bingo workers.”
- (e) The notice shall include the statement “Is gambling a problem for you or someone in your family? Dial 1-800-GAMBLER.” The notice shall be provided by the Control Commission.

13:47-7.8 Person conducting bingo; restriction; minimum age

- (a) No licensee shall permit any person to engage in the conduct of bingo for it or in its behalf who has engaged in the conduct of bingo for or on behalf of any unaffiliated licensee during the same calendar year.
- (b) No licensed organization shall permit any person under the age of 18 years to conduct or assist in the conduct of bingo including the sale or distribution of any bingo card, merchandise or service, in-

cluding food or beverages, at any time after the room or area where bingo games are to be played is open to the players.

13:47-7.9 Equipment; general operation of bingo

- (a) Bingo games shall be held, operated and conducted in the manner prescribed by N.J.S.A. 5:8-25 and by Section 1.1 (Definitions) of this Chapter.
- (b) The equipment used in the playing of bingo and the method of play shall be such that each card shall have an equal opportunity to be a winner.
- (c) The objects to be drawn shall be essentially equal as to size, shape, weight and balance and as to all other characteristics that may control their selection and all shall be present in the receptacle before each game is begun.
- (d) Objects shall not be drawn from the receptacle until the caller is ready to announce the number on the object. Numbers on objects drawn from the receptacle shall not be announced if a player declares bingo prior to the caller starting vocally to make the announcement. Numbers on the objects drawn from the receptacle shall be announced so as to be visible or audible to all players.
- (e) The card used by the player shall be part of a deck, group or series of cards, no two of which shall contain the same number pattern. No deck, group or series of cards shall be prepared or arranged as to prefer any card.
- (f) No licensed organization shall reserve or allow to be reserved, any bingo card for use by players except modified cards for use by legally blind or otherwise disabled players.
- (g) Legally blind or otherwise disabled players may use bingo cards provided by the licensed organization or their personal cards when the licensed organization does not provide such cards.
- (h) A legally blind or otherwise disabled player may use a hard braille card in place of a disposable paper card in the manner set forth in N.J.A.C. 13:47-7.5(g).
- (i) Modified cards used by legally blind or otherwise disabled players shall be commercially produced by a manufacturer approved by the Control Commission.

- (j) A licensed organization shall have and exercise the right to inspect, accept or reject, with due cause, any personal bingo card used by a legally blind or otherwise disabled player.
- (k) A card to participate in any bingo game shall be purchased prior to the call of the first number in the game.
- (l) Any card to participate in a regular bingo game purchased after the call of the first number in the game shall not be valid until the commencement of the next regular bingo game.

13:47-7.10 Arrangement of numbers; announcement

The particular arrangement of numbers required to be covered in order to win the game shall be clearly described and announced to the players immediately before each game is begun.

13:47-7.11 Arrangement of numbers; limitations; required notice

- (a) The licensee shall describe and illustrate in the application for license the arrangement of numbers required to be covered in order to win each game.
- (b) No arrangement of numbers shall require a player to cover fewer than four numbers on any one card.
- (c) No arrangement of numbers shall require the use of more than four cards.
- (d) An illustration of the arrangement of numbers required to win the game must be clearly visible to all players during the conduct of the game.

13:47-7.12 Alternate prizes

- (a) Within the limits contained in Section 7.2 (Amount of prize limitation) of this Chapter alternate prizes may be offered depending upon the number of calls within which bingo is reached, provided the application for bingo license and the license so specify.
- (b) If a licensee avails itself of the provisions of this Section, it must announce at the beginning of each game the number of calls within which bingo is to be reached and the amount of the alternate prizes to be awarded.

13:47-7.13 Verification of numbers

- (a) Prior to the commencement of bingo games on any occasion, the member in charge of the game shall cause to be made a verification of all objects to be placed in the receptacle and shall inspect the objects in the presence of a disinterested person to insure that all objects are present and that there is no duplication of numbers on said objects prior to the commencement of the bingo games.
- (b) Any player shall be entitled to call for a verification of all numbers drawn at the time a winner is determined, and for a verification of the objects remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member designated to be in charge on the occasion, but if such member be also the announcer, then in the immediate presence of an officer of the licensee.

13:47-7.14 Determination of winner

- (a) When a caller has started vocally to announce a call, he shall complete the call of that number.
- (b) After the caller has started vocally to announce a call, if any person shall have gone bingo based upon the previous number called, such person shall share the designated prize with any other person or persons who may have gone bingo on the completed call.
- (c) When a winner of a bingo game is determined, the caller shall announce to the players present, "Are there any other winners?" If there are no other winners, the caller shall then state, "I declare this game closed", and shall proceed to award the prize.
- (d) No person shall be entitled to share the designated prize unless he shall have gone bingo prior to the announcement that the game has been closed and his card determined to be a winner.
- (e) If it is determined that two or more players have won a bingo game on identical bingo cards containing the same permutation number in the center free space or the identical arrangement of numbers (duplicate cards), the licensed organization shall pay each winner the full amount of the offered prize regardless of the number of players who complete the designated arrangement of numbers necessary to win the game.

13:47-7.15 One day time limit

- (a) All cards to participate in a bingo game shall be purchased within the same occasion that the game is played.
- (b) All prizes shall be awarded immediately upon verification of a winner.

13:47-7.16 Number of games per occasion

No licensee shall conduct more than 35 bingo games on a single occasion.

13:47-7.17 Exclusion of other games

No licensee shall allow or permit the playing for money or other valuable thing of any game not licensed and held, operated and conducted pursuant to the provisions of the Bingo Licensing Law, N.J.S.A. 5:8-24 et seq., the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq., or the provisions of this chapter during or in connection with the holding, operating or conducting of any licensed bingo game.

13:47-7.18 Physical presence

- (a) In the playing of bingo, no person who is not physically present on the premises where the game is actually conducted shall be allowed to participate as a player in the game.
- (b) No seat or place shall be reserved in any room or area where bingo is held, operated or conducted for any person who is not physically present in that room or area.
- (c) No person shall be admitted to the room or area where bingo is held, operated or conducted, except a person who has paid the charge for admission or a person authorized to conduct or assist in the conduct of the game.
- (d) No person under the age of 18 years shall be physically present in any room or area where bingo is held, operated or conducted.

13:47-7.19 Scope

All games falling within the definition of “bingo” or “lotto” contained in Article IV, Section VII, paragraph 2 of the Constitution of the State of New Jersey, as amended November 3, 1953, shall be subject to the rules and regulations of this Chapter regardless of the name by which the game

is called, and regardless of variations in the mode of play not specified by said Constitution.

13:47-7.20 Varied prizes

- (a) Within the limits contained in Section 7.2 (Amount of prize limitation) of this Chapter, the prizes offered may be varied depending upon the number of people who attend the occasion, provided the application for bingo license and license so specify.
- (b) If a licensee avails itself of the provisions of this Section, it must announce at the beginning of each game the number of people present and the prizes to be awarded.

13:47-7.21 Notice of rules; posting

- (a) The licensee shall post a notice on the premises where Bingo is played containing the rules governing the conduct of Bingo.
- (b) The notice shall be in the form prescribed and provided by the Control Commission.

13:47-7.22 Rentals; payment

Where premises are rented for the conduct of bingo, rentals must be paid to the rentor within 48 hours after the holding of the bingo occasion.

13:47-7.23 Selection of cards

- (a) No bingo cards for regular games shall be selected by other than the player who is to use the cards.
- (b) Each player must select his own card or cards for regular games from the deck, group or series of cards and shall be entitled to select any card in the deck, group or series of cards that has not already been selected by a player.
- (c) Cards may not be reserved for players.

13:47-7.24 Progressive jackpot game; authorization

In addition to the schedule of regular and special games played within the prize limits set forth in N.J.A.C. 13:47-7.2(a), it shall be lawful for a licensee to hold, operate and conduct a progressive jackpot bingo game as defined in this chapter, in the manner described in N.J.A.C. 13:47-7.25 through 7.36.

13:47-7.25 Progressive jackpot game; arrangement of numbers

No arrangement of numbers other than a full card pattern shall be required to win a progressive jackpot prize or a consolation prize.

13:47-7.26 Progressive jackpot game; schedule of play

The progressive jackpot game shall not be played as the last game of an occasion.

13:47-7.27 Progressive jackpot game; use of disposable cards; indelible marking

No progressive jackpot game shall be played on other than a non-reusable card which shall be indelibly marked by the player who purchased the card.

13:47-7.28 Progressive jackpot game; charge to play; uniform charge to play

- (a) No charge in excess of or less than \$0.25 shall be made for each card with which a player participates in a progressive jackpot game.
- (b) All cards shall be sold at a uniform price with no discount or allowance for the purchase of more than one card.
- (c) All cards shall be sold prior to the drawing of the first number in the game.

13:47-7.29 Progressive jackpot game; notice to be posted at game

- (a) Whenever a progressive jackpot game is conducted the licensee shall conspicuously post a notice stating:
 - 1. The date of each potential successive occasion in the particular progression being conducted;
 - 2. The maximum number of calls in which a player must complete a full card pattern in order to win the jackpot prize on each occasion; and
 - 3. The prize amount offered to the winner of the progressive jackpot and the consolation prize on that occasion.

13:47-7.30 Progressive jackpot game; announcement; amount of prize; number of calls

- (a) On each occasion, prior to the drawing of the first number of the progressive jackpot game the caller shall announce to all players:
 - 1. The maximum number of numbers to be called within which a player must achieve bingo in order to win the jackpot prize on that occasion; and
 - 2. The dollar amount to be awarded to the winner of the jackpot game prize and the consolation prize on that occasion.

13:47-7.31 Progressive jackpot game; amount of prize; number of calls

- (a) On the first occasion of a progressive jackpot bingo game, a player shall not be required to attain bingo in less than 50 numbers called in order to win the progressive jackpot prize.
- (b) The number of allowable calls required in order to win the progressive jackpot prize shall be increased by one number on each successive occasion in a particular progression.
- (c) The progressive jackpot prize must be offered at each successive occasion in a particular progression.
- (d) No progression shall continue for more than 10 successive occasions.
- (e) If the progressive jackpot prize has not been awarded by the tenth successive occasion in a particular progression, a progressive jackpot winner must be determined and the progressive jackpot prize must be awarded regardless of the number of calls necessary.
- (f) No progression shall be terminated or interrupted prior to the tenth successive occasion by any means other than:
 - 1. Determining a winner of the progressive jackpot prize;
 - 2. Expiration of the license to conduct bingo which authorized the conduct of the game; or
 - 3. A valid emergency condition under which the licensed organization is unable to continue to conduct the game.

13:47-7.32 Progressive jackpot game; award of prizes; exclusion

- (a) The progressive jackpot prize shall be awarded to the player or players who complete the full card pattern in the predesignated number of numbers called, except in the case of the tenth occasion of a particular progression when it shall be awarded to the player or players who first complete the full card pattern.
- (b) A consolation prize shall be awarded on each occasion at which a progressive jackpot bingo game is played, except the occasion upon which the progressive jackpot prize is won. On the occasion when the progressive jackpot prize is awarded, the consolation prize shall be held or awarded as provided in (d) below.
- (c) The consolation prize shall be awarded to the player or players who complete the full card pattern on each occasion, except the occasion upon which the progressive jackpot prize is won, notwithstanding the number of numbers called in excess of the predesignated number of numbers allowed to be called in order to win the progressive jackpot prize.
- (d) On an occasion when the jackpot prize is awarded, the amount calculated to be the consolation prize for that occasion shall be held by the organization and added to the progressive jackpot prize on the following licensed occasion. In the case of the occasion being the last licensed occasion on the license or when the organization plans to discontinue playing the progressive jackpot game, the game shall continue and the consolation prize shall be awarded to the player or players who next complete the full card pattern.
- (e) No card that has been determined to be a winner of a progressive jackpot prize shall be eligible to win any portion of the consolation prize.
- (f) Any card determined to be a winner of a consolation prize shall contain the last number called in the game prior to the player declaring "Bingo."

13:47-7.33 Progressive jackpot game; verification prior to award of prize

- (a) When a player claims to be a winner of a progressive jackpot game prize, prior to awarding the prize, the member in charge of the occasion shall make a verification of all of the numbers on all of the objects drawn from the receptacle and shall inspect the objects

in the presence of at least one player other than the player claiming to be the winner of the prize and determine that:

1. The numbers appearing on the card presented as a winner correspond with numbers on the objects drawn from the receptacle;
 2. The numbers on all objects drawn from the receptacle were announced and displayed correctly;
 3. The actual number of numbers called did not exceed the maximum number of numbers allowed to be called in order to win the progressive jackpot prize; and
 4. The color of the card and the serial number printed on the card presented as a winner are identical to the color of the cards and the serial number of the series of cards sold for the progressive jackpot game on that occasion.
- (b) No progressive jackpot prize shall be awarded unless a verification of the card presented as a winner and the numbers on the objects drawn from the receptacle is made in accordance with the provisions of (a) above.

13:47-7.34 Progressive jackpot game; license expiration

When a license expires prior to the tenth occasion of a particular progression, all winners shall be determined and all prizes awarded on the last occasion authorized under the license.

13:47-7.35 Progressive jackpot game; emergency termination of progression; notification

- (a) In the event a progression cannot be completed due to an emergency condition, the licensee shall give written notification to the Control Commission and the licensing municipality no later than the close of the business day next following the day upon which the licensee has knowledge of its inability to complete the progression.
- (b) The notification shall be made on LGCCC Form 7-A, and shall contain at least the following information:
 1. The reason for the cancellation;
 2. The name, address and telephone number of the member in charge of the operation of the game and of the member re-

responsible for the proceeds held as the progressive jackpot prize;

3. The name, address of the bank and the number of the account in which the progressive jackpot prize is deposited;
4. The dollar amount of the progressive jackpot prize held in the account; and
5. The time, date and location where the progression will continue.

13:47-7.36 Progressive jackpot game; maintenance of progressive jackpot prize

- (a) All proceeds from the sale of cards to participate in the progressive jackpot game shall be held in the licensed organization's bank account required by N.J.A.C. 13:47-6.2(b) for the duration of the progression.
- (b) All proceeds must be deposited in the bank account no later than the close of the business day next following the day upon which they were received or made available as a prize.

13:47-7.37 50/50 bingo game; authorization

In addition to the schedule of regular and special games played within the prize limits set forth in N.J.A.C. 13:47-7.2(a), it shall be lawful for a licensee to hold, operate and conduct a bingo game known as a 50/50 bingo game as described in N.J.A.C. 13:47-1.1.

13:47-7.38 50/50 bingo game; division of prizes

If the prize pool is to be divided into multiple sections, the schedule of games shall indicate the percentage of the prize pool to be awarded to the winner(s) of each section.

13:47-7.39 50/50 bingo game; schedule of play

The 50/50 bingo game shall not be played as the last game of an occasion.

13:47-7.40 50/50 bingo game; use of disposable cards; indelible marking

No 50/50 bingo game shall be played on other than a nonreusable card which shall be indelibly marked by the player who purchased the card.

13:47-7.41 50/50 bingo game; charge to play; uniform charge to play

- (a) No charge in excess of or less than \$0.25 shall be made for each card with which a player participates in a 50/50 bingo game.
- (b) All cards shall be sold at a uniform price with no discount or allowance for the purchase of more than one card.
- (c) All cards shall be sold prior to the drawing of the first number of the game.

13:47-7.42 50/50 bingo game; amount of prize; announcement

On each occasion, prior to the drawing of the first number of the 50/50 bingo game the caller shall announce to all players the dollar amount of the prize to be awarded to the winner(s) of the game.

13:47-7.43 50/50 bingo game; verification prior to award of prize

- (a) When a player claims to be a winner of a 50/50 bingo game prize, prior to awarding the prize, the member in charge of the occasion shall make a verification of all of the numbers on all of the objects drawn from the receptacle and shall inspect the objects in the presence of at least one player other than the player claiming to be the winner of the prize and determine that:
 - 1. The numbers appearing on the card presented as a winner correspond with numbers on the objects drawn from the receptacle;
 - 2. The numbers on all objects drawn from the receptacle were announced correctly; and
 - 3. The color of the card and the serial number printed on the card presented as a winner are identical to the color of the card and the serial number of the series of cards sold for the 50/50 bingo game on that occasion.
- (b) No 50/50 bingo game prize shall be awarded unless a verification of the card presented as a winner and the numbers on the objects drawn from the receptacle is made in accordance with the provisions of (a) above.

13:47-7.44 Special license; senior citizen association or club; amusement and recreation only

(a) A special license shall be issued to any bona fide senior citizen association or club desiring to hold, operate or conduct bingo solely for the purpose of amusement and recreation of its members if:

1. The association or club holds a valid registration certificate issued by the Control Commission;
2. No player or other person furnishes something of value for the opportunity to participate;
3. The prize(s) to be awarded are of nominal retail value;
4. No person other than a bona fide active member of the licensed organization plays, conducts or assists in the conduct of the game(s); and
5. No person is paid for conducting or assisting in the conduct of the game(s).

(b) The special senior citizen bingo license shall be valid for a maximum period of two years or until suspended, revoked or modified by the Control Commission or the issuing municipality.

13:47-7.45 Multi-color bingo game: authorization

In addition to the schedule of regular and special games played within the prize limits set forth in N.J.A.C. 13:47-7.2(a), it shall be lawful for a licensee to hold, operate or conduct a multi-color bingo game as defined in this chapter, in the manner described in this section through N.J.A.C. 13:47-7.51.

13:47-7.46 Multi-color bingo game: schedule of play

The multi-color bingo game shall not be the last game played at an occasion.

13:47-7.47 Multi-color bingo game: use of disposable cards; indelible marking

No multi-color bingo game shall be played on other than a non-reusable six-on playing board which shall be indelibly marked by the player who purchased the card.

13:47-7.48 Multi-color bingo game: charge to play; uniform price to play

- (a) No charge in excess of or less than \$0.25 shall be made for each card with which a player participates in a multi-color bingo game.
- (b) All cards shall be sold for a uniform price with no discount or allowance for the purchase of more than one card.
- (c) All cards shall be sold prior to the drawing of the first number of the game.

13:47-7.49 Multi-color bingo game: announcement of prize pool amount

On each occasion when the multi-color bingo game is played, prior to the drawing of the first number in such game, the caller shall announce to the players the dollar amount to be awarded in each category of the prize pool, based upon the winner.

13:47-7.50 Multi-color bingo game: verification prior to award of prize

- (a) Any card presented as a winner of a prize in a multi-color bingo game shall contain the last number called in the game prior to the player declaring "bingo."
- (b) When a player claims to be a winner of a multi-color bingo game, prior to awarding the prize, the member in charge of the occasion shall make a verification of all of the numbers on all of the objects drawn from the receptacle and shall inspect the objects in the presence of at least one player other than a player claiming to be the winner of a prize and determine that:
 - 1. The numbers appearing on the card presented as a winner correspond with the numbers on the objects drawn from the receptacle;
 - 2. The numbers drawn from the receptacle were announced correctly; and
 - 3. The color of the playing board and the serial number printed on the playing board containing the playing card presented as a winner are identical to the color of the playing boards and the serial number of the series of playing boards sold for the multi-color bingo game on that occasion.

- (c) No multi-color bingo game prize shall be awarded unless a verification of the card presented as a winner and the numbers on the objects drawn from the receptacle is made in accordance with the provisions of (a) and (b) above.

13:47-7.51 Multi-color bingo game: method of determining winner; method of awarding prize; method of awarding prize to multiple winners

- (a) The prize pool in a multi-color bingo game shall be a percentage of the gross receipts derived from the sale of cards to participate in the game. The percentage of the prize pool to which a winner is entitled shall be determined by the color of the card upon which the player achieves bingo.
- (b) Based upon a single winner the prize shall be awarded as follows:
 - 1. When a player achieves bingo on a card in the group of three cards of the same color, that player wins 25 percent of the prize pool. Formula: Gross receipts from the sale of cards multiplied by .25 equals the dollar amount to be awarded in the 25 percent category.
 - 2. When a player achieves bingo on one of the two cards of the same color, that player wins 50 percent of the prize pool. Formula: Gross receipts from the sale of cards multiplied by .50 equals the dollar amount to be awarded in the 50 percent category.
 - 3. When a player achieves bingo on one of the single cards having the third color, that player wins 75 percent of the prize pool. Formula: Gross receipts from the sale of cards multiplied by .75 equals the dollar amount to be awarded in the 75 percent category.
- (c) In the case of multiple winners, the prize amount available in each prize pool category shall be divided by the total number of winners of the game as follows:
 - 1. Example: There are six winners of a multi-color bingo game.
 - i. There are three of the winners who have achieved bingo on one of the cards in the group of three cards of the same color, the 25 percent category. That amount, 25 percent of the prize pool, is divided by six to determine the amount to be awarded to each of those three winners. Formula: Gross

receipts from the sale of cards multiplied by .25 equals the dollar amount available in the 25 percent category. That dollar amount is then divided by the total number of winners of the game which equals the dollar amount to be awarded to each winner in the 25 percent category.

- ii. There are two winners who have achieved bingo on one of the cards in the group of two cards having the same color, the 50 percent category. That amount, 50 percent of the prize pool, is divided by six to determine the amount to be awarded to each winner in the 50 percent category. Formula: Gross receipts from the sale of cards multiplied by .50 equals the dollar amount available in the 50 percent category. That dollar amount divided by the total number of winners of the game equals the total dollar amount to be awarded to each winner in the 50 percent category.
- iii. There is one winner who has achieved bingo on the single card having a third color, the 75 percent category. That amount, 75 percent of the prize pool, is divided by six to determine the amount to be awarded to the winner in that category. Formula: Gross receipts from the sale of cards multiplied by .75 equals the dollar amount available in the 75 percent category. That dollar amount divided by the total number of winners of the game equals the dollar amount to be awarded to each winner in the 75 percent category.

13:47-7.52 Predraw bingo game; authorization

In addition to the regular and special games played in accordance within the prize limits set forth in N.J.A.C. 13:47-7.2(a), it shall be lawful for a licensee to hold, operate and conduct a predraw bingo game as defined in this chapter, in the manner described in this section through 13:47-7.57.

13:47-7.53 Predraw bingo game; schedule of play

The predraw bingo game shall be played as the last game at an occasion.

13:47-7.54 Predraw bingo game; arrangement of numbers to win

No arrangement of numbers other than a full card pattern shall be required to win a predraw bingo game.

13:47-7.55 Predraw bingo game; use of disposable cards; indelible marking; sealed, undetectable face

No predraw bingo game shall be played on other than a non-reusable card which shall be indelibly marked by the player who purchased the card. The card shall be manufactured and sealed so that the face of the card is undetectable by any method until the card is purchased by the player who then removes the seal(s) to disclose the face of the card.

13:47-7.56 Predraw bingo game; charge to play; uniform price to play

- (a) No charge in excess of or less than \$0.25 shall be made for each card with which a player participates in a predraw bingo game.
- (b) All cards shall be sold for a uniform price with no discount or allowance for the purchase of more than one card.

13:47-7.57 Predraw bingo game; method of determining winner; method of awarding prize; method of awarding prize to multiple winners

- (a) Prior to beginning the calling of numbers for the regular or other percentage games scheduled for the occasion, the licensee shall draw 50 numbers from the receptacle containing all 75 numbers to be called in the bingo game. The 50 predrawn numbers shall remain on display throughout the bingo occasion until a winner is determined.
- (b) Cards to participate in the predraw bingo game shall only be sold to players throughout the occasion until a player achieves bingo or until the drawing of the 51st number in the game, whichever comes first.
- (c) The prize pool in a predraw bingo game shall be a percentage of the gross receipts derived from the sale of cards to participate in the game. The percentage of the prize pool to which the winner is entitled shall be determined by the number of numbers called when the player achieves bingo.
- (d) Based upon a single winner the prize shall be awarded as follows:
 - 1. If a player achieves bingo in 50 numbers, that player wins 90 percent of the gross receipts derived from the sale of cards to participate in the game.

2. If no player achieves bingo in 50 numbers called, the licensee shall draw an additional number (51). If a player achieves bingo in 51 numbers called, that player wins 80 percent of the gross receipts derived from the sale of cards to participate in the game.
 3. If no player achieves bingo in 51 numbers called, the licensee shall draw an additional number (52). If a player achieves bingo in 52 numbers called, that player wins 70 percent of the gross receipts derived from the sale of cards to participate in the game.
 4. If no player achieves bingo in 52 numbers called, the licensee shall draw an additional number (53). If a player achieves bingo in 53 numbers called, that player wins 60 percent of the gross receipts derived from the sale of cards to participate in the game.
 5. If no player achieves bingo in 53 numbers called, the licensee shall draw an additional number (54). If a player achieves bingo in 54 numbers called, that player wins 50 percent of the gross receipts derived from the sale of cards to participate in the game.
 6. If no player achieves bingo in 54 numbers called, the licensee shall continue to draw numbers from the receptacle until a player achieves bingo and shall award that winner 50 percent of the gross receipts derived from the sale of cards to participate in the game.
- (e) When more than one player is found to be the winner on the call of the same number in the game, the designated prize shall be divided equally among the winning cards unless identical cards as set forth in N.J.A.C. 13:47- 7.14(e) have been sold to players in that game.

SUBCHAPTER 8. CONDUCT OF RAFFLES

13:47-8.1 (Reserved)

13:47-8.2 Adoption of statute prerequisite

No shares or tickets or rights to participate in raffles may be sold in any municipality which has not adopted the Raffles Licensing Law.

13:47-8.3 Amount of prize limitation; maximum charge; method of payment

- (a) No prize having a retail value greater than that set forth in this section shall be offered or awarded in any raffle.
- (b) The aggregate retail value of all prizes to be offered or awarded by a licensee in any one calendar year shall not exceed \$500,000 except that no licensee shall offer or award a prize or prizes of a sum or value greater than \$100,000, in any one raffle conducted by drawing.
- (c) The limit of the aggregate retail value of the prizes which may be awarded in any one calendar year shall not apply to on-premise raffles or where all of the prizes are wholly donated.
- (d) No prize having a retail value greater than \$500.00 shall be offered or awarded in any raffle not conducted by drawing.
- (e) A single opportunity to participate in any instant raffle game shall not cost more than \$1.00.
- (f) Instant raffle tickets shall be sold only for the price stated by the manufacturer on the instant raffle ticket and the flare.
- (g) No person shall alter an instant raffle ticket or flare or offer or award a prize other than that designated by the manufacturer on the instant raffle ticket or flare.

13:47-8.4 Method of play

- (a) The equipment used in the conduct of raffles, and the method of play, shall be such that each ticket, share or right to participate shall have an equal opportunity to be a winner.
- (b) In a draw raffle, all the counterparts of the ticket sold, and no others, shall be present in the container before each drawing, except for those already drawn.
- (c) In any instant raffle game, including those using seal cards and commingled deals:
 - 1. All instant raffle tickets in a particular deal shall be placed in a receptacle and the deal shall be thoroughly mixed prior to being offered for sale to the public;
 - 2. No deal shall contain more than 4,000 instant raffle tickets; and

3. No deal shall be sold or offered for sale unless the prize schedule of the game is structured to pay out at least 65 percent of the ideal gross receipts to the players.
- (d) In an instant raffle game using a seal card:
1. The seal card shall be conspicuously posted in full view of the players at the location where the game is held, operated or conducted;
 2. Names of holders of instant raffle tickets which contain the matching predesignated numbers on the seal card shall be printed on the appropriate line next to that number on the seal card; and
 3. When the seal card is completed or all the tickets have been sold, the seal(s) shall be removed to reveal the prize and the winning line(s).
- (e) In an instant raffle game using commingled deals:
1. A registered organization may commingle a maximum of two deals;
 2. The two deals shall be thoroughly intermixed and shall be placed in play in a single receptacle; and
 3. The deals commingled shall be identical as to particular type, form number, name of game, cost per play, the color of the band in a banded and folded ticket, and number of instant raffle tickets.
- (f) If all prizes in the top-two winning tiers of an instant raffle game have been awarded, a registered organization may close that game and account for the actual profit from each deal.
- (g) If a registered organization closes a game in which some instant raffle tickets remain unsold, the organization shall retain all unsold raffle tickets for a period of three years.

13:47-8.5 Method of determining winners; announcement

- (a) The particular method of determining winners shall be clearly described and announced immediately before the drawing begins.
- (b) In an instant raffle game, no player shall physically hand pick an instant raffle ticket from a receptacle.

- (c) In an instant raffle game, a registered organization shall not award a prize to any player who attempts to redeem an instant raffle ticket which has been marked, defaced or tampered with in any manner.
- (d) In an instant raffle game, when a winning instant raffle ticket is presented, the organization redeeming the instant raffle ticket shall verify, before paying the prize, that the serial number and form number on the ticket are identical to the serial number and form number of the instant raffle deal currently in play at that particular location.
- (e) An organization shall immediately void a redeemed winning instant raffle ticket by defacing or punching it out, but shall not deface or punch out that area of the ticket which displays the winning number or symbol.
- (f) Notwithstanding the provisions of N.J.A.C. 13:47-8.12, upon verification of a winning ticket, the registered organization shall immediately award the prize and cross off the corresponding prize amount on the flare, provided the prize amount falls within one of the top two prize tiers on the flare.

13:47-8.6 Open drawing

- (a) Every drawing and every allotment by chance shall be conducted openly and in plain view of all players present.
- (b) All counterparts drawn shall be immediately exhibited and shall be held open for inspection until the end of the occasion.

13:47-8.7 Contents of ticket; off-premises raffle awarding merchandise as a prize

- (a) When tickets are sold for an off-premise raffle awarding merchandise as a prize, each ticket shall contain at least the following information:
 1. Name and identification number of the qualified organization and number of the license issued for the occasion;
 2. Place where the occasion will be held and the date and time thereof;
 3. A list of the prizes and the retail value of each;
 4. The number of the ticket;
 5. Price of the ticket;

6. The purpose to which the entire net proceeds will be devoted;
 7. The statement: “No substitution of the offered prize may be made and no cash will be given in lieu of the prize.”
- (b) The presence of the holder of a ticket shall not be required in order to win unless the ticket bears the statement “NOT VALID UNLESS HOLDER IS PRESENT AT THE DRAWING.”
- (c) The stub of each ticket shall bear the name and address of the holder, the number of the ticket, the raffle license issued for the occasion and the identification of the licensed organization.
- (d) All information required by (a), (b) and (c) above shall be clearly and conspicuously set forth on the face of the ticket.

13:47-8.8 Contents of ticket; off-premises raffle awarding cash or money as a prize

- (a) When tickets are sold for an off-premise raffle awarding cash or money as a prize, each ticket shall contain at least the following information:
1. Name and identification number of the qualified organization and number of the license issued for the occasion;
 2. Place where the occasion will be held and the date and time thereof;
 3. The statement: “This is a 50/50 cash raffle and the winner will receive 50 percent of the amount received for all tickets or rights to participate”;
 4. If the prize pool is to be divided among multiple winners, the ticket must indicate the percentage of the prize pool that each winner will receive;
 5. The number of the ticket;
 6. Price of the ticket;
 7. The purpose to which the entire net proceeds will be devoted; and
 8. The statement: “No substitution of the offered prize may be made.”

- (b) The presence of the holder of a ticket shall not be required in order to win unless the ticket bears the statement “NOT VALID UNLESS HOLDER IS PRESENT AT THE DRAWING.”
- (c) The stub of each ticket shall bear the name and address of the holder, the number of the ticket, the raffle license issued for the occasion and the identification of the licensed organization.
- (d) All information required by (a), (b) and (c) above shall be clearly and conspicuously set forth on the face of the ticket.

13:47-8.9 Form of ticket; approval

- (a) Whenever a licensee shall submit an application for a raffles license to the municipal clerk, two sample raffle tickets shall accompany the application.
- (b) A copy of the application for a license, together with one sample ticket, shall be forwarded to the Control Commission by the municipal clerk.
- (c) No raffle tickets may be sold under any license until the municipal clerk has approved the form of the ticket and has so advised the licensee.
- (d) The approval procedure set forth in (a) through (c) above shall not apply to instant raffle games. No instant raffle game shall be sold in this State unless it complies with the standards set forth in this chapter.

13:47-8.10 Printer of tickets; certificate

- (a) Every licensee shall secure from the printer of tickets a certificate showing:
 - 1. The number of tickets printed;
 - 2. The first and last numbers used;
 - 3. That the tickets were consecutively numbered; and
 - 4. A sample of the ticket.
- (b) One such certificate shall be attached to each copy of Form 8R-A, Report of Raffles Operations.
- (c) The licensee shall retain for two years after the date of the drawing all unsold tickets as part of its records.

13:47-8.11 Presence of ticket holder

If the presence of the holder of a ticket for an off-premise raffle is required in order to win, he shall be entitled to be present at the drawing without additional charge.

13:47-8.12 One day time limit

On any occasion when raffles are conducted all winners shall be determined and all prizes awarded within the same day except in the case of a calendar raffle conducted pursuant to this chapter; and the event that determines a winner shall be one that occurs at the time and place of the occasion.

13:47-8.13 Uniform price; posting price to participate in non-draw raffles; compensation prohibition

- (a) All tickets or other forms of shares or rights to participate in a raffle shall be sold at a uniform unit price for each ticket, share or right, without any discount or allowance for the purchase of more than one such ticket, share or right.
- (b) Whenever an organization shall conduct a non-draw raffle it shall display adjacent to the wheel or the place of the allotment of prizes by chance, a sign indicating the price to play.
- (c) No commission, salary, compensation, reward or recompense shall be paid or given to a seller of tickets.

13:47-8.14 Equipment

- (a) Equipment for the conducting of a raffle may be leased but only from persons approved by the Control Commission and at rentals conforming to the schedules fixed by this Chapter.
- (b) An organization shall not use equipment for the conducting of a raffle unless:
 - 1. The equipment is leased from persons approved by the Control Commission at rentals conforming to the schedules fixed by these rules; or
 - 2. The equipment is wholly owned by the organization; or
 - 3. The equipment is being purchased by the organization on conditional sale or other installment purchase arrangement in ac-

cordance with Section 6.16 (Price of supplies; interest) of this Chapter; or

4. The equipment is loaned free of charge by another qualified organization registered with the Control Commission.

13:47-8.15 Special door-prize raffle

- (a) A “special door-prize raffle” is one which may be conducted without a license under the following conditions:
 1. The organization conducting the raffle must be a qualified organization having an identification number;
 2. No extra charge may be made for the raffle;
 3. Only merchandise prizes may be given;
 4. All prizes must be wholly donated;
 5. The total retail value of all prizes must be less than \$50.00;
 6. No game of chance other than the special door prize raffle may be held or conducted on the occasion;
 7. All net proceeds of the occasion must be devoted to authorized purposes;
 8. Notice of the special door prize raffle has been given to the municipal clerk.

13:47-8.16 Separate price for combined activities

- (a) If a raffle is conducted on the occasion of, or in conjunction with some other lawful activity, such as a dinner, dance, entertainment, fashion show, or the like, the price of the ticket or right to participate in the raffle, shall be separately set forth, and the funds derived from the raffle shall be segregated and reported on Form 8R-A, and used only for the authorized purposes provided by the Raffles Licensing Law.
- (b) For failure to comply with (a) above, or if no separate price is paid for the privilege or right to participating in the raffle, then such other lawful activity shall be deemed to be merely auxiliary to the conduct of the raffle, and the entire proceeds of such combined activity shall be reported on Form 8R- A, and the entire net proceeds may be used only for those authorized purposes provided by

the Raffles Licensing Law, and only the actual cost of conducting the raffle may be deducted as expenses.

13:47-8.17 Conduct of “duck race” raffle

- (a) Equipment for the conduct of a duck race raffle must be used in accordance with N.J.A.C. 13:47-8.13.
- (b) Each player must be provided with a ticket printed in accordance with N.J.A.C. 13:47-8.7. Tickets may be represented by the actual duck shaped objects used for the conduct of the race.
- (c) Each object used for the conduct of the race shall be equal as to size, weight, shape and balance and as to all other characteristics that may control its selection.
- (d) Each object used for the conduct of the race shall bear the name and identification number of the licensee and the license number issued for the occasion.
- (e) Live animals may not be used in the conduct of the race.
- (f) In the event a race for which tickets have been sold cannot be conducted, the winner(s) shall be determined by drawing from a container having in it the stub or counterpart of all tickets sold, and prize(s) shall be awarded at the time and place indicated on the license.

13:47-8.18 Calendar raffle; contents of ticket

- (a) Each player shall be provided with a ticket printed in a calendar format which shall clearly and conspicuously contain at least the following information:
 - 1. The name and identification number of the qualified organization and number of the license issued for the occasion;
 - 2. The place where the drawings will be held and the dates and times thereof;
 - 3. The date upon which prizes will be awarded and the retail value of each;
 - 4. The non-repeating consecutive number of the ticket;
 - 5. The aggregate retail value of all prizes to be awarded;
 - 6. The price of the ticket;

7. The purpose to which the entire net proceeds will be devoted;
 8. The statement: “No substitution of the offered prize may be made.”; and
 9. The statement: “If gambling is a problem for you or someone in your family, Dial 1-800-GAMBLER.”
- (b) The presence of the holder of the ticket shall not be required in order to win unless the ticket bears the statement “NOT VALID UNLESS HOLDER IS PRESENT AT THE DRAWING.”
- (c) The stub of each ticket shall bear the name and address of the holder, the number of the ticket, the raffle license issued for the occasion and the identification number of the licensed organization.
- (d) All information required by (a), (b) and (c) above shall be clearly and conspicuously set forth on the face of the calendar.

13:47-8.19 Calendar raffle: maintenance of records; posting winners; providing list of winners

- (a) A licensee shall maintain a master list that records each purchaser’s name, address and calendar number for a period of not less than two years from the last date on the calendar.
- (b) A licensee shall maintain and conspicuously post at the site of the drawings, a master calendar which shall indicate the winning numbers, the winners’ names, and prize won for each prize awarded in the raffle.
- (c) A licensee shall not refuse to provide a list of the names of winners and the prize won to any participant in the raffle.

13:47-8.20 Calendar raffle; objects drawn to determine winner

- (a) All objects drawn from the container bearing numbers matching the non-repeating consecutive numbers of all tickets sold shall:
 1. Be present in the container prior to each drawing; and
 2. Be equal as to size, weight, shape and balance and as to all other characteristics that may control their selection.

13:47-8.21 Calendar raffle; sale of tickets: restrictions

- (a) All tickets, rights or shares to participate in a calendar raffle shall be sold prior to any drawing for prizes.

- (b) A calendar raffle shall be conducted so as to award prizes for a period of at least three months.
- (c) All drawings shall be held on or prior to the dates for which prizes are to be awarded.
- (d) A licensee shall not hold a drawing for prizes more often than once in any calendar week.

13:47-8.22 Calendar raffle; maximum prize value

A licensee shall not conduct a calendar raffle that offers prize(s) of cash or merchandise with an aggregate retail value greater than \$25,000.

13:47-8.23 Calendar raffle; awarding of prizes; time limit

- (a) Prizes shall be awarded to winners present at the drawing at the time of drawing.
- (b) Prizes won by persons not present at the drawing shall be awarded within five business days following the date of the drawing.

13:47-8.24 Calendar raffle; verification prior to drawing

- (a) Prior to each drawing the member in charge shall verify that all objects bearing numbers matching the non-repeating consecutive numbers of all tickets sold are present in the receptacle.
- (b) The verification required by (a) above shall be made in the presence of at least one other member of the licensed organization.
- (c) Any holder of a ticket in the raffle desirous of witnessing the verification shall be permitted to be present.

13:47-8.25 Wheels used as non-draw raffles: positioning

Any wheel used to determine the winner of a non-draw raffle shall be operated in a vertical position.

13:47-8.26 Charges to play non-draw raffles; cash only

All charges to participate in any non-draw raffle game shall be paid by cash. No check shall be accepted or extension of credit allowed as payment of charge to participate. Extension of credit shall include, but not be limited to, purchase on account or through the use of a credit card or a bank card.

13:47-8.27 Wheels offering and awarding cash or money as a prize: location, partition required

- (a) The area in which any wheel is used to determine the winner of a non-draw raffle offering and awarding cash or money as a prize shall be partitioned as to be set apart from any other activity including, but not limited to, any other non-draw raffle held, operated or conducted at the same location.
- (b) No person under the age of 18 years shall be admitted to the partitioned area where the wheel is located.

13:47-8.28 Wheels offering and awarding cash or money as a prize: authorization; type of wheel; minimum and maximum wagers and payoff odds

- (a) Cash prizes may be offered and awarded in a non-draw raffle where the winner is determined by the spin of a wheel only if the following conditions are met:
 - 1. No wheel other than the big six and horse race as defined in N.J.A.C. 13:47-1.1 shall be used to determine the winner;
 - 2. No less than \$1.00 and no more than \$2.00 shall be wagered by any one player or accepted by any licensed organization from any one player on any one number or figure in any single spin of a wheel; and
 - 3. The payoff odds offered and awarded on any wheel authorized by this chapter shall not be less than 1 to 1 nor more than 7 to 1 for the horse race wheel and not less than 1 to 1 nor more than 3 to 1 for the big six wheel.

13:47-8.29 Wheels offering and awarding cash or money as a prize: alteration; adjustment

- (a) All wheels shall be rented or purchased from a licensed raffle equipment supplier.
- (b) A registered organization may use its own wheel or lend the wheel to another organization, free of charge, if the wheel conforms to the provisions of this subchapter.
- (c) No wheel shall be altered in any way including, but not limited to, the alteration of any number or symbol in any section or subsection or adjusting the balance of the wheel.

13:47-8.30 Wheels awarding cash or money as a prize

- (a) The operation of a wheel offering and awarding cash or money as a prize shall be allowed.
- (b) No more than two wheels offering and awarding cash or money as a prize shall be operated by any one licensee at any one location.

13:47-8.31 Big six wheel: authorization; description

- (a) Any big six wheel used to determine a winner of a non-draw raffle shall:
 - 1. Have a 60-inch diameter;
 - 2. Be divided into 60 equal subsections;
 - 3. Show one side of three dice in each subsection as follows:
 - i. Twenty subsections shall show one side of three dice bearing the same number;
 - ii. Twenty subsections shall show one side of two dice bearing the same number and one side of a die bearing a different number;
 - iii. Twenty subsections shall show one side of three dice bearing three different numbers; and
 - iv. Not show repetitive dice number patterns in adjacent subsections;
 - 4. Have a laydown with six divided sections showing one each of the numbers 1 through 6; and
 - 5. Be balanced.

13:47-8.32 Big six wheel: method of play; determining winner and odds to be paid

- (a) A big six wheel shall be played in the following manner:
 - 1. Players place a separate wager of no less than \$1.00 and no more than \$2.00, pursuant to N.J.A.C. 13:47-8.28(a)2, on one or more of the six numbers on the laydown;
 - 2. Only a person authorized to conduct or assist in the conduct of the non-draw raffle shall spin the wheel;
 - 3. The number or numbers showing on the one side of the three dice in the section of the wheel in which the indicator arm

rests when the wheel stops determines the winning number or numbers; and

4. The odds at which a player is to be paid are determined by how many times the number upon which the player placed a wager appears on the face of the dice in the section in which the indicator arm rests when the wheel stops.

13:47-8.33 Horse race wheel: authorization; manufacture; maintenance; laydown

(a) Any horse race wheel used to determine a winner of a non-draw raffle shall:

1. Have a 60-inch diameter;
2. Have 10 sections containing six subsections each on the face;
3. Show one each of the numbers 1 through 10 together with a picture of a horse on each section;
4. Have six subsections located along the outer rim of the wheel in each section which shall be numbered 3-4-5-6-7-3, which shall indicate the odds to be used to determine the amount to be paid to a winner;
5. Have a laydown with 10 divided sections showing one each of the numbers 1 through 10; and
6. Be balanced.

13:47-8.34 Horse race wheel: method of play; determining winner, odds and amount to be paid

(a) A horse race wheel shall be played in the following manner:

1. Players place a separate wager on one or more of the 10 numbers on the laydown;
2. Only a person authorized to conduct or assist in the conduct of the non-draw raffle shall spin the wheel; and
3. The winner and the odds used to determine the amount to be paid shall be determined by where the indicator arm rests when the wheel stops. The number in the section of the wheel containing the subsection in which the indicator arm rests when the wheel stops indicates the winning number. The number in the subsection of a particular section in which the indicator arm rests when the wheel stops indicates the odds to be paid.

13:47-8.35 (Reserved)

13:47-8.36 Instant raffle game: flare; contents; posting; replacement

- (a) The flare for each instant raffle deal in play shall be conspicuously posted in full view of the players at the location where the instant raffle game is held, operated or conducted.
- (b) A flare describing an instant raffle game shall contain at least the following information:
 - 1. The name of the game;
 - 2. The manufacturer's name or registered trade mark or logo;
 - 3. The form number;
 - 4. The prize structure;
 - 5. The cost per play; and
 - 6. The game serial number.
- (c) If an original flare is lost or damaged beyond use, a replacement flare shall be obtained from the distributor from whom the deal was purchased. The replacement flare shall comply with all the requirements in (a) and (b) above.
- (d) No organization shall post a copy or facsimile of any flare for an instant raffle game which has not been provided by the manufacturer or distributor of the game.
- (e) When the flare for an instant raffle game is lost or damaged beyond use, the instant raffle game shall be removed from play until the replacement flare is obtained.

13:47-8.37 Instant raffle ticket: standards

- (a) All instant raffle tickets sold in this State shall conform to the following standards:
 - 1. The ticket shall be designed, constructed, glued and assembled in such a manner as to prevent determination of a winning or losing ticket without removing the tabs or otherwise uncovering the symbols or numbers as intended.
 - 2. A concealed number, symbol, or winner protection feature shall be concealed so that it is impossible to view, read or

determine the number, symbol or winning protection feature from the outside of the instant raffle ticket using a high intensity lamp with or without utilizing a focusing lens or by using any other device or method.

3. All winning instant raffle tickets shall be distributed and mixed among all others in a deal so as to eliminate detection of any pattern from which the location or approximate location of any winning instant raffle ticket may be determined. The instant raffle deal shall be assembled so that winning or losing instant raffle tickets are not detectable.
4. Each instant raffle ticket shall contain the following information:
 - i. The name of the manufacturer or registered trade mark or logo;
 - ii. The name of the game;
 - iii. The manufacturer's form number;
 - iv. The price per individual instant raffle ticket;
 - v. The unique minimum five-character game serial number; and
 - vi. The number of winners, and respective winning number(s) or symbol(s), and prize amount(s).
5. Folded and banded tickets shall contain the name of the manufacturer and the number of winners, and respective winning number(s) or symbol(s), and prize amount(s).
6. Each instant raffle ticket in a deal shall bear the same serial number. No serial number used on a deal of instant raffle tickets shall be repeated on that manufacturer's same form number for a period of three years.
7. Each number(s) or symbol(s) shall be fully visible in the window and shall be placed so that no part of a number or symbol remains covered when a tab is removed. Displacement of the numbers or symbols to the left or right in a window is allowed for increased game security.
8. The window slits on each break-open instant raffle ticket shall be perforated on the three cut sides. All break-open instant raffle tickets shall be glued on all four edges and between

each window. The glue shall be of sufficient strength and type so as to prevent the undetectable separation or delamination of the ticket.

9. The windows of winning break-open instant raffle tickets shall contain a unique symbol or printed security device, such as a specific number keyed to a particular winning ticket, or the name of the symbol or some of the symbol colors changed for a winning ticket, or other similar protection. In addition, the top-two winning tiers of break-open instant raffle tickets shall utilize a secondary form of winner verification to protect against counterfeiting. This paragraph shall not apply to folded and banded tickets.
10. Each deal's package, box, or other container shall be sealed at the factory with a seal and a warning to the purchaser that, if the seal is broken on the package, box or other container, the deal may have been tampered with.
11. Each deal's serial number shall be clearly and legibly placed on the outside of the deal's package, box or other container or be able to be viewed from the outside of the box.
12. Prior to shipment a manufacturer shall seal or tape, with tamper resistant seals or tape, every entry point into a container of instant raffle tickets. The seal or tape must be of such construction as to guarantee that should the container be opened or tampered with, such tampering or opening would be easily discernible and obvious.
13. The flare for each deal shall be attached to the deal by the manufacturer by enclosing the flare under the shrink wrap covering the deal.

13:47-8.38 Instant raffle game: sales; credit prohibition; disposition

- (a) A manufacturer or distributor shall not offer or extend credit to a registered organization for the purchase of instant raffle tickets. Registered organizations shall pay for instant raffle tickets on the date of delivery by check drawn on the registered organization's games of chance account. Manufacturers and distributors shall not accept cash or post-dated checks from registered organizations.

- (b) A registered organization shall not sell, offer to sell or otherwise provide any instant raffle game or any equipment, service or device used in, or in connection with, the holding, operating or conducting of an instant raffle game to another registered organization unless it has received written authorization to do so from the Control Commission.
- (c) Any organization which holds inventory and is no longer licensed to hold, operate or conduct instant raffle games, shall apply to the Control Commission for directions pertaining to the disposition of remaining inventory.

13:47-8.39 Instant raffle game: ban; recall; defective deals; refunds

- (a) A registered organization shall not sell or continue to sell any deal of instant raffle tickets which the organization discovers, or has been notified by a manufacturer or distributor, does not meet the standards contained in this subchapter.
- (b) A registered organization shall return to the manufacturer or distributor from which it was purchased any deal which does not conform to the standards contained in this chapter for a full refund. The organization shall notify the Commission in writing that it has returned the nonconforming deal to the manufacturer or distributor and shall enclose with the notification a copy of the sales invoice.
- (c) If the Control Commission determines that deals of instant raffle tickets sold or offered for sale in this State do not conform to the standards contained in this chapter, the Control Commission shall take appropriate action including, but not limited to:
 1. Directing further sales of the instant raffle tickets be stopped pending review of the games by the manufacturer and the correction of any nonconformity;
 2. Ordering a recall of the nonconforming instant raffle deal(s); and
 3. Directing the manufacturer to notify, in writing, within 72 hours of receipt of the Commission's order, all distributors or registered organizations to which the nonconforming games have been sold and arrange for the prompt return of the deals and a full refund. For purposes of this section, the Order shall

be deemed received by the distributor, manufacturer or registered organization upon the date of acceptance of the certified mailing. If the addressee fails or refuses to claim or to accept delivery of certified mail, delivery shall be deemed to have been completed upon ordinary mailing.

- (d) Upon receipt of the Commission's order directing a recall or other relief, a distributor shall, within 72 hours, notify in writing by certified and regular mail all registered organizations which have purchased the recalled deals that the deals are being recalled by order of the Commission and shall arrange for the return of the recalled deals to the distributor. The registered organization shall provide copies of those notices to the Commission within 72 hours of mailing the notices.

13:47-8.40 Instant raffle game: broken seal; use prohibited

- (a) No manufacturer or distributor shall sell, offer to sell or provide any instant raffle tickets from a container which has been opened or whose seal or tape outside has been tampered with in any way.
- (b) No registered organization shall sell, offer to sell or provide for play, any instant raffle tickets where the seal or tape on the container has been tampered with in any way.

13:47-8.41 Instant raffle game: organization records

- (a) An organization shall retain accounting records for three years from the last date on which the instant raffle game was conducted. The records shall include the following:
 - 1. The flares;
 - 2. All redeemed defaced winning instant raffle tickets;
 - 3. All unsold instant raffle tickets;
 - 4. An accounting of each deal's:
 - i. Gross receipts;
 - ii. Prizes awarded;
 - iii. Cost of the deal; and
 - iv. Net proceeds;
 - 5. The date each deal was placed into play; and

6. The number and value of redeemed instant raffle tickets.
- (b) Daily records shall be available at the location where instant raffle games are held, operated or conducted during the period of time in which the game is held, operated or conducted. Daily records shall include the following:
1. The name of the game;
 2. The form number;
 3. The serial number;
 4. The price to play each game sold or offered for sale;
 5. The actual gross receipts of each game; and
 6. The number and value of all instant raffle tickets redeemed.

13:47-8.42 Instant raffle game: recordkeeping; manufacturer; distributor

- (a) A distributor and manufacturer shall maintain complete, accurate, and legible general and subsidiary accounting records. The records shall be retained for three years measured from the date of sale, and shall include, by month:
1. Purchase orders reflecting the name, address and identification number of the registered organization for any service or equipment for use in, or in connection with, the sale or distribution of any instant raffle game in this State;
 2. Sales invoices reflecting the name, address and identification number of the registered organization for any service or equipment for use in, or in connection with, the sale or distribution of any instant raffle game in this State; and
 3. All instant raffle game equipment that has been returned to the manufacturer or distributor.

13:47-8.43 Instant raffle game: sales invoice

- (a) Sales invoices for instant raffle games shall conform to the following standards:
1. Each invoice shall be pre-numbered consecutively using a number containing a combination of not less than four digits or characters. The number shall be pre-printed by automated printing equipment or printed by a computer;

2. Each invoice shall be prepared in two parts and distributed and maintained as follows:
 - i. One part shall be issued to the registered organization; and
 - ii. One part shall be retained by the distributor in an invoice file by registered organization name; and
3. Each invoice shall include:
 - i. The license number of the distributor or manufacturer;
 - ii. The name and address of the purchaser;
 - iii. If sold to a registered organization, the identification number issued by the Commission to the organization;
 - iv. If sold to a distributor, the license number issued by the Commission to the distributor;
 - v. The name and address of the person to whom the instant raffle game equipment was shipped;
 - vi. The date shipped;
 - vii. The purchase order number;
 - viii. A description of each item of instant raffle game equipment, including the name of the game, serial number, form number and quantity of equipment; and
 - ix. The ideal gross receipts and ideal net proceeds for each item.

13:47-8.44 Instant raffle game: inventory control; manufacturer; distributor

- (a) A manufacturer or distributor shall establish and maintain a perpetual inventory control system to account for deals of instant raffle tickets which are manufactured by, purchased by or which are returned by a registered organization, including instant raffle equipment returned to the manufacturer or distributor for a credit. The system shall account for the sale or other disposition of each item.
- (b) Perpetual inventory records shall separately account for the quantity of deals of instant raffle tickets acquired, sold or provided and those remaining in inventory, by:
 1. The name and address of the registered organization and the identification number issued to it by the Control Commission;

2. The name and address of the other manufacturer or distributor and the license number issued to it by the Control Commission; and
3. The name, form number and serial number of the instant raffle game.

13:47-8.45 Golf Hole-in-One Contest; authorization

It shall be lawful to hold, operate and conduct a “Golf Hole-in-One Contest” as defined in this chapter in the method described in this subchapter.

13:47-8.46 Golf Hole-in-One Contest; prize limit; insurance

- (a) No prize in excess of \$1,000,000, shall be offered or awarded to a winner of a Golf Hole-in-One Contest.
- (b) If any single prize or prizes having an aggregate retail value in excess of \$25,000 are offered or awarded to a winner of a Golf Hole-in-One Contest, the entire amount shall be insured by a company licensed by the New Jersey Department of Banking and Insurance to conduct business in New Jersey.
 1. If the prize awarded is to be paid as an annuity, the maximum annuity period shall be 20 years.
- (c) All shots attempted in the final phase of play shall:
 1. Be insured within the limits set forth in (b) above; and
 2. Have an equal opportunity to win the grand prize.
- (d) The retail value of any single ancillary prize awarded for accomplishments other than a hole-in-one shall not exceed \$500.00, unless the prize is wholly donated.

13:47-8.47 Golf Hole-in-One Contest; equipment; distance

- (a) The hole shall have the dimensions of 4.25 inches in diameter and a minimum of four inches depth. The ball shall conform to United States Golf Association standards in effect at the time of the contest.
- (b) The distance between the tee and the center of the hole/cup shall not exceed 180 yards.

13:47-8.48 Golf Hole-in-One Contest; conduct maximum number of days

A licensed organization may conduct qualifying sessions in connection with a Golf Hole-in-One Contest for a stated period of time prior to the final session, provided the date(s), time(s) and place(s) of the qualifying sessions are clearly described in its application for raffles license.

13:47-8.49 Golf Hole-in-One Contest; persons excluded

No person who is ranked as a professional golfer by the Professional Golfer's Association shall be permitted to participate as a player in any Golf Hole-in-One Contest held, operated and conducted pursuant to a license issued in accordance with the provisions of the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq., and this chapter.

SUBCHAPTER 9. REPORT OF OPERATIONS

13:47-9.1 Form; time

(a) The report of operation shall be on the form provided by the Control Commission. The report shall contain the following information:

1. Gross receipts derived from each game;
2. Expenses incurred or paid, to whom paid and a description of the merchandise purchased or the services rendered therefor;
3. Net profit from each game and the uses to which the net profit has been or will be applied; and
4. A list of prizes offered or given and their respective values.

(b) The licensee shall file one copy of the report with the Control Commission no later than the 15th day of the calendar month immediately following the calendar month in which the licensed activity was held, operated or conducted.

13:47-9.2 Supply of forms

Forms for the Report of Operations shall be supplied upon request to a licensee by the municipal clerk.

13:47-9.3 Separate report form; Special door prize

(a) In the case of raffles, a separate report form shall be used for each type of raffle for which a license is issued.

- (b) A monthly report need not be submitted for a special door prize raffle. An organization conducting any special door prize raffle shall submit annually in writing to the Control Commission a report containing the following information:
1. Name, address and identification number of the organization conducting the special door prize raffle;
 2. Date and place that each special door prize raffle was held during the preceding 12 months;
 3. Net proceeds realized from each occasion at which a special door prize raffle was held;
 4. Purposes to which the net proceeds of each occasion were applied; and
 5. The name of the municipality in which a special door prize raffle drawing was held.
- (c) In the case of non-draw raffles (carnival wheels and games), complete and file Form LGCCC 8R-A and 8R-A1.

13:47-9.4 Report; no game held

When a game is not held on any date when a license authorizes it to be held, a report to that effect shall nonetheless be filed with the Control Commission.

13:47-9.5 Default

If a licensee fails to file a report within the time required, or if a report is not properly verified, or not fully, accurately and truthfully completed, no further license shall issue to it, and any existing license shall be suspended until such time as the default has been corrected.

13:47-9.6 Expiration

Upon the filing of the report for the last game authorized in the license, the license shall be attached to the report of operations filed with the Control Commission.

13:47-9.7 Annual report by municipality

- (a) The municipal clerk of a municipality which has adopted the Bingo Licensing Law or the Raffles Licensing Law or both shall submit to the Control Commission annually for the 12 month period end-

ing December 31, each year on or before January 31 of the following year, a report containing the following information as to the operation of both bingo and raffles within the municipality for the preceding 12 month period:

1. The number of licenses issued pursuant to each law;
 2. The names and addresses and identification number issued by the Control Commission, of each licensee;
 3. The aggregate amount of municipal license fees collected;
 4. The name and address of all persons detected in violation of the laws or regulations; and
 5. The names and address of all persons prosecuted for such violations, the result of each prosecution and the penalty imposed.
- (b) The report may contain recommendations for the improvement of the Bingo Licensing Law or the Raffles Licensing Law or the administration thereof.

SUBCHAPTER 10. SUSPENSION AND REVOCATION OF LICENSES

13:47-10.1 Notice; service

- (a) Proceedings to suspend or to revoke a license shall be brought by notifying the licensee of the ground thereof and the date set for hearing thereon.
- (b) The governing body or the Control Commission may stop the operation of a game pending hearing, in which case the hearing must be held within five days after such action.
- (c) The governing body or the Control Commission, as the case may be, shall cause the notice of hearing to be served personally upon an officer of the licensee or the member in charge of the conduct of the game or to be sent by registered or certified mail to the licensee at the address shown in the license.

13:47-10.2 Hearing; decision of governing body

- (a) When suspension or revocation proceedings are begun before the governing body which issued the license, it shall hear the matter and make written findings in support of its decision.

- (b) The licensee shall be informed of the decision, and of the effective date of the suspension or revocation.

13:47-10.3 Disposition; decision of Control Commission

When suspension or revocation proceedings are begun before the Control Commission, it shall dispose of the proceeding in the same manner as in the case of an appeal from a determination or action of the governing body. Both the licensee and the governing body issuing the license shall be informed of the decision and of the effective date of the suspension or revocation.

13:47-10.4 Surrender of license; time

- (a) When a license is suspended or revoked, the licensee shall surrender up the license to the governing body, or the Control Commission (whichever revoked or suspended) on or before the effective date set forth in the notice of decision.
- (b) In no case shall any license be valid beyond the effective date of suspension or revocation, whether surrendered or not.

13:47-10.5 Ineligibility

- (a) Upon the finding of a violation of the Rules and Regulations of this Chapter or the Bingo Licensing Law or the Raffles Licensing Law, such as would warrant the suspension or revocation of a license, the governing body or the Control Commission (whichever made such finding) may, in addition to any other penalties which may be imposed, declare the violator ineligible to conduct a game of chance and to apply for a license under said laws for a period not exceeding 30 months thereafter.
- (b) Such declaration of ineligibility may be extended to include, in addition to the violator, any of its subsidiary organizations, its parent organization and any other organization having a common parent organization or otherwise affiliated with the violator, when, in the opinion of the governing body or the Control Commission, the circumstances of the violation warrant such action.

13:47-10.6 Testimony; recordation

- (a) Testimony at all proceedings before the Control Commission to suspend or to revoke a license shall be taken stenographically and testimony at all other hearings before the Control Commission may

be taken stenographically when directed by the Control Commission.

- (b) Said testimony shall be taken by an official stenographic reporter duly appointed by the Control Commission for this purpose, and whenever such testimony shall be transcribed, the original transcript of said testimony shall be filed by the reporter with the Secretary of the Control Commission.

SUBCHAPTER 11. APPEALS TO THE CONTROL COMMISSION

13:47-11.1 Time

Upon the taking of an appeal provided for by the Bingo Licensing Law or the Raffles Licensing Law from the determination of the governing body denying, suspending or revoking a license, the party aggrieved shall file with the governing body an original and copy of a notice of appeal within 30 days of the determination appealed from.

13:47-11.2 Notice of appeal; contents

The notice of appeal shall set out the information required by, and in substantially the form of, Form 9, hereby adopted.

13:47-11.3 Forwarding of appeal

The municipal clerk shall forward the original of the notice of appeal to the Control Commission within five days of its filing.

13:47-11.4 Statement of appeal; filing

- (a) Within 15 days after filing the notice of appeal, the party aggrieved shall file with the Control Commission an original and five copies of a Statement of Appeal.
- (b) On or before the day of filing, a copy thereof shall be served upon the governing body.

13:47-11.5 Statement of appeal; contents

- (a) The statement of appeal shall state, in separately captioned portions:
 1. The specific nature of the error complained of;
 2. A narrative of the facts presented to the governing body upon which the determination or action was based;

3. A narrative of any additional facts, not presented to the governing body, which it is requested be considered on the appeal, together with an explanation why such additional facts were not presented to the governing body.
4. Argument on the facts or law.

13:47-11.6 Statement of appeal; annexations

- (a) The Statement of Appeal shall have annexed, in the form of affidavits and exhibits, proofs in support of any facts as to which it is claimed that there was error; any additional facts not presented to the governing body.
- (b) There shall also be affixed a copy of the original application and of the license, if any.

13:47-11.7 Counterstatement of appeal; contents

- (a) Within 20 days after service upon it of the Statement of Appeal, the governing body shall file with the Control Commission an original and five copies of a Counterstatement of Appeal which shall set out the following:
 1. As to each fact set out in the Statement of Appeal, whether the same is disputed or not;
 2. As to any disputed fact, its assertion as to the true fact;
 3. A narrative of any additional facts, not presented to the governing body, which it is requested be considered on the appeal;
 4. Argument on the facts and law.
- (b) On or before the filing thereof, a copy of the Counterstatement of Appeal shall be served upon the party aggrieved.

13:47-11.8 Counterstatement of appeal; annexations

- (a) The Counterstatement of Appeal shall have annexed, in the form of affidavits and exhibits, proofs in support of any disputed facts, any additional facts not presented to the governing body.
- (b) There shall also be affixed a copy of the Report of Findings and Determination of the Governing Body.

13:47-11.9 Filing with Control Commission

Filing with the Control Commission may be by registered or certified mail, return receipt requested, and shall be complete on mailing.

SUBCHAPTER 12. APPEALS: HEARINGS AND DISPOSITION

13:47-12.1 Date and place

Upon receipt of the Counterstatement of Appeal, the matter shall be transmitted to the Office of Administrative Law or scheduled for hearing before the Control Commission. Such hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq. and Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:47-12.2 (Reserved)

13:47-12.3 (Reserved)

13:47-12.4 (Reserved)

13:47-12.5 Stenographic record

- (a) Whenever oral argument, or the oral testimony of witnesses, or both, is presented at the hearing of an appeal, any party may, at his own expense, have a certified shorthand reporter present to take a stenographic record of the proceedings.
- (b) If such record is made, the party shall file the original transcript with the Control Commission.
- (c) Any other party shall be entitled to secure a copy from the reporter at his own expense.

13:47-12.6 Adjournment

Hearings may be adjourned by the Control Commission from time to time at the request of any party, but only for good cause shown, but hearings shall be held and concluded with reasonable dispatch and without unnecessary delay.

13:47-12.7 Quorum

- (a) Three members of the Control Commission shall constitute a quorum for the hearing of an appeal.
- (b) The Control Commission shall decide the appeal within 15 days of the hearing.

- (c) The concurring vote of at least three members of the Control Commission shall be required for the determination of any appeal.

13:47-12.8 Findings

- (a) Upon the determination of an appeal, the Control Commission shall state its findings and record the vote of the members participating therein.
- (b) All parties shall be notified by the Secretary of the action of the Control Commission and shall be furnished a copy of the findings.

SUBCHAPTER 13. RAFFLES AND BINGO EQUIPMENT PROVIDERS; INSTANT RAFFLE EQUIPMENT SUPPLIERS; FEES NOTIFICATIONS; QUALIFICATIONS

13:47-13.1 Application

- (a) An applicant desiring to provide or supply bingo, raffle or instant raffle equipment for use in, or in connection with, holding, operating or conducting raffles, bingo or instant raffle games shall first be approved by the Control Commission.
- (b) Any person desiring such approval shall apply to the Control Commission, in writing and in duplicate, on Form 11 which is hereby adopted, and shall provide the Control Commission with any additional information requested.
- (c) The application shall be signed under oath.
- (d) Where such applicant is a natural person, partnership or other association of natural persons, the application shall be signed and sworn to by all of them.
- (e) Where such applicant is a corporation, or association in the nature thereof, it shall be signed and sworn to by all of its officers and by all holders of ten per cent or more of its capital stock issued and outstanding, of all classes.
- (f) If any such stockholder shall itself be a corporation or association in the nature thereof, the application shall also be signed and sworn to by all of the officers, and by all of the stockholders holding ten per cent or more of the capital stock issued and outstanding, of all classes, of such corporate stockholder.

- (g) Each applicant desiring to provide bingo or raffle equipment shall forward together with Form 11, a non-refundable application fee of \$100.00 by check or money order made payable to the order of the Legalized Games of Chance Control Commission.
- (h) Each applicant desiring to supply instant raffle equipment shall forward, together with a completed Form 22, a non-refundable application fee of \$100.00 by certified check or money order made payable to the order of the Legalized Games of Chance Control Commission.

13:47-13.2 Agent for service of process

- (a) All applicants before receiving approval shall appoint the Executive Officer of the Control Commission as agent for the Service of process.
- (b) Such appointment shall be made on Form 12 or 12A which are hereby adopted.
- (c) Upon the service of any papers upon the Executive Officer of the Control Commission as such agent, the Executive Officer shall forthwith forward the papers by registered or certified mail, return receipt requested, to the person named in such power of Attorney and who is a defendant in such proceeding at the address that appears in the latest application filed with the Commission or at any new address subsequently furnished to the Control Commission by such applicant in writing.

13:47-13.3 Approval

- (a) If, upon considering such application the Control Commission shall be satisfied that the applicant (or its officers and stockholders of 10 percent or more of its stock when the applicant is a corporation) is of good moral character and has not been convicted of crime, it shall enter its approval in its records, shall notify the applicant accordingly, and shall issue its certificate with an identifying number.
- (b) No person approved by the Control Commission to provide equipment for use in or in connection with any game licensable pursuant to the Bingo Licensing Law, N.J.S.A. 5:8-24 et seq., or the Raffles Licensing Law, N.J.S.A. 5:8-50 et seq., shall provide any such equipment to a person not registered with the Control Commission.

13:47-13.4 Application hearing

- (a) If, on considering such application, the Control Commission shall not be so satisfied, it shall notify the applicant, by registered or certified mail, return receipt requested, setting out the date and place of hearing on the application, to be held at least one week after the date of the notice.
- (b) At the hearing, the burden of proof shall be on the applicant, and the Control Commission shall not enter an approval unless it is satisfied by the proofs of the existence of the conditions fixed by law.

13:47-13.5 Procedures

- (a) The rules governing subpoenas, stenographic record, adjournments, quorum, vote and findings, applicable to appeals to the Control Commission, shall also apply to hearings on applications for approval.
- (b) The Control Commission may, on its own initiative, issue subpoenas for the attendance of witnesses and the production of books, records, and other documents.

13:47-13.6 Approval; time limitations; renewal

- (a) Upon notification of approval by the Commission, each bingo and raffle equipment provider shall forward an annual licensing fee of \$500.00 by certified check or money order made payable to the order of the Legalized Games of Chance Control Commission. The approval to supply bingo and raffle equipment, when granted, shall be valid for one year.
- (b) Prior to the expiration of the current annual license period, each licensed bingo and raffle equipment provider shall submit an application for license renewal together with the annual license renewal fee.
- (c) Upon notification of approval by the Commission, each manufacturer of instant raffle equipment shall forward an annual licensing fee of \$1,500 by certified check or money order made payable to the order of the Legalized Games of Chance Control Commission. The approval to supply instant raffle equipment when granted shall be valid for one year.

- (d) Prior to the expiration of the current annual license period, each licensed manufacturer of instant raffle equipment shall submit an application for license renewal together with the annual license renewal fee.
- (e) Upon notification of approval by the Commission, each distributor of instant raffle equipment shall forward an annual licensing fee of \$1,000 by certified check or money order made payable to the order of the Legalized Games of Chance Control Commission. The approval to supply instant raffle equipment when granted shall be valid for one year.
- (f) Prior to the expiration of the current annual license period, each licensed distributor of instant raffle equipment shall submit an application for license renewal together with the annual license renewal fee.
- (g) The Commission may suspend or revoke the license of bingo and raffle equipment providers or manufacturers and distributors of instant raffle equipment issued by the Commission, after an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, for any violation of the Bingo Licensing Law, the Raffle Licensing Law, this chapter or any other relevant law.

13:47-13.7 Certification

- (a) Within 48 hours after agreeing to supply raffles equipment to a licensee, whether or not a charge is made by the supplier, the raffles equipment supplier shall send to the Control Commission a certification as to the following:
 1. Name and address of the licensee to whom the equipment was supplied;
 2. Address of the place where the equipment was installed or is to be used;
 3. Exact description of all equipment supplied;
 4. Date upon which the equipment is to be used.
 5. Total amount of charge made.
- (b) Such certification shall be made by the supplier in letter form.

- (c) In the case of a corporate supplier, it shall be signed by an authorized officer.

13:47-13.8 Providing bingo or raffle equipment; restriction

No person approved by the Control Commission to provide equipment for use in or in connection with the conduct of bingo or raffle games shall provide such equipment to any person not registered with the Control Commission and licensed by the municipality in which the activity is held, operated or conducted.

13:47-13.9 Reporting requirements

- (a) On the 15th day of each month, each person approved by the Control Commission to provide equipment for use in or in connection with the conduct of bingo games shall file a report with the Control Commission containing the following information:
 1. The name, address and license number issued by the Control Commission to the provider;
 2. The name, address and identification number issued by the Control Commission to each organization to which bingo equipment was provided in the preceding month;
 3. A complete description of the equipment provided including the type of product, quantity, series number serial numbers, cut and color of paper;
 4. The date the equipment was delivered to the licensed organization;
 5. The amount charged for each item and the total amount of each invoice;
 6. The date upon which payment was received by the provider; and
 7. Any outstanding balances owed to the provider.
- (b) Any person approved by the Control Commission to provide equipment in or in connection with the holding, operating or conducting of bingo or raffle games shall notify the Control Commission in writing of any organization that has not paid in full the amount charged for all bingo or raffle equipment delivered or provided within 60 days.

1. Such notification shall be made no later than 10 days after the date upon which the account becomes delinquent.
 2. A copy of the notification shall be sent to the delinquent organization.
 3. The notification of a delinquent account shall contain the following:
 - i. The name, address and identification number of the delinquent organization;
 - ii. A description of the equipment for which payment has not been received;
 - iii. The amount past due;
 - iv. A copy of the invoice indicating the items for which payment has not been received; and
 - v. The name, address and telephone number of the member of the organization who has been notified of the delinquency.
- (c) On the 15th day of each month, each person approved by the Control Commission to supply equipment for use in, or in connection with, the conduct of instant raffle games shall file a report with the Control Commission containing the following information:
1. The name, address and license number issued by the Control Commission to the supplier;
 2. The name, address and identification number or license number issued by the Control Commission to each organization or supplier to which instant raffle equipment was supplied in the preceding month;
 3. A complete description of the instant raffle equipment supplied including the type and quantity of the equipment and the form and serial number of each instant raffle game;
 4. The date the instant raffle equipment was delivered to the licensed organization or distributor;
 5. The amount charged for each item and the total amount of each invoice;
 6. The date upon which payment was received by the supplier;

7. In the case of distributors, any outstanding balances owed to the supplier; and
8. Any returned instant raffle equipment.

SUBCHAPTER 14. RENTAL OF PREMISES FOR BINGO

13:47-14.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Commercial rentor”--A rentor who is not a qualified organization registered with the Control Commission.

“Organization”--Any organization licensed to hold, operate or conduct games of chance under the Bingo Licensing Law.

“Person”--Not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity.

“Premises”--Any land, building, enclosure or part thereof used for the purpose of operating or conducting games of chance under the Bingo Licensing Law.

“Rental”--The amount paid or payable by an organization to a rentor for the use of premises including janitorial services, utilities, tables and chairs rented, furnished or supplied to said organization for the purpose of holding, operating or conducting games of chance under the Bingo Licensing Law. No additional charge may be made for any service.

“Rentor”--The owner, lessor, and supplier of premises furnished or supplied to, or used by, an organization for the purpose of holding, operating or conducting games of chance under the Bingo Licensing Law.

13:47-14.2 Applications and licensing

- (a) Applications for licenses as an approved rentor shall be made on Form 15 which is hereby adopted (See Section 16.21 (LGCCC15) of this Chapter). The application with supporting material as set forth below shall be filed with the Secretary of the Control Commission in duplicate.
- (b) Each application shall be accompanied by a rental statement on Form 16 which is hereby adopted.
- (c) Where the owner is an individual, the application shall be accompanied by identification statement for individuals on Form 19 which

is hereby adopted. (See Section 16.25 (LGCCC19) of this Chapter). Where the owner is a partnership, association, joint venture, or other business entity, except a corporation, it shall be accompanied by the identification statement on Form 17 which is hereby adopted (See Section 16.23 (LGCCC17) of this Chapter). Each person referred to in Form 17 shall file an identification statement for an individual on Form 19.

- (d) If the owner is a corporation, it shall be accompanied by the identification statement for a corporation on Form 18 which is hereby adopted (See Section 16.24 (LGCCC18) of this Chapter). Each stockholder shall file an identification statement for an individual on Form 19.
- (e) No license as an approved rentor shall be granted:
 - 1. If any person whose signature or name appears in the application is not the real party in interest or if the person so signing or named in the application is an undisclosed agent or trustee for any such real party in interest; and
 - 2. Unless the Commission shall determine that the applicant and, if the applicant is not the owner, the owners of said premises, and if said applicant or the owner is a corporation, all of its officers and each of its stockholders who own ten per cent or more of its issued and outstanding stock, are of good moral character and have not been convicted of a crime.
- (f) The Commission will, among other things, and without limitation, consider a violation of N.J.S.A. 5:8-1 *et seq.* or any amendment of or supplement to said Act as evidence of lack of good moral character.
- (g) The Commission in its inquiry and investigation of an application may hold a hearing at which the applicant or if the applicant is a corporation its officers, directors and stockholders shall appear and testify under oath respecting the contents of the application.
- (h) When the Commission is satisfied that the applicant possesses the qualifications to receive a license, the Secretary shall issue and deliver a license to an applicant as an approved rentor of specified premises upon the payment by the applicant of an annual license fee in the amount of \$500.00. Such payment shall be made by certified check payable to the order of the Legalized Games of Chance Control Commission.

- (i) Any license as an approved rentor issued pursuant to this Chapter may be revoked or suspended for such period as the Commission deems in the public interest for any of the following offenses on the part of the licensee, its agent or employees, or any person required by this Chapter to sign or be identified in an original application for a license:
 - 1. Any cause which would permit or require disqualification of the licensee from receiving a license upon original application;
 - 2. Fraud, deceit or misrepresentation in securing the license or in the conduct of the licensed activity or in connection with any application submitted to, or any interview, hearing or proceeding conducted by, the Commission;
 - 3. Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of his activities;
 - 4. Failure to keep said books and records available during business hours for inspection by the Commission and its duly designated representatives until the expiration of the second calendar year following the calendar year during which the transactions recorded therein occurred;
 - 5. Violation of any provisions of this Chapter, the Bingo Licensing Law or the rules and regulations adopted by the Commission.
- (j) A license as an approved rentor shall be valid until revoked, suspended or modified by the Commission.
- (k) The Commission may issue a temporary permit to an applicant pending final action on the application. Any such temporary permit shall be valid for a period not in excess of 180 days.
- (l) Licenses for approved rentors shall be issued on Form 20 which is hereby adopted.
- (m) Qualified organizations registered with the Control Commission who file with the Secretary a declaration of trust on Form 21 which is hereby adopted that they will devote all of the rentals received to authorized purposes are hereby automatically approved and licenses shall issue upon the filing of such declaration. Form 21 shall be supplied and prepared by the organization.

13:47-14.3 Regulations concerning rentals

- (a) No agreements or arrangements for the rental or use of premises for the playing of bingo shall be valid and no moneys paid by licensed organizations for such rental or use or services shall be allowable expenditures to be taken into account in determining net proceeds unless made in accordance with the provisions of the rules and regulations of this Chapter.
- (b) No premises shall be used or allowed to be used for the conduct of bingo unless the same are either owned by the licensed organization conducting the games or rented or supplied in compliance with the provisions of the statute and the rules and regulations of this Chapter.
- (c) No renter shall rent, or allow the use of, any premises for bingo to be conducted by a licensed organization unless such renter is either itself a qualified organization holding a valid license issued by a municipality in this State for the conduct of bingo for a period including the date of such rental or use, or is a licensed renter holding a valid license issued by the Commission for the specific premises, the premises may be rented or used not more than twice one day.
- (d) No premises shall be rented or allowed to be used unless all of the terms and conditions of such rental or use are set forth in a written agreement.
- (e) No agreement for the rental or use of any premises for bingo shall be valid unless the entire agreement is in writing, signed by the parties thereto, and an executed copy filed with the Commission at least 15 days prior to the date of any occupancy or use thereunder.
- (f) No agreement for the rental or use of any premises for bingo shall be valid unless the same shall contain the following provisions, terms and conditions:
 - 1. That neither the renter nor the owner of the premises will make any charge, or receive or accept, any money or other valuable thing from the licensed organization other than the payments expressly provided in such agreement;
 - 2. That neither the renter nor the owner of the premises will enter into any arrangement or transaction with the licensed organization other than for the rental of premises, which in-

cludes the rental of chairs and tables and janitor service as set out in the agreement;

3. That neither the rentor nor any person having an interest in the rentor, or the owner, or any person having an interest in the owner, nor any office, director, stockholder, employee, agent or servant of the rentor or owner shall conduct, participate or assist in the conduct of bingo or render any service to anyone conducting, participating or assisting in the conduct of bingo at any time during the calendar year in which such agreement is made or during which the same may be in force; but this requirement shall apply only to a commercial rentor;
4. That no payments shall be made to the rentor or owner or accepted by the rentor or owner except by check;
5. That the rentor will not allow the presence on the premises of any person or persons directed by the Commission to be kept off the premises;
6. That all of the terms, covenants and conditions of the agreement shall be subject to amendment, supplement, modification or change as may be required by any rule, regulation or specific order of the Commission thereafter adopted or entered, but in any such event either party to the agreement shall be entitled to terminate the agreement at any time thereafter on seven days' notice;
7. That the rentor and owner shall at all times comply with any rule, regulation or specific order of the Commission thereafter adopted or entered and applicable to the rentor or owner;
8. That any person, whether a rentor or owner, who shall receive any money or other valuable thing directly or indirectly from the licensed organization on or after the date on which such rentor or owner shall violate any term, covenant or condition of the agreement, or of any rule, regulation or specific order of the Commission, applicable to such rentor or owner, shall be obliged to repay and refund any and all sums and things so received from the date of such violation and until such violation shall cease, to the licensed organization upon request of such licensed organization or the Commission;
9. That the licensed organization may cancel in accordance with the rules and regulations of this Chapter any date scheduled

for the conduct of bingo on the premises without being obliged to make any payment for such date;

10. That neither the rentor nor the owner of the premises will in any way advertise or announce, or allow any other person to advertise or announce, by any means which come to the attention of the public, that the premises are used, or are available for rental or use for the conduct of bingo;
 11. A statement listing the commercial rentor's license number or the bingo license of a licensed organization rentor, as the case may be, the identification number and bingo license number of the organization to which the premises are rented.
- (g) No agreement for the rental or use of premises for the conduct of bingo shall be valid for a period beyond one calendar year from the effective date thereof.
- (h) Every rentor shall keep and maintain a register in which there shall be entered a record of all dates reserved for rental to or use by any licensed organization for the conduct or playing of bingo and a record of rental and use, which record shall indicate:
1. The date and portion of the day reserved;
 2. The name, identification number and license number for the licensed organization;
 3. The amount to be charged for the rental or use;
 4. The date of the agreement for rental or use and its filing number;
 5. A statement whether the premises were so used on the specified date;
 6. A description of the check received in payment of the rental or charge made, including date, bank, payee, and amount.
- (i) A \$10.00 fee, in the form of a certified check payable to the Legalized Games of Chance Control Commission, shall be forwarded by the rentor to the Commission for each occasion on which bingo games are held, pursuant to N.J.S.A. 5:8-24 et seq. Payment of this fee shall be made no later than the 10th day of the month immediately following the month in which the premises was used for the holding, operating or conducting of bingo together with a statement disclosing:

1. Location of premises and name of person receiving payment;
 2. Date and amount of payment received and description of method of payment;
 3. Name, identification number and bingo license number of organization which conducted bingo;
 4. Date when bingo was conducted; and
 5. The commercial rentor's license number issued by the Control Commission for the premises.
- (j) No rentor shall allow or permit bingo to be conducted or played on premises rented for that purpose unless there shall be in existence a valid license for the conduct of the games by the organization actually conducting the same and unless the [s]aid license is prominently displayed on the premises during the conduct of the game as required by the rules and regulations applicable.
- (k) No rentor shall lend money to or borrow money from any organization licensed to conduct bingo games, or any person who is an officer of any such organization or who is in charge of or assists in the conduct of the games, so long as such rentor shall rent, or offer to rent or allow the use of premises for the conduct or playing of bingo.
- (l) A rentor which is itself licensed to hold, operate or conduct games of chance under the Bingo Licensing Law, and which executes and files with the Commission a declaration of trust, in such form as it may require, stating that it will devote the entire gross rentals received by it for the rental or use of premises, exclusively to one or more authorized purposes expressly identified in such declaration and approved by the Commission, need not submit any data or information to support the fairness and reasonableness of the rental or other payment to be received.
- (m) Every commercial rentor shall promptly notify the Commission of any change in its organization structure or mode of operation, and of any change in the identity of the persons named or required to be named in the application or of the nature or extent of their interest as set forth in the application.
- (n) Every rentor holding a license shall, at the Commission's request, file such forms and furnish such information as may be required from time to time for the purpose of maintaining current and reli-

able information as to the continuance of the qualifications required for such license.

- (o) Qualified organizations registered with the Control Commission may donate their premises to another qualified organization, licensed to conduct bingo, but may not make any change for services rendered or otherwise.
- (p) A rentor must post the license on the premises where bingo is played.
- (q) Rentals must be collected by the commercial rentor within 48 hours after the holding of the bingo occasion.

13:47-14.4 Premises located in senior citizen development; exemption from fees and reports

Any premises located in a senior citizen development, whether incorporated or unincorporated, which are held as a common element, are regularly used and occupied by the senior citizen association or club for activities other than the conduct of legalized games of chance that are leased, rented or provided with or without charge to a qualified senior citizen association or club for the conduct of bingo solely by and for its own members shall be subject to all of the provisions of the Bingo Licensing Law N.J.S.A. 5:8-24 et seq., and this chapter, except that the owners of the premises shall not be required to pay the annual licensing fee prescribed by N.J.A.C. 13:47-14.2(h) or to file the report or pay the per occasion fee prescribed by N.J.A.C. 13:47-14.3(h).

13:47-14.5 Senior citizen rentor; exemption

For the purposes of this chapter, no owner of property in a senior citizen development who is also a member of the senior citizen association or club holding, operating or conducting bingo solely by and for its own members in a premises described in N.J.A.C. 13:47-14.4 shall be considered a rentor or in any way be subject to the restrictions placed on persons approved as commercial rentors pursuant to this subchapter.

SUBCHAPTER 15. GENERAL PROVISIONS

13:47-15.1 Forms

- (a) All forms other than Form 1-A, 8B-A, 8R-A, 8R-A1, 11, 12, and 12A, 14, 15, 16, 17, 18, 19, 20, and 21, shall be supplied by the municipalities.

- (b) All forms, other than Form 1-A, and all papers on appeal shall be on good white paper. Forms 2B-A, 2R-A, 8B-A and 8R-A shall be on paper 8 1/2 x 22 inches in size.
- (c) Other forms, with the exception of Forms 1-A, 3, 4, 8B-A, 8R-A and 11 and papers on appeal shall be on paper 8 1/2 x 11 inches in size.

13:47-15.2 Seal

The seal of the Control Commission shall consist of the seal of the State of New Jersey with the words “New Jersey Legalized Games of Chance Control Commission” around the circumference.

13:47-15.3 (Reserved)

SUBCHAPTER 16. SCHEDULES

13:47-16.1 Schedule of Rates “A”

(a) The schedule of rates “A” is:

<u>Equipment</u>	<u>Rental (No more than)</u>	<u>Per week</u>	<u>Per day</u>
Number Merchandise Wheels 60" and larger	\$100.00		\$ 75.00
Number Merchandise Wheels less than 60"	10.00		2.00
Merchandise Dart Wheels	10.00		2.00
Big Six Wheel	500.00		150.00
Horse Race Wheel	500.00		150.00
Raffle Barrel	10.00 per week or any fraction thereof		
Any other equipment in the nature of Raffle Wheels not specifically referred to above	7.50		1.50

Tents:

8' x 14' Tent with or without Booth	26.00 per week or any part thereof
14' x 14' Tent with or without Booth	32.50 per week or any part thereof
8' x 14' Booth without Tent	26.00 per week or any part thereof

14' x 14' Booth without Tent 32.50 per week
or any part thereof

(Money wheels may not be used under any circumstance)

13:47-16.2 Schedule of Fees "B"

(a) The schedule of fees "B" is:

Schedule of Fees "B"

<u>Service</u>	<u>Fee</u> (<u>No more than</u>)
Making bookkeeping entries for operation of games of chance on any one day	\$ 2.00
Preparing Reports of Operations for any one game	3.00
Opening books for a game of chance account	15.00
Supervising bookkeeping and accounting system without making entries or preparing reports	5.00 per month
Supervising accounting system and making bookkeeping entries and preparing reports	15.00 per month

13:47-16.3 through

13:47-16.27 (Reserved)