

[(y)] (w) (No change in text.)

13:69E-1.28D Standards for a persistent state system

(a) A persistent state system (PSS) means all hardware and software used to [award or reveal bonus] **alter game play** features contained within approved slot machine software. The [additional bonus features] **game play alterations** may not be available to all patrons and may only become available when the patron has achieved specific game play thresholds **or based on the patron’s unique identifier**. A PSS may also be used to recognize a particular patron for the purpose of restoring previously earned thresholds on each subsequent visit to a slot machine that utilizes the same PSS.

(b) [Each] **Unless the PSS-related game play feature is awarded based on a unique patron identifier, each** slot machine that utilizes a PSS shall contain, in its help screen, a clear description of each [PSS related bonus] **PSS-related game play** feature including the requirements for achieving game play thresholds. Additionally, patrons shall be notified each time a game play threshold has been achieved.

(c)-(h) (No change.)

13:69E-1.28S New Jersey First submissions and approvals

(a)-(d) (No change.)

(e) **Games that are field tested as part of a New Jersey First submission in conjunction with an approved Internet gaming system shall provide conspicuous notice, similar to what is required in (d) above, to all patrons in a manner approved by the Division.**

[(e)] (f) (No change in text.)

13:69E-1.28Y Skill-based gaming

(a) For purposes of this subsection the term “identifier” means any specific and verifiable fact, used by a slot machine or skill-based game, concerning a player or group of players, which is based upon objective criteria relating to the player or group of players, including, without limitation:

1. The frequency, value, or extent of predefined commercial activity;
2. The subscription to, or enrollment in, particular services;
3. The use of a particular technology concurrent with the play;
4. The skill of the player;
5. The skill of the player relative to the skill of any other player participating in the same game; and/or
6. The degree of skill required by the game.

(b) Skill-based gaming means any Division-approved casino game where game outcome is dependent in whole or in part upon the player’s physical dexterity and/or mental ability.

(c) All skill-based games shall comply with N.J.S.A. 5:12-100.e as follows:

1. Slot machine games with a skill-based component (hybrid games) shall be required to theoretically pay out a demonstrable percentage of all amounts wagered, which shall not be less than 83 percent. This percentage shall be supported by a mathematical model or by simulated play sufficient to establish compliance with the required return to player (RTP). Such hybrid games shall either:

- i. Disclose optimal strategy to achieve the highest theoretical RTP; or
  - ii. Provide sufficient information for the patron to derive optimal strategy in order to achieve the highest theoretical RTP; and
2. Games that rely entirely on skill or do not utilize a random number generator (RNG) to determine the game outcome are not required to achieve a minimum theoretical hold percentage.

(d) All skill-based games shall display in a readily available, accurate, and non-misleading manner:

1. The rules of play;
2. The amount required to wager on the game;
3. The amount to be paid on winning wagers;
4. Any rake or fee charged to play the game;
5. The total amount wagered by the player;
6. That the outcome of the game is affected by player skill; and
7. Such additional information sufficient for the player to reasonably understand the game.

(e) Except as otherwise disclosed to the player, once a game containing a skill-based feature is initiated, no aspect or function of the gaming device may be altered during the play of the game based on the skill of the patron to make an event more or less likely to occur.

(f) Skill-based games may contain a feature allowing patrons to gain an advantage over other patrons provided that all patrons are advised of that feature. Such features may include, but are not limited to, patron purchased enhancements, randomly awarded enhancements, or other advantages.

(g) Skill-based games offering a feature that allows patrons to gain an advantage over other patrons shall:

1. Clearly describe to all patrons that the feature is available and the benefit it gives to patrons;
2. Disclose the method for obtaining the feature; and
3. Provide patrons with sufficient information to make an informed decision, prior to game play, as to whether or not to compete against a patron who possesses such a feature.

(h) All possible game outcomes that are displayed to the patron of a skill-based game shall be available upon the initiation of each play of a game upon which a player makes a wager or initiates play.

(i) Gaming devices that offer games of skill or hybrid games shall indicate prominently on the gaming device that the outcome of the game is affected by player skill.

(j) Skill-based games may use an identifier to determine which games are presented to or available for selection by a player.

(k) Skill-based games may offer patrons the opportunity to compete against a computerized or a skilled house-sponsored opponent provided that the licensee or electronic game:

1. Clearly and conspicuously discloses when a computerized or skilled house-sponsored opponent is participating;
2. Provides the patron with the ability to elect whether or not to play against a computerized or house-sponsored opponent; and
3. Prevents the computerized or house-sponsored opponent from having access to information that is otherwise unavailable to a patron (that is, the opponent’s hole cards or upcoming events).

(l) Peer-to-peer skill-based gaming shall be monitored for collusion and money laundering activity using an automated feature, or in accordance with the internal controls of the casino licensee.

(m) A skill-based game or slot machine with a skill-based component may provide an adaptive feature to increase the payback percentage in order to improve the actual RTP.

## TRANSPORTATION

### (a)

#### DIVISION OF RIGHT-OF-WAY AND ACCESS MANAGEMENT

#### OFFICE OF OUTDOOR ADVERTISING AND WIRELESS SERVICES

#### Roadside Sign Control and Outdoor Advertising

#### Proposed Amendments: N.J.A.C. 16:41C-1.2 and 2.1

#### Proposed New Rule: N.J.A.C. 16:41C-8.7

Authorized By: Richard T. Hammer, Commissioner, Department of Transportation.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 27:5-5 et seq.

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

Proposal Number: PRN 2017-137.

A **public hearing** concerning this notice of proposal will be held as follows:

Thursday, August 17, 2017, from 9:30 A.M. to 12:00 P.M.  
New Jersey Department of Transportation  
Multi-Purpose Room

1035 Parkway Avenue  
Ewing, New Jersey

Submit written comments by September 15, 2017, in writing to:

Paul F. Sprewell  
Administrative Practice Officer  
New Jersey Department of Transportation  
PO Box 600  
Trenton, New Jersey 08625-0600  
or

Submit electronically at [NJDOTRules@dot.nj.gov](mailto:NJDOTRules@dot.nj.gov).

This rulemaking may be viewed or downloaded from the Department's website at <http://www.state.nj.us/transportation/about/rules/proposals.shtm>.

The agency proposal follows:

#### Summary

The rules control and regulate roadside signs and outdoor advertising, provide for the safety and convenience of the public, and the need to stimulate economic and commercial activity within the State of New Jersey. This chapter requires and provides for the issuing of licenses and permits for roadside signs and outdoor advertising and the establishment, use, maintenance, and removal of such signs. The proposed amendments and new rule are necessary to add language relating to bike share signs. The purpose of the proposed amendments and new rule is to balance the need to promote the benefits of bike sharing with the need to control and regulate outdoor advertising on bike share signs.

The proposed amendments and new rule are as follows:

N.J.A.C. 16:41C-1.2(b)1vi is added to include bike share signs in the list of off-premise signs for which permits must be obtained.

N.J.A.C. 16:41C-2.1 is proposed for amendment to add definitions for "bike share sign" and "bike share station."

New N.J.A.C. 16:41C-8.7 is proposed to establish the requirements for bike share signs.

Because the Department has provided a 60-day comment period for this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

#### Social Impact

The proposed amendments and new rule apply to all public, private, and cooperatively owned businesses engaged in outdoor advertising. They directly affect persons in the outdoor advertising business, those seeking to be engaged in the outdoor advertising business, or entities such as service clubs, religious groups, and organizations seeking to place signs on bike share stations.

The rules requires notice and opportunity for public comment at the local level before the issuance of a State outdoor advertising permit for a new sign. Documentation of the public hearing must be submitted with any permit application. The rules also establish a cap on the advertising surface area allowed on State property.

Bike sharing programs are an effective complement to public transportation. They increase mobility options, get more Americans biking, and enhance the overall transportation networks in cities and towns. Bike sharing involves a network of bicycles and stations, where a member or renter can check out a bike from a station and return it to any other station within the network. When planned well, these stations complement existing transportation systems by offering users an option for quick and reliable one-way trips.

Bike sharing has helped increase connectivity in various communities across the U.S. by adding transportation options. As bike share trips are typically short (between 15 to 35 minutes and one-to-three miles long) they provide an easy and accessible mobility option for trips that are too short to wait for public transit, or too far to walk.

The use of bicycles can have an impact on reducing greenhouse gas emissions by replacing trips taken previously by automobile. These impacts can be multiplied when bike sharing is used in combination with transit and other modes to reduce dependence on automobiles, change travel patterns, and increase environmental consciousness.

The health benefits of bicycling are well known in helping to address preventable diseases such as obesity, heart disease, and diabetes and there can be positive impacts on both physical and mental health.

#### Economic Impact

Bike sharing programs often rely on outdoor advertising in order to offset some of their operating costs. Under this model, proceeds of selling ad space on free-standing bike share signs or panels on bike share stations pay a portion of the cost of a bike-sharing service.

Bike sharing represents an opportunity for people to incorporate active transportation into their daily lives and possibly lower medical and health care costs.

Applicants incur costs associated with permitting requirements. The governing authority will incur costs associated with the erection and maintenance of the signs.

#### Federal Standards Statement

In 1971, the State entered into an agreement with the United States Secretary of Transportation, acting by, and through, the Federal Highway Administrator. A copy of the Agreement for Carrying Out National Policy Relative to Control of Outdoor Advertising in Areas Adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System (Dec. 29, 1971), as amended by an Amendment to Agreement (Feb. 15, 1972) (hereinafter collectively referred to as "the Agreement"), is available upon request from the Office of Outdoor Advertising Services. The Agreement effectuates 23 U.S.C. §§ 131 et seq., commonly referred to as Title I of the Highway Beautification Act of 1965, and the regulations promulgated thereunder at 23 CFR Part 750. In accordance with the Agreement, the Department regulates the location, spacing, size, and illumination of outdoor advertising signs. The Department does not regulate the content of signs, except to clarify that signs shall not advertise activities that are prohibited by Federal law or the laws of the State of New Jersey.

The proposed amendments and new rule are in conformity with the requirements of the Highway Beautification Act, 23 U.S.C. §§ 131 et seq.; 23 CFR Part 750 Highway Beautification; and the Agreement described above. Therefore, a Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required.

#### Jobs Impact

The proposed amendments and new rule will have no effect on jobs in New Jersey as the Department does not expect the changes would result in the generation or loss of jobs.

#### Agriculture Industry Impact

The proposed amendments and new rule have no impact on the agriculture industry. These changes are not intended to regulate farming, crop, or animal production.

#### Regulatory Flexibility Analysis

The proposed amendments and new rule include permit requirements. All prospective permittees are required to submit applications and recipients must comply with permitting requirements. Some applicants and recipients may be small businesses within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

As discussed in the Economic Impact above, applicants incur costs associated with permitting requirements. The information presented in the application process is needed by the Department to evaluate and determine which applicants qualify for a permit. The Department cannot otherwise evaluate an application without this information, nor can a fair comparison among applicants be made without all applicants providing the same information. Small business applicants must comply in the same way as other applicants.

Less demanding standards for small businesses would erode the level of accountability necessary for the Department to protect the public interest. For this reason, the rules do not provide a differing or lesser compliance standard based upon business size.

#### Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey. These rules control and regulate roadside signs and outdoor advertising, provide for the safety and convenience of the public, and the need to stimulate economic and commercial activity within the State of New Jersey. This chapter requires and provides for the issuing of licenses and permits for roadside signs and outdoor advertising and the establishment, use, maintenance, and removal of

such signs. The Department believes that it is extremely unlikely that the amendments and new rule would bring about a change in the average costs associated with housing.

**Smart Growth Development Impact Analysis**

The proposed amendments and new rule will have no impact on smart growth. The Department believes that it is extremely unlikely that the proposed amendments and new rule would bring about a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan because the rules control and regulate roadside signs and outdoor advertising, provide for the safety and convenience of the public, and the need to stimulate economic and commercial activity within the State of New Jersey. This chapter requires and provides for the issuing of licenses and permits for roadside signs and outdoor advertising and the establishment, use, maintenance, and removal of such signs.

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

SUBCHAPTER 1. PURPOSE, SCOPE, AND CONTACT INFORMATION

16:41C-1.2 Scope

(a) (No change.)

(b) The following signs are allowed in accordance with this chapter and require the issuance and maintenance of a permit:

1. Off-premise signs (see N.J.A.C. 16:41C-8), including, but not limited to:

- i-iv. (No change.)
- v. Transit bus shelter signs; [and]
- vi. Bike share signs; and**
- [vi.] **vii.** (No change in text.)
- (c)-(d) (No change.)

SUBCHAPTER 2. DEFINITIONS

16:41C-2.1 Definitions

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

...  
**“Bike share sign” means a sign on a bike share station located on public property as part of a bike share program that is sponsored by the municipality that has jurisdiction over the roadway on which the bike share station is located.**

**“Bike share station” means a structure that provides bicycles at a self-service station located on public property as part of a bike share program that is sponsored by the municipality that has jurisdiction over the roadway on which the structure is located. This is distinguished from a private bike rental agreement or program.**

...

SUBCHAPTER 8. OFF-PREMISE SIGNS

16:41C-8.7 Bike share signs

(a) **No permit for a sign on a bike share kiosk may be issued, other than a conditional permit, until there has been a public hearing affording the opportunity for public comment. Documentation of a public hearing shall be submitted with any application for an outdoor advertising permit on a bike share sign.**

(b) **The bike share sign must be erected and maintained with the express permission of the governing authority of the public property on which the bike share is located. No bike share signs or bike share structures will be permitted within the Department’s right-of-way.**

(c) **All bike share signs shall be physically attached to the bike share bicycle structure. No permit shall be issued for any structure that is not attached and within five feet of a bike share bicycle structure.**

(d) **Bike share signs shall be installed on one sign structure with two sign faces back-to-back or one wall in each traveling direction of the structure for a maximum of two signs visible to the travelling**

**public. No sign face shall exceed 24 square feet in area. No signs shall be placed on the back wall of the bike share station.**

(e) **A multi-message sign shall not be allowed on a bike share kiosk.**

(f) **No bike share sign shall be constructed less than 300 feet from a transit bus shelter. In all instances, transit bus shelter applications shall have a priority of location over bike share applications.**

(g) **A permit for a bike share sign may be issued in any area regardless of whether the site complies with the zoning requirements of this chapter.**

(h) **The minimum spacing between permitted bike share stations shall be 300 feet.**

Recodify existing N.J.A.C. 16:41C-8.7 and 8.8 as **8.8 and 8.9** (No change in text.)

**TREASURY—GENERAL**

**(a)**

**DIVISION OF PENSIONS AND BENEFITS  
 PUBLIC EMPLOYEES’ RETIREMENT SYSTEM**

**Public Employees’ Retirement System  
 Proposed Redoption with Amendments: N.J.A.C.  
 17:2**

**Proposed Repeal and New Rule: N.J.A.C. 17:2-6.11**

Authorized By: Public Employees’ Retirement System Board of Trustees, Jacquelyn Bussanich, Secretary.

Authority: N.J.S.A. 43:15A-1 et seq.

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

Proposal Number: PRN 2017-123.

Submit comments by September 15, 2017, to:

Susanne Culliton  
 Assistant Director  
 Division of Pensions and Benefits  
 PO Box 295  
 Trenton, NJ 08625-0295  
 E-mail: [DPB.regulations@treas.nj.gov](mailto:DPB.regulations@treas.nj.gov)

The agency proposal follows:

**Summary**

The Board of Trustees of the Public Employees’ Retirement System (“PERS,” “Board,” or “System”) is responsible for maintaining the administrative rules within N.J.A.C. 17:2. When the Board becomes aware of a change in the laws or a court decision that could affect the PERS, the Board reviews the administrative rules to determine where changes, if any, are required. Amendments to the affected rules are then proposed, in order to uphold the new statute or court decision effectively. Additionally, the rules are periodically reviewed by the Division of Pensions and Benefits (Division) and the Board’s staff to determine whether the current rules are necessary, are cost-efficient, reflect the current policies and procedures of the Division, and maintain qualified-plan status in compliance with Federal IRS regulations. When clarification or revision is required, the affected rules are amended accordingly. Finally, when the rules under N.J.A.C. 17:2 are about to expire, they must be reviewed, amended as needed, and readopted.

The Board proposes to readopt N.J.A.C. 17:2, which was scheduled to expire on June 16, 2017, with the following amendments, repeals, and new rules. As the Division filed this notice of readoption with the Office of Administrative Law prior to that date, the expiration date was extended 180 days to December 13, 2017, pursuant to N.J.S.A. 52:14B-5.1.c(2). The rules proposed for readoption with amendments, repeals, and new rules affect the administration, enrollment, contributions, withdrawals, insurance and death benefits, membership, eligible service, service-credit purchases, retirements, and transfers within the PERS.