

8181

2009-2010 Regular Sessions

I N A S S E M B L Y

May 7, 2009

Introduced by M. of A. DelMONTE -- (at request of the New York State Racing and Wagering Board) -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the imposition of fines

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-FIVE 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
22 state treasury and credited to the general fund. The board, for cause
23 shown and in its discretion, may extend the time for the payment of such
24 penalty and, by compromise may accept less than the amount of such

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

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1 penalty as imposed in settlement thereof. The powers granted by this
2 section shall not be affected by the circumstances that any such license
3 shall have expired by its terms prior to the imposition of such penalty.

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

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

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

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

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

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