

## **ARTICLE 1. INTRODUCTION AND GENERAL PROVISIONS**

### **5:12-1 Short title; declaration of policy and legislative findings**

a. This act shall be known and may be cited as the "Casino Control Act."

b. The Legislature hereby finds and declares to be the public policy of this State, the following:

(1) The tourist, resort and convention industry of this State constitutes a critical component of its economic structure and, if properly developed, controlled and fostered, is capable of providing a substantial contribution to the general welfare, health and prosperity of the State and its inhabitants.

(2) By reason of its location, natural resources and worldwide prominence and reputation, the city of Atlantic City and its resort, tourist and convention industry represent a critically important and valuable asset in the continued viability and economic strength of the tourist, convention and resort industry of the State of New Jersey.

(3) The rehabilitation and redevelopment of existing tourist and convention facilities in Atlantic City, and the fostering and encouragement of new construction and the replacement of lost convention, tourist, entertainment and cultural centers in Atlantic City will offer a unique opportunity for the inhabitants of the entire State to make maximum use of the natural resources available in Atlantic City for the expansion and encouragement of New Jersey's hospitality industry, and to that end, the restoration of Atlantic City as the Playground of the World and the major hospitality center of the Eastern United States is found to be a program of critical concern and importance to the inhabitants of the State of New Jersey.

(4) Legalized casino gaming has been approved by the citizens of New Jersey as a unique tool of urban redevelopment for Atlantic City. In this regard, the introduction of a limited number of casino rooms in major hotel convention complexes, permitted as an additional element in the hospitality

industry of Atlantic City, will facilitate the redevelopment of existing blighted areas and the refurbishing and expansion of existing hotel, convention, tourist, and entertainment facilities; encourage the replacement of lost hospitality-oriented facilities; provide for judicious use of open space for leisure time and recreational activities; and attract new investment capital to New Jersey in general and to Atlantic City in particular.

(5) Restricting the issuance of casino licenses to major hotel and convention facilities is designed to assure that the existing nature and tone of the hospitality industry in New Jersey and in Atlantic City is preserved, and that the casino rooms licensed pursuant to the provisions of this act are always offered and maintained as an integral element of such hospitality facilities, rather than as the industry unto themselves that they have become in other jurisdictions.

(6) An integral and essential element of the regulation and control of such casino facilities by the State rests in the public confidence and trust in the credibility and integrity of the regulatory process and of casino operations. To further such public confidence and trust, the regulatory provisions of this act are designed to extend strict State regulation to all persons, locations, practices and associations related to the operation of licensed casino enterprises and all related service industries as herein provided. In addition, licensure of a limited number of casino establishments, with the comprehensive law enforcement supervision attendant thereto, is further designed to contribute to the public confidence and trust in the efficacy and integrity of the regulatory process.

(7) Legalized casino gaming in New Jersey can attain, maintain and retain integrity, public confidence and trust, and remain compatible with the general public interest only under such a system of control and regulation as insures, so far as practicable, the exclusion from participation therein of persons with known criminal records, habits or associations, and the exclusion or removal from any positions of authority or responsibility within casino

gaming operations and establishments of any persons known to be so deficient in business probity, either generally or with specific reference to gaming, as to create or enhance the dangers of unsound, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incident thereto.

(8) Since the public has a vital interest in casino operations in Atlantic City and has established an exception to the general policy of the State concerning gaming for private gain, participation in casino operations as a licensee or registrant under this act shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the individual licensee or registrant and upon the discharge of the affirmative responsibility of each such licensee or registrant to provide to the regulatory and investigatory authorities established by this act any assistance and information necessary to assure that the policies declared by this act are achieved. Consistent with this policy, it is the intent of this act to preclude the creation of any property right in any license, registration, certificate or reservation permitted by this act, the accrual of any value to the privilege of participation in gaming operations, or the transfer of any license, registration, certificate, or reservation, and to require that participation in gaming be solely conditioned upon the individual qualifications of the person seeking such privilege.

(9) Since casino operations are especially sensitive and in need of public control and supervision, and since it is vital to the interests of the State to prevent entry, directly or indirectly, into such operations or the ancillary industries regulated by this act of persons who have pursued economic gains in an occupational manner or context which are in violation of the criminal or civil public policies of this State, the regulatory and investigatory powers and duties shall be exercised to the fullest extent consistent with law to avoid entry of such persons into the casino operations or the ancillary industries regulated by this act.

(10) (Deleted by amendment, P.L. 1995, c. 18.)

(11) The facilities in which licensed casinos are to be located are of vital law enforcement interest to the State, and it is in the public interest that the regulatory and investigatory powers and duties conferred by this act include the power and duty to review architectural and site plans to assure that the proposal is suitable by law enforcement standards.

(12) Since the economic stability of casino operations is in the public interest and competition in the casino operations in Atlantic City is desirable and necessary to assure the residents of Atlantic City and of this State and other visitors to Atlantic City varied attractions and exceptional facilities, the regulatory and investigatory powers and duties conferred by this act shall include the power and duty to regulate, control and prevent economic concentration in the casino operations and the ancillary industries regulated by this act, and to encourage and preserve competition.

(13) It is in the public interest that the institution of licensed casino establishments in New Jersey be strictly regulated and controlled pursuant to the above findings and pursuant to the provisions of this act, which provisions are designed to engender and maintain public confidence and trust in the regulation of the licensed enterprises, to provide an effective method of rebuilding and redeveloping existing facilities and of encouraging new capital investment in Atlantic City, and to provide a meaningful and permanent contribution to the economic viability of the resort, convention, and tourist industry of New Jersey.

(14) Confidence in casino gaming operations is eroded to the extent the State of New Jersey does not provide a regulatory framework for casino gaming that permits and promotes stability and continuity in casino gaming operations.

(15) Continuity and stability in casino gaming operations cannot be achieved at the risk of permitting persons with unacceptable backgrounds and records of behavior to control casino gaming operations contrary to the vital law enforcement interest of the State.

(16) The aims of continuity and stability and of law enforcement will best be served by a system in which continuous casino operation can be assured under certain circumstances wherein there has been a transfer of property or another interest relating to an operating casino and the transferee has not been fully licensed or qualified, as long as control of the operation under such circumstances may be placed in the possession of a person or persons in whom the public may feel a confidence and a trust.

(17) A system whereby the suspension or revocation of casino operations under certain appropriate circumstances causes the imposition of a conservatorship upon the suspended or revoked casino operation serves both the economic and law enforcement interests involved in casino gaming operations.

(18) As recognized in the July 2010 Report of the Governor's Advisory Commission on New Jersey Gaming, Sports, and Entertainment, and as confirmed in subsequent legislative hearings held throughout the State, legalized casino gaming in New Jersey presently stands at a crossroads, facing critical challenges that jeopardize its important role in the State economy, and it is in the public interest to modernize and streamline the current outdated casino regulatory structure in order to achieve efficiencies and cost savings that are more appropriately directed to marketing and infrastructure improvement efforts while, at the same time, maintaining strict integrity in the regulation of casino operations.

(19) The ability of the legalized casino gaming industry in New Jersey to compete in an ever-expanding national gaming market requires a regulatory system that is sufficiently flexible to encourage persons and entities holding casino gaming licenses outside of New Jersey to participate in casino gaming in Atlantic City, to allow licensees to take full and timely advantage of advancements in technology, particularly in information technology, and business management, and to encourage the efficient utilization of resources between and among affiliated New Jersey licensees

operating casinos located in Atlantic City and between and among a New Jersey affiliate and its licensed affiliates in other jurisdictions.

L.1977, c. 110, § 1, eff. June 2, 1977.

Amended by:

L.1978, c. 7, § 1, eff. Mar. 17, 1978.

L.1981, c. 503, § 1, eff. Feb. 15, 1982.

L.1987, c. 409, § 1, eff. Jan. 14, 1988.

L.1987, c. 410, § 1, eff. Jan. 14, 1988.

L.1991, c. 182, § 1, eff. June 29, 1991.

L.1995, c. 18, § 1, eff. Jan. 25, 1995.

L.2011, c. 19, § 1, eff. Feb. 1, 2011.

### **5:12-1.1 Applicability of Casino Simulcasting Act throughout chapter**

Any reference in the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) to "this act" or to "P.L.1977, c.110" shall be deemed to include, where appropriate, the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.).

L.1993, c. 292, § 41, eff. Dec. 21, 1993.

### **5:12-2 Definitions**

As used in this act, the words and terms have the meanings ascribed to them in P.L.1977, c.110 (C.5:12-1 et seq.), unless a different meaning clearly appears in the context.

L.1977, c. 110, § 2, eff. June 2, 1977.

Amended by:

L.2011, c. 19, § 2, eff. Feb. 1, 2011.

#### **5:12-2.1 "Affiliate"**

"Affiliate" - A person that directly or indirectly, through one or more intermediaries, controls or is controlled by, or is under common control with, the affiliated person.

L.1995, c. 18, § 2, eff. Jan. 25, 1995.

**5:12-2.1a "Annuity jackpot"**

"Annuity jackpot" - A slot machine jackpot offered by a casino licensee or multi-casino progressive slot machine system pursuant to which a patron wins the right to receive fixed cash payments at specified intervals in the future.

L.2004, c. 184, § 1, eff. Dec. 22, 2004.

**5:12-2.2 "Annuity jackpot guarantee"**

"Annuity jackpot guarantee" - A financial arrangement established in accordance with the rules of the division to assure that all payments that are due to the winner of an annuity jackpot are actually paid when due regardless of the future financial stability of the slot system operator that is responsible for making such payments.

L.1995, c. 18, § 3, eff. Jan. 25, 1995.

Amended by:

L.2004, c. 184, § 2, eff. Dec. 22, 2004.

L.2011, c. 19, § 3, eff. Feb. 1, 2011.

**5:12-3 "Applicant"**

"Applicant" - Any person who on his own behalf or on behalf of another has applied for permission to engage in any act or activity which is regulated under the provisions of this act.

L.1977, c. 110, § 3, eff. June 2, 1977.

**5:12-4 "Application"**

"Application" - A written request for permission to engage in any act or activity which is regulated under the provisions of this act.

L.1977, c. 110, § 4, eff. June 2, 1977.

**5:12-4.1 "Attorney"**

"Attorney" - Any attorney licensed to practice law in this State or any other jurisdiction, including an employee of a casino licensee.

L.1995, c. 18, § 4, eff. Jan. 25, 1995.

**5:12-5 "Authorized game" or "authorized gambling game"**

"Authorized Game" or "Authorized Gambling Game" - Roulette, baccarat, blackjack, craps, big six wheel, slot machines, minibaccarat, red dog, pai gow, and sic bo; any variations or composites of such games, provided that such variations or composites are found by the division suitable for use after an appropriate test or experimental period under such terms and conditions as the division may deem appropriate; and any other game which is determined by the division to be compatible with the public interest and to be suitable for casino use after such appropriate test or experimental period as the division may deem appropriate. "Authorized game" or "authorized gambling game" includes gaming tournaments in which players compete against one another in one or more of the games authorized herein or by the division or in approved variations or composites thereof if the tournaments are authorized by the division.

L.1977, c. 110, §5, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 1, eff. Jan. 9, 1980.

L.1985, c. 350, § 1, eff. Jan. 6, 1986.

L.1991, c. 182, § 2, eff. June 29, 1991.

L.1992, c. 9, § 1, eff. May 19, 1992.

L.1993, c. 292, § 1, eff. Dec. 21, 1993.

L.2011, c. 19, § 4, eff. Feb. 1, 2011.

**5:12-5.1 Repealed by L.1992, c. 9, § 13, eff. May 19, 1992.**

**5:12-5.2 "Cash equivalent value"**

"Cash equivalent value" - The monetary value that a casino licensee shall assign to a jackpot or payout that consists of merchandise or any thing of value other than cash, tokens, chips or plaques. The division shall promulgate rules defining "cash equivalent value" in order to assure fairness, uniformity and comparability of valuation of jackpots and payoffs that include merchandise or any thing of value.

L.2002, c. 65, § 2, eff. Aug. 14, 2002.

Amended by:

L.2011, c. 19, § 5, eff. Feb. 1, 2011.

**5:12-6 "Casino" or "casino room" or "licensed casino"**

"Casino" or "casino room" or "licensed casino" - One or more locations or rooms in a casino hotel facility that have been approved by the division for the conduct of casino gaming in accordance with the provisions of this act.

"Casino" or "casino room" or "licensed casino" shall not include any casino simulcasting facility authorized pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.).

L.1977, c. 110, § 6, eff. June 2, 1977.

Amended by:

L.1991, c. 182, § 4, eff. June 29, 1991.

L.1996, c. 84, § 1, eff. July 25, 1996.

L.2011, c. 19, § 6, eff. Feb. 1, 2011.

**5:12-6.1 "Casino bankroll"**

"Casino bankroll" - Cash maintained in the casino, excluding any funds necessary for the normal operation of the casino, such as change banks, slot hopper fills, slot booths, cashier imprest funds and redemption area funds.

L.2011, c. 19, § 7, eff. Feb. 1, 2011.

**5:12-7 "Casino employee"**

"Casino Employee" - Any natural person, not otherwise included in the definition of casino key employee, who is employed by a casino licensee, or a holding or intermediary company of a casino licensee, and is involved in the operation of a licensed casino or a simulcasting facility or performs services or duties in a casino, simulcasting facility or a restricted casino area, including, without limitation, boxmen; dealers or croupiers; floormen; machine mechanics; casino security employees; count room personnel; cage personnel; slot machine and slot booth personnel; collection personnel; casino surveillance personnel; simulcasting facility personnel involved in wagering-related activities in a simulcasting facility; data processing personnel; and information technology employees; or any other natural person whose employment duties predominantly involve the maintenance or operation of gaming activity or equipment and assets associated therewith or who, in the judgment of the commission, is so regularly required to work in a restricted casino area that registration as a casino employee is appropriate.

L.1977, c. 110, § 7, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 2, eff. Jan. 9, 1980.

L.1987, c. 353, § 1, eff. Jan. 4, 1988.

L.1991, c. 182, § 5, eff. June 29, 1991.

L.1992, c. 9, § 2, eff. May 19, 1992.

L.1992, c. 19, § 23, eff. June 12, 1992.

L.2011, c. 19, § 8, eff. Feb. 1, 2011.

**5:12-8 Repealed by L.1995, c. 18, § 48, eff. Jan. 25, 1995.**

**5:12-8.1 Repealed by L.1995, c. 18, § 48, eff. Jan. 25, 1995.**

**5:12-9 "Casino key employee"**

"Casino Key Employee" - Any natural person employed by a casino licensee or holding or intermediary company of a casino licensee, and involved in the operation of a licensed casino or a simulcasting facility in a supervisory capacity or empowered to make discretionary decisions which regulate casino or simulcasting facility operations, including, without limitation, pit bosses; shift bosses; credit executives; casino cashier supervisors; casino or simulcasting facility managers and managers and supervisors of information technology employees; junket supervisors; marketing directors; and managers or supervisors of casino security employees; or any other natural person empowered to make discretionary decisions which regulate the management of an approved hotel, including, without limitation, hotel managers; entertainment directors; and food and beverage directors; or any other employee so designated by the Casino Control Commission for reasons consistent with the policies of this act.

L.1977, c. 110, § 9, eff. June 2, 1977.

Amended by:

L.1987, c. 355, § 1, eff. Jan. 4, 1988.

L.1992, c. 19, § 24, eff. June 12, 1992.

L.2011, c. 19, § 9, eff. Feb. 1, 2011.

**5:12-10 "Casino license"**

Any license issued pursuant to this act which authorizes the holder thereof to own or operate a casino.

L.1977, c.110, § 10, eff. June 2, 1977.  
Amended by:  
L.1978, c. 7, § 2, eff. Mar. 17, 1978.  
L.1987, c.410, § 2, eff. Jan. 14, 1988.

**5:12-11 "Casino security employee"**

"Casino security employee" - Any natural person employed by a casino licensee or its agent to provide physical security in a casino, casino simulcasting facility, or restricted casino area. "Casino security employee" shall not include any person who provides physical security solely in any other part of the casino hotel.

L.1977, c.110, § 11, eff. June 2, 1977.  
Amended by:  
L.1991, c.182, § 7, eff. June 29, 1991.  
L.1993, c. 292, § 2, eff. Dec. 21, 1993.  
L.1995, c. 18, § 5, eff. Jan. 25, 1995.

**5:12-11.1 Repealed by L.2011, c. 19, § 133, eff. Feb. 1, 2011.**

**5:12-12 "Casino service industry enterprise"**

"Casino service industry enterprise" - Any vendor offering goods or services which directly relate to casino or gaming activity, including gaming equipment and simulcast wagering equipment manufacturers, suppliers, repairers and independent testing laboratories, junket enterprises and junket representatives, that provides casino applicants or licensees with goods or services. Notwithstanding the foregoing, any form of enterprise engaged in the manufacture, sale, distribution, testing or repair of slot machines within New Jersey, other than antique slot machines as defined in N.J.S.2C:37-7, shall be considered a casino service industry enterprise for the purposes of this act

regardless of the nature of its business relationship, if any, with casino applicants and licensees in this State.

For the purposes of this section, "casino applicant" includes any person required to hold a casino license pursuant to section 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the division for a casino license or any approval required under P.L.1977, c.110 (C.5:12-1 et seq.).

L.1977, c.110, § 12, eff. June 2, 1977.

Amended by:

L.1982, c. 57, § 1, eff. July 6, 1982.

L.1987, c.355, § 2, eff. Jan. 4, 1988.

L.1991, c.182, § 8, eff. June 29, 1991.

L.1992, c. 9, § 3, eff. May 19, 1992.

L.1992, c. 19, § 25, eff. June 12, 1992.

L.1995, c. 18, § 7, eff. Jan. 25, 1995.

L.2009, c. 36, § 1, eff. April 8, 2009.

L.2011, c. 19, § 10, eff. Feb. 1, 2011.

**5:12-13 "Chairman" and "commissioner" or "member"**

"Chairman" and "commissioner" or "member" - The chairman and any member of the Casino Control Commission, respectively.

L.1977, c.110, § 13, eff. June 2, 1977.

**5:12-14 "Commission"**

"Commission" - The New Jersey Casino Control Commission.

L.1977, c.110, § 14, eff. June 2, 1977.

**5:12-14a "Complimentary service or item"**

"Complimentary service or item" - A service or item provided at no cost or at a reduced price. The furnishing of a complimentary service or item by a casino licensee shall be deemed to constitute the indirect payment for the

service or item by the casino licensee, and shall be valued in an amount based upon the retail price normally charged by the casino licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a casino licensee or provided by a third party on behalf of a casino licensee shall be the cost to the casino licensee of providing the service or item, as determined in accordance with the rules of the division.

L.1983, c. 41, § 2, eff. Jan. 27, 1983.

Amended by:

L.2011, c. 19, § 12, eff. Feb. 1, 2011.

#### **5:12-14.1 "Conservator"**

"Conservator" - A fiduciary appointed pursuant to the Article concerning Casino License Conservatorship in the Casino Control Act.

L.1978, c. 7, § 8, eff. March 17, 1978.

#### **5:12-14.2 "Conservatorship action"**

"Conservatorship action" - An action brought pursuant to the Article concerning Casino License Conservatorship in the Casino Control Act for the appointment of a conservator.

L. 1978, c. 7, § 9, eff. March 17, 1978.

#### **5:12-14.2a "Corporate officer"**

"Corporate officer" - The chief executive officer, chief financial officer, chief operating officer, chief information officer and chief legal officer of a corporation, or their equivalents in any unincorporated entity.

L.2011, c. 19, § 11, eff. Feb. 1, 2011.

**5:12-14.3 "Creditor"**

"Creditor" - The holder of any claim, of whatever character, against a person, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent.

L.1978, c. 7, § 3, eff. March 17, 1978.

**5:12-14.4 "Debt"**

"Debt" - Any legal liability, whether matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent, including debt convertible into an equity security which has not yet been so converted, and any other debt carrying any warrant or right to subscribe to or purchase an equity security which warrant or right has not yet been exercised.

L.1978, c. 7, § 4, eff. March 17, 1978.

Amended by:

L.2011, c. 19, § 131, eff. Feb. 1, 2011.

**5:12-15 "Director"**

"Director" - The Director of the Division of Gaming Enforcement.

L.1977, c. 110, § 15, eff. June 2, 1977.

**5:12-16 "Division"**

"Division" - The Division of Gaming Enforcement.

L.1977, c. 110, § 16, eff. June 2, 1977.

**5:12-16.1 "Encumbrance"**

"Encumbrance"- A mortgage, security interest, lien or charge of any nature in or upon property.

L.1978, c. 7, § 5, eff. March 17, 1978.

**5:12-17 "Equal employment opportunity"**

"Equal employment opportunity" - Equality in opportunity for employment by any person licensed pursuant to the provisions of this act.

L.1977, c. 110, § 17, eff. June 2, 1977.

**5:12-18 "Equity security"**

"Equity security" - (a) Any voting stock of a corporation, or similar security; (b) any security which has been converted, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security which warrant or right has been exercised; or (c) any security having a direct or indirect participation in the profits of the issuer. The holder of a security described in subsection (b) of this section shall not be required to qualify as a holder of an equity security prior to any such conversion or exercise of any such warrant or rights.

L.1977, c. 110, § 18, eff. June 2, 1977.

Amended by:

L.2011, c. 19, § 132, eff. Feb. 1, 2011.

**5:12-19 "Establishment" or "casino hotel" or "casino hotel facility"**

"Establishment" or "casino hotel" or "casino hotel facility" - A single building, or two or more buildings which are physically connected in a manner deemed appropriate by the commission, containing an approved hotel, a casino and, if applicable, a casino simulcasting facility.

L.1977, c. 110, § 19, eff. June 2, 1977.

Amended by:

L.1996, c. 84, § 2, eff. July 25, 1996.

**5:12-20 "Family"**

"Family" - Spouse, domestic partner, partner in a civil union, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, daughters-in-law, sons-in-law, brothers-in-law and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship.

L.1977, c. 110, § 20, eff. June 2, 1977.

Amended by:

L.2011, c. 19, § 13, eff. Feb. 1, 2011.

**5:12-21 "Game" or "gambling game"**

"Game" or "gambling game" - Any banking or percentage game located within the casino or simulcasting facility played with cards, dice, tiles, dominoes, or any electronic, electrical, or mechanical device or machine for money, property, or any representative of value.

L.1977, c. 110, § 21, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 3, eff. Jan. 9, 1980.

L.1991, c. 182, § 9, eff. June 29, 1991.

L.1992, c. 19, § 26, eff. June 12, 1992.

**5:12-22 "Gaming" or "gambling"**

"Gaming or gambling" - The dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.

L.1977, c. 110, § 22, eff. June 2, 1977.

**5:12-23 "Gaming device" or "gaming equipment"**

"Gaming device" or "gaming equipment" - Any electronic, electrical, or

mechanical contrivance or machine used in connection with gaming or any game.

L.1977, c. 110, § 23, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 4, eff. Jan. 9, 1980.

#### **5:12-24 "Gross revenue"**

"Gross Revenue" - The total of all sums actually received by a casino licensee from gaming operations, less only the total of all sums actually paid out as winnings to patrons; provided, however, that the cash equivalent value of any merchandise or thing of value included in a jackpot or payout shall not be included in the total of all sums paid out as winnings to patrons for purposes of determining gross revenue. "Gross Revenue" shall not include any amount received by a casino from casino simulcasting pursuant to the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.).

L.1977, c. 110, § 24, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 5, eff. Jan. 9, 1980.

L.1987, c. 426, § 2, eff. Jan. 14, 1988.

L.1992, c. 19, § 27, eff. June 12, 1992.

L.2002, c. 65, § 3, eff. Aug. 14, 2002.

L.2003, c. 116, § 14, eff. July 1, 2003.

L.2009, c. 36, § 2, eff. April 8, 2009.

#### **5:12-25 "Hearing examiner"**

"Hearing examiner" - The director, a commissioner or other person authorized by the director or the commission to conduct hearings.

L.1977, c. 110, § 25, eff. June 2, 1977.

Amended by:

L.2011, c. 19, § 14, eff. Feb. 1, 2011.

**5:12-26 "Holding company"**

"Holding company" - Any corporation, association, firm, partnership, trust or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation or other form of business organization which holds or applies for a casino license. For the purpose of this section, in addition to any other reasonable meaning of the words used, a "holding company" indirectly has, holds or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries may intervene between the holding company and the casino licensee or applicant.

L.1977, c. 110, § 26, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 6, eff. Jan. 9, 1980.

L.2002, c. 65, § 4, eff. Aug. 14, 2002.

**5:12-27 "Hotel" or "approved hotel"**

"Hotel" or "approved hotel" - A single building, or two or more buildings which are physically connected in a manner deemed appropriate by the commission and which are operated as one casino-hotel facility under the provisions of the "Casino Control Act," P.L.1977, c. 110 (C. 5:12-1 et seq.), located within the limits of the city of Atlantic City as said limits were defined as of November 2, 1976, and containing not fewer than the number of sleeping units required by section 83 of P.L.1977, c. 110 (C. 5:12-83), each of which sleeping units shall: a. be at least 325 square feet measured to the center of perimeter walls, including bathroom and closet space and excluding hallways, balconies and lounges; b. contain private bathroom facilities; and c. be held available and used regularly for the lodging of tourists and convention guests.

L.1977, c. 110, § 27, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 7, eff. Jan. 9, 1980.

L.1991, c. 182, § 10, eff. June 29, 1991.  
L.1993, c. 292, § 3, eff. Dec. 21, 1993.  
L.2002, c. 65, § 5, eff. Aug. 14, 2002.

### **5:12-27.1 Institutional investor**

"Institutional investor" - Any retirement fund administered by a public agency for the exclusive benefit of federal, state, or local public employees; investment company registered under the Investment Company Act of 1940 (15 U.S.C. § 80a-1 et seq.); collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency; closed end investment trust; chartered or licensed life insurance company or property and casualty insurance company; banking and other chartered or licensed lending institution; investment advisor registered under The Investment Advisors Act of 1940 (15 U.S.C. § 80b-1 et seq.); and such other persons as the division may determine for reasons consistent with the policies of the "Casino Control Act," P.L.1977, c. 110 (C. 5:12-1 et seq.).

L.1991, c. 182, § 11, eff. June 29, 1991.  
Amended by:  
L.2011, c. 19, § 15, eff. Feb. 1, 2011.

### **5:12-28 "Intermediary company"**

"Intermediary company" - Any corporation, association, firm, partnership, trust or any other form of business organization other than a natural person which:

- a. Is a holding company with respect to a corporation or other form of business organization which holds or applies for a casino license, and
- b. Is a subsidiary with respect to any holding company.

L.1977, c. 110, § 28, eff. June 2, 1977.  
Amended by:  
L.2002, c. 65, § 6, eff. Aug. 14, 2002.

**5:12-29 "Junket"**

"Junket" - An arrangement the purpose of which is to induce any person, selected or approved for participation therein on the basis of his ability to satisfy a financial qualification obligation related to his ability or willingness to gamble or on any other basis related to his propensity to gamble, to come to a licensed casino hotel for the purpose of gambling and pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging, and entertainment for said person is directly or indirectly paid by a casino licensee or employee or agent thereof.

L.1977, c. 110, § 29, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 8, eff. Jan. 9, 1980.

L.1983, c. 41, § 1, eff. Jan. 27, 1983.

L.1987, c. 426, § 1, eff. Jan. 14, 1988.

**5:12-29.1 "Junket enterprise"**

Any person, other than the holder of or an applicant for a casino license, who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed casino, regardless of whether or not those activities occur within the State of New Jersey.

L.1983, c. 41, § 3, eff. Jan. 27, 1983.

Amended by:

L.1992, c. 9, § 4, eff. May 19, 1992.

**5:12-29.2 "Junket representative"**

"Junket representative" - Any natural person who negotiates the terms of, or engages in the referral, procurement or selection of persons who may participate in, any junket to a licensed casino, regardless of whether or not

those activities occur within the State of New Jersey.

L.1983, c. 41, § 4, eff. Jan. 27, 1983.

Amended by:

L.1987, c. 426, § 3, eff. Jan. 14, 1988.

L.1995, c. 18, § 8, eff. Jan. 25, 1995.

**5:12-30 "License"**

"License" - Any license required by this act.

L.1977, c. 110, § 30, eff. June 2, 1977.

**5:12-31 "License or Registration Fee"**

"License or Registration Fee" - Any moneys required by law to be paid for the issuance or renewal of a casino license, or any other license or registration required by this act.

L.1977, c. 110, § 31, eff. June 2, 1977.

Amended by:

L.1981, c. 503, § 2, eff. Feb. 15, 1982.

**5:12-32 "Licensed casino operation"**

"Licensed casino operation" - Any casino licensed pursuant to the provisions of this act.

L.1977, c. 110, § 32, eff. June 2, 1977.

**5:12-33 "Licensee"**

"Licensee" -Any person who is licensed under any of the provisions of this act.

L.1977, c. 110, § 33, eff. June 2, 1977.

**5:12-33a "Multi-casino employee"**

"Multi-casino employee" - Any registered casino employee or licensed casino key employee who, upon the petition of two or more affiliated casino licensees, is endorsed by the commission or division, as applicable, to perform any compatible functions for any of the petitioning casino licensees.

L.2001, c. 19, § 16, eff. Feb. 1, 2011.

**5:12-33.1 "Multi-casino progressive slot machine system"**

"Multi-casino progressive slot machine system"- A slot machine gaming system approved by the commission pursuant to which a common progressive slot machine jackpot is offered on slot machines that are interconnected in more than one casino hotel facility.

L.2004, c. 184, § 3, eff. Dec. 22, 2004.

**5:12-34 "Operation"**

"Operation" - The conduct of gaming as herein defined.

L.1977, c. 110, § 34, eff. June 2, 1977.

**5:12-35 "Operation certificate"**

"Operation certificate" - A certificate issued by the division which certifies that operation of a casino and, if applicable, a simulcasting facility conforms to the requirements of this act and applicable regulations and that its personnel and procedures are efficient and prepared to entertain the public.

L.1977, c. 110, § 35, eff. June 2, 1977.

Amended by:

L.1993, c. 292, § 4, eff. Dec. 21, 1993.

L.2011, c. 19, § 17, eff. Feb. 1, 2011.

**5:12-36 "Party"**

"Party" - The division, or any licensee, registrant, or applicant, or any person appearing of record for any licensee, registrant, or applicant in any proceeding before the division or the commission or in any proceeding for judicial review of any action, decision or order of the division or commission.

L.1977, c. 110, § 36, eff. June 2, 1977.

Amended by:

L.1981, c. 503, § 3, eff. Feb. 15, 1982.

L.2002, c. 65, § 7, eff. Aug. 14, 2002.

L.2011, c. 19, § 18, eff. Feb. 1, 2011.

**5:12-37 "Person"**

"Person"- Any corporation, association, operation, firm, partnership, trust or other form of business association, as well as a natural person.

L.1977, c. 110, § 37, eff. June 2, 1977.

**5:12-38 Repealed by L.2011, c. 19, § 133, eff. Feb. 1, 2011.**

**5:12-38a "Promotional Gaming Credit"**

"Promotional gaming credit" – A slot machine credit or other item approved by the division that is issued by a licensee to a patron for the purpose of enabling the placement of a wager at a slot machine in the licensee's casino. No such credit shall be reported as a promotional gaming credit unless the casino licensee can establish that the credit was issued by the casino licensee and received from a patron as a wager at a slot machine in the licensee's casino.

L.2008, c. 12, § 1, eff. April 11, 2008.

Amended by:

L.2011, c. 19, § 19, eff. Feb. 1, 2011.

**5:12-38.1 "Property"**

"Property" - Real property, tangible and intangible personal property, and rights, claims and franchises of every nature.

L.1978, c. 7, § 6, eff. March 17, 1978.

**5:12-39 "Publicly traded corporation"**

"Publicly traded corporation" - Any corporation or other legal entity, except a natural person, which

a. Has one or more classes of security registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 78l), or

b. Is an issuer subject to section 15(d) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78o.), or

c. Has one or more classes of securities traded in any open market in any foreign jurisdiction or regulated pursuant to a statute of any foreign jurisdiction which the division determines to be substantially similar to either or both of the aforementioned statutes.

L.1977, c. 110, § 39, eff. June 2, 1977.

Amended by:

L.1978, c. 7, § 7, eff. Mar. 17, 1978.

L.1992, c. 9, § 7, eff. May 19, 1992.

L.2011, c. 19, § 20, eff. Feb. 1, 2011.

**5:12-40 "Registration"**

"Registration" - Any requirement other than one which requires a license as a prerequisite to conduct a particular business as specified by this act.

L.1977, c. 110, § 40, eff. June 2, 1977.

**5:12-41 "Registrant"**

"Registrant" - Any person who is registered pursuant to the provisions of this act.

L.1977, c. 110, § 41, eff. June 2, 1977.

**5:12-42 "Regulated complimentary service account"**

"Regulated complimentary service account" - An account maintained by a casino licensee on a regular basis which itemizes complimentary services and includes, without limitation, a listing of the cost of junket activities and any other service provided at no cost or reduced price.

L.1977, c. 110, § 42, eff. June 2, 1977.

**5:12-42.1 "Resident"**

"Resident" - Any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature.

L.1978, c. 7, § 10. eff. Oct. 1, 1978.

**5:12-43 "Respondent"**

"Respondent" - Any person against whom a complaint has been filed or a written request for information served.

L.1977, c. 110, § 43, eff. June 2, 1977.

**5:12-43.1 "Restricted casino areas"**

"Restricted Casino Areas" - The cashier's cage, the soft count room, the hard count room, the slot cage booths and runway areas, the interior of table game pits, the surveillance room and catwalk areas, the slot machine repair room and any other area specifically designated by the division as restricted in a licensee's operation certificate.

L.1987, c. 353, § 3, eff. Jan. 4, 1988.

Amended by:

L.2011, c. 19, § 21, eff. Feb. 1, 2011.

**5:12-44 "Security"**

"Security" - Any instrument evidencing a direct or indirect beneficial ownership or creditor interest in a corporation or other form of business organization, including but not limited to, stock, common and preferred; bonds; mortgages; debentures; security agreements; notes; warrants; options and rights.

L.1977, c. 110, § 44, eff. June 2, 1977.

Amended by:

L.2002, c. 65, § 8, eff. Aug. 14, 2002.

**5:12-44.1 "Simulcasting facility"**

"Simulcasting facility" - A facility established in a casino hotel pursuant to section 4 of the "Casino Simulcasting Act," P.L.1992, c. 19 (C.5:12-194).

L.1992, c. 19, § 21, eff. June 12, 1992.

**5:12-45 "Slot machine"**

"Slot machine" - Any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate,

the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash, or to receive merchandise or any thing of value whatsoever, whether the payoff is made automatically from the machine or in any other manner whatsoever, except that the cash equivalent value of any merchandise or other thing of value shall not be included in determining the payout percentage of any slot machine.

L.1977, c. 110, § 45, eff. June 2, 1977.

Amended by:

L.1985, c. 350, § 2, eff. Jan. 6, 1986.

L.1987, c. 355, § 3, eff. Jan. 4, 1988.

L.1995, c. 18, § 9, eff. Jan. 25, 1995.

L.2002, c. 65, § 9, eff. Aug. 14, 2002.

#### **5:12-45.1 "Slot system agreement"**

"Slot system agreement" - A written agreement governing the operation and administration of a multi-casino progressive slot machine system that is approved by the division and executed by the participating casino licensees and any slot system operator.

L.2004, c. 184, § 4, eff. Dec. 22, 2004.

Amended by:

L.2011, c. 19, § 22, eff. Feb. 1, 2011.

#### **5:12-45.2 "Slot system operator"**

"Slot system operator" - Any person designated in a slot system agreement as being responsible for the operation and administration of a multi-casino progressive slot machine system, including a casino licensee, a group of casino licensees acting jointly or a casino service industry enterprise licensed pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92), or an eligible applicant for such license.

L.2004, c. 184, § 5, eff. Dec. 22, 2004.  
Amended by:  
L.2009, c. 36, § 3, eff. April 8, 2009.

**5:12-45.3 "State of emergency"**

"State of emergency" – Any emergency situation, including the failure to enact a general appropriation law by the deadline prescribed by Article VIII, Section II, paragraph 2 of the New Jersey Constitution, a state of emergency declared by the President of the United States or the Governor of the State of New Jersey and a State ordered State employee furlough, during which division and commission employees are unable to perform the duties and responsibilities required of them under this act.

L.2011, c. 19, § 23, eff. Feb. 1, 2011.

**5:12-46 "Statement of compliance"**

"Statement of compliance" - A statement by the commission, upon the input of the division, which may be issued to an applicant for a casino license or any person who must be qualified pursuant to this act in order to hold the securities of a casino licensee or any holding or intermediary company of a casino licensee, indicating satisfactory completion of a particular stage or stages of the license consideration process, and which states that unless there is a change of any material circumstance pertaining to such particular stage or stages of license consideration involved in the statement, such applicant has complied with requirements mandated by this act and is therefore approved for license qualification to the stage or stages for which the statement has been issued.

L.1977, c. 110, § 46, eff. June 2, 1977.  
Amended by:  
L.2011, c. 19, § 24, eff. Feb. 1, 2011.

**5:12-47 "Subsidiary"**

"Subsidiary"- a. Any corporation, any significant part of whose outstanding equity securities are owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company; or

b. A significant interest in any firm, association, partnership, trust or other form of business organization, not a natural person, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

L.1977, c. 110, § 47, eff. June 2, 1977.

Amended by:

L.1979, c. 282, § 9, eff. Jan. 9, 1980.

**5:12-47.1 Repealed by L.1987, c. 410, § 23, eff. Jan. 14, 1988.**

**5:12-47.2 "Transfer"**

"Transfer" - The sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise; the retention of a security interest in property delivered to a corporation shall be deemed a transfer suffered by such corporation.

L.1978, c. 7, § 12, eff. March 17, 1978.

**5:12-48 Repealed by L.1991, c. 182, § 61, eff. June 29, 1991.**

**5:12-49 Words and terms: tense, number and gender**

In construing the provisions of this act, save when otherwise plainly declared or clearly apparent from the context:

- a. Words in the present tense shall include the future tense.
- b. Words in the masculine shall include the feminine and neuter genders.
- c. Words in the singular shall include the plural and the plural shall include the singular.

L.1977, c. 110, § 49, eff. June 2, 1977.