

Hand Fees For Low Minimum Blackjack Games

Accounting and Internal Controls

Gaming Equipment

Rules of the Games

Proposed Amendments: N.J.A.C. 19:45-1.20; 19:46-1.10; 19:47-2.1, 2.3 and 8.3

Authority: N.J.S.A. 5:12-5, 63, 69, 70, 99 and 100

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Submit written comments by February 4, 2011 to:

James E. Fehon, Director

Compliance Division

Casino Control Commission

Arcade Building

Tennessee Avenue and the Boardwalk

Atlantic City, N.J. 08401

The agency proposal follows:

Summary

The proposed rule changes are the result of a rulemaking petition filed by casino licensee Resorts International Hotel, Inc. (Resorts) pursuant to N.J.A.C. 19:40-3.6 and N.J.A.C. 19:47-8.4. Resorts requested regulatory amendments that would permit a casino licensee to charge a \$.25 fee per hand for “housing the game” of blackjack at any blackjack table with a minimum bet from \$2.00 to \$9.00.

After reviewing the matter, the Commission temporarily adopted amendments pursuant to N.J.S.A. 5:12-69e which permitted a casino licensee to impose a “hand fee” of up to \$0.25 at any blackjack table with a minimum wager of \$5.00 or less. See 42 N.J.R. 550(c). After conducting a test of the temporarily adopted rules at Resorts and Trump Marina, the Commission determined to publish a slightly modified version of the temporary rules for public comment. This proposal would permit a casino licensee to impose a

hand fee at a blackjack table with a posted required minimum wager from \$1.00 to \$5.00, with certain conditions. See N.J.A.C. 19:47-2.1 and 2.3(l).

The proposed hand fee would be payable in coin at the start of each round of play by any player at that table making an initial wager from \$1.00 to \$5.00. See N.J.A.C. 19:47-2.3(l)2. The fee would be \$0.25, and at the option of the casino licensee, would pay for either one or two rounds of play. See N.J.A.C. 19:47-2.3(l)1.

The hand fee would be placed on the designated area of the blackjack layout by the player prior to the start of each round of play, and would be collected by the dealer and deposited into the table inventory container before any cards being dealt to any player. After collecting a hand fee for two rounds of play, the dealer would place a lammer button or other marker approved by the Commission in the designated area on the layout. The marker would represent payment of the fee for the patron's second round of play, and would be collected and deposited into the table inventory container before any cards are dealt for the next round of play, whether or not the patron elects to play a second round. See N.J.A.C. 19:47-2.3(l)3.

The hand fee would be paid by the player in addition to any required wager and would not be included in calculating the required minimum wager or the payout of any winning wager, but would be included in the gross revenue of the casino licensee. See N.J.A.C. 19:47-2.3(l)4 and 7. The fee would be retained by the casino licensee whether the player wins or loses any wager during the round of play. See N.J.A.C. 19:47-2.3(l)5. At a casino licensee's discretion, the payment of a hand fee could be waived for any player prior to any round of play. See N.J.A.C. 19:47-2.3(l)2.

Any blackjack table at which a hand fee is imposed would be required to post signage which indicates the requirements and amount of the hand fee, and must also state that the hand fee is not a wager and shall not be included in calculating the required minimum wager or the payout on any winning wager. See N.J.A.C. 19:47-2.3(l)6. Any advertisement for a

blackjack game that requires a hand fee must prominently disclose the required fee and the amount thereof. See proposed N.J.A.C. 19:47-2.3(l)8.

The proposed amendment to N.J.A.C. 19:46-1.10(r) requires a dedicated area on the blackjack layout for the placement and payment of hand fees, and for the signage required by N.J.A.C. 19:47-2.3(l)6. Proposed amendments to N.J.A.C. 19:45-1.20 and 19:47-8.3(c) add references to the new hand fee, incorporate by reference the coin used to make an ante wager in denominations of \$.25 or \$.50 in a poker game pursuant to N.J.A.C. 19:47-14.7, and also recodify each of those provisions for clarity.

This notice of proposal is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided. See N.J.A.C. 1:30-3.3(a)5.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in boldface brackets [thus]):

19:45-1.20 Table inventories

(a) Whenever a gaming table in a casino or casino simulcasting facility is opened for gaming, operations shall commence with an amount of gaming chips, coins and plaques to be known as the "table inventory" and no casino licensee shall cause or permit gaming chips, coins or plaques to be added to, or removed from, such table inventory during the gaming day except:

1. - 4. (No change.)

5. [In conformity with N.J.A.C. 19:47-3.3 and 7.3, coin] **Coin** may be used for the purpose of [marking]:

i. Marking baccarat vigorish **pursuant to N.J.A.C. 19:47-3.3 and 7.3;**

ii. Placing an ante wager in an amount less than \$1.00 and in denominations of \$.25 or \$.50 in a poker game pursuant to N.J.A.C. 19:-14.7; and

iii. Paying a “hand fee” in blackjack pursuant to N.J.A.C.

19:47-2.3(l);

6. - 8. (No change.)

(b) - (c) (No change.)

19:46-1.10 Blackjack table; card reader device; physical characteristics;
inspections

(a) – (q) (No change.)

(r) If a casino licensee requires a “hand fee” pursuant to N.J.A.C.

19:47-2.3(l), the approved layout otherwise required by this section shall include, at a minimum, an additional designated area at each player position for the placement of the hand fee and the signage required by N.J.A.C. 19:47-2.3(l)6.

19:47-2.1 Definitions

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

...

“Hand fee” shall mean the amount of money required by the casino licensee pursuant to N.J.A.C. 19:47-2.3(l) to be paid by a player prior to each round of play.

...

19:47-2.3 Wagers; **hand fee**

(a) – (k) (No change.)

(l) Notwithstanding any other provision of this subchapter to the contrary, a casino licensee may elect to charge each player a “hand fee” for the right to participate in a round of play at a blackjack table with a posted required minimum wager from \$1.00 to \$5.00. If a hand fee is charged, the fee shall be:

- 1. In the amount of \$0.25 and, at the option of the casino licensee, shall pay for either one or two rounds of play;**
- 2. Paid in coin prior to each round of play by any player at that table making an initial wager from \$1.00 to \$5.00, regardless whether any additional wagers are made by the player during the same round of play; provided however, that a casino licensee may, in its discretion, waive the payment of a hand fee for any player at the table prior to any round of play;**
- 3. Placed on the designated area of the blackjack layout by the player prior to the start of each round of play and collected by the dealer and deposited into the table inventory container prior to any cards being dealt to any player; provided, however, that after collecting a \$0.25 fee for two rounds of play, the dealer shall place a lammer button or other marker approved by the Commission in the designated area on the layout, which marker shall represent payment of the fee for the patron's second round of play, and shall be collected and deposited into the table inventory container before any cards are dealt for the next round of play, whether or not the patron elects to play a second round;**
- 4. Paid by the player in addition to any required wager and shall not be included in calculating the required minimum wager or the payout of any winning wager;**
- 5. Retained by the casino licensee regardless whether the player wins or loses any wager during the round of play;**
- 6. Described in signage posted in accordance with N.J.A.C. 19:43-8.3(b), which signage shall include:**
 - i. The requirement and amount of the hand fee; and**
 - ii. A statement that the hand fee is not a wager and shall not be included in calculating the required minimum wager or the payout of any winning wager;**
- 7. Included in the gross revenue of the casino licensee; and**

8. Prominently disclosed in any advertisement for a blackjack game that requires a hand fee, as well as the amount of the fee.

19:47-8.3 Rules of the games; notice

(a) – (b) (No change.)

(c) Notwithstanding (b) above, **upon posting a sign at a gaming table and simultaneously making an announcement to patrons who are at the table**, a casino licensee may at any time [change the permissible minimum or maximum wager at a table game or add, change or delete any additional wagering requirement permitted by N.J.A.C. 19:47-8.2(f)], **and** without notifying the Commission [of such change, addition or deletion, upon posting a sign at the gaming table advising patrons of the new permissible minimum or maximum wager or additional wagering requirement, and announcing the change to patrons who are at the table]:

1. Change the permissible minimum or maximum wager at that table;

2. Add, change or delete any additional wagering requirement at that table permitted by N.J.A.C. 19:47-8.2(f); or

3. Impose a hand fee at that table if permitted by N.J.A.C. 19:47-2.3(l).

(d) (No change.)