

646--A

2009-2010 Regular Sessions

I N S E N A T E

January 12, 2009

Introduced by Sen. LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the imposition of fines related to thoroughbred, harness, and quarter horse racing and breeding, and simulcast of horse racing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 250 of the racing, pari-mutuel wagering and breed-
2 ing law, as amended by chapter 18 of the laws of 2008, is amended to
3 read as follows:
4 S 250. Power of state racing and wagering board to impose penalties.
5 In addition to its power to suspend or revoke occupational licenses,
6 licenses to conduct running races and race meetings or steeplechases and
7 steeplechase meetings and licenses to conduct pari-mutuel betting at a
8 race course or race meeting for running races or steeplechases issued by
9 it, the state racing and wagering board is hereby authorized to impose
10 civil penalties upon any such licensee or franchisee for a violation of
11 any provision of [sections two hundred twenty-two through seven hundred
12 five of] this chapter or the rules and regulations promulgated pursuant
13 thereto, not exceeding [five] TWENTY thousand dollars for each
14 violation, which penalties shall be paid into the state treasury. Each
15 day upon which such violation continues may be considered by the board
16 as a separate violation in assessing the amount of civil penalty to be
17 imposed. Any penalty so imposed shall be sued for by the attorney gener-
18 al in the name of the people of the state of New York, if so directed by
19 the board. The amount of the penalty collected by the board or recovered
20 in any such action, or paid to the board upon a compromise as hereinaft-
21 er provided, shall be paid by the [department of state] BOARD into the

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 state treasury and credited to the general fund. The board, for cause
2 shown and in its discretion, may extend the time for the payment of such
3 penalty and, by compromise may accept less than the amount of such
4 penalty as imposed in settlement thereof. The powers granted by this
5 section shall not be affected by the circumstances that any such license
6 shall have expired by its terms prior to the imposition of such penalty.

7 S 2. Section 310 of the racing, pari-mutuel wagering and breeding law
8 is amended to read as follows:

9 S 310. Power of the state racing and wagering board to impose fines
10 and penalties. In addition to its power to suspend or revoke licenses
11 granted by it, the state racing and wagering board is hereby authorized
12 and empowered to impose monetary fines upon any corporation, association
13 or person participating in any way in any harness race meet at which
14 pari-mutuel betting is conducted, other than as a patron, and whether
15 licensed by the board or not, for a violation of any provision of
16 [sections two hundred twenty-two through seven hundred five of] this
17 chapter or the rules promulgated by the board pursuant thereto, not
18 exceeding [five] TWENTY thousand dollars for each violation. The board
19 is further authorized and empowered to impose monetary fines, not
20 exceeding [five] TWENTY thousand dollars for each violation, upon any
21 such corporation, association or person for a violation of any order
22 issued by the board pursuant to the provisions of [sections two hundred
23 twenty-two through seven hundred five of] this chapter or the rules
24 promulgated by the board pursuant thereto, provided that a copy of such
25 order shall have been served, either personally or by registered mail,
26 upon the corporation, association or person to whom the same was
27 directed, prior to the occurrence of the violation for which such fine
28 is imposed. Such fines shall be paid into the treasury of the state.
29 The action of the board in imposing any monetary fine shall be review-
30 able in the supreme court in the manner provided by and subject to the
31 provisions of article seventy-eight of the civil practice law and rules.

32 S 3. Section 410 of the racing, pari-mutuel wagering and breeding law
33 is amended to read as follows:

34 S 410. Power of state racing and wagering board to impose fines and
35 penalties. In addition to its powers to suspend or revoke licenses
36 granted by it, the state racing and wagering board is hereby authorized
37 and empowered to impose monetary fines upon any corporation, association
38 or person participating in any way in any quarter horse race meet at
39 which pari-mutuel betting is conducted, other than as a patron, and
40 whether licensed by the board or not, for a violation of any provision
41 [of sections two hundred twenty-two through seven hundred five] of this
42 chapter or the rules promulgated by the board pursuant thereto, not
43 exceeding [five] TWENTY thousand dollars for each violation. The board
44 is further authorized and empowered to impose monetary fines, not
45 exceeding [five] TWENTY thousand dollars for each violation, upon any
46 such corporation, association or person for a violation of any order
47 issued by the board pursuant to the provisions [of sections two hundred
48 twenty-two through seven hundred five] of this chapter or the rules
49 promulgated by the board pursuant thereto, provided that a copy of such
50 order shall have been served, either personally or by registered mail,
51 upon the corporation, association or person to whom the same was
52 directed, prior to the occurrence of the violation for which such fine
53 is imposed. Such fines shall be paid into the treasury of the state. The
54 action of the board in imposing any monetary fine shall be reviewable in
55 the supreme court in the manner provided by and subject to the
56 provisions of article seventy-eight of the civil practice law and rules.

1 S 4. Section 1005 of the racing, pari-mutuel wagering and breeding
2 law, as added by chapter 363 of the laws of 1984, is amended to read as
3 follows:

4 S 1005. Power of the board to impose fines and penalties. In addition
5 to its power to suspend or revoke licenses granted by it, the state
6 racing and wagering board is hereby authorized and empowered to impose
7 monetary fines upon any corporation, association or person participating
8 in any way in simulcasts on which pari-mutuel betting is conducted,
9 other than as a patron, and whether licensed by the board or not, for a
10 violation of any provision of this [article] CHAPTER or the rules
11 promulgated by the board pursuant thereto, not exceeding [five] TWENTY
12 thousand dollars for each violation. The board is further authorized and
13 empowered to impose monetary fines, not exceeding [five] TWENTY thousand
14 dollars for each violation, upon any such corporation, association or
15 person for a violation of any order issued by the board pursuant to the
16 provisions of this [article] CHAPTER or the rules promulgated by the
17 board pursuant thereto, provided that a copy of such order shall have
18 been served, either personally or by registered mail, upon the corpo-
19 ration, association or person to whom the same was directed, prior to
20 the occurrence of the violation for which such fine is imposed. Such
21 fines shall be paid into the state treasury. The action of the board in
22 imposing any monetary fine shall be reviewable in the supreme court in
23 the manner provided by and subject to the provisions of article seven-
24 ty-eight of the civil practice law and rules.

25 S 5. This act shall take effect immediately.