S T A T E O F N E W Y O R K

2751

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. PRETLOW -- 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:

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 213-a to read as follows:

S 213-A. POWER OF THE BOARD TO IMPOSE FINES AND PENALTIES. IN ADDITION TO ITS POWER TO SUSPEND OR REVOKE LICENSES GRANTED BY IT, THE STATE RACING AND WAGERING BOARD IS HEREBY AUTHORIZED AND EMPOWERED TO IMPOSE MONETARY FINES UPON ANY CORPORATION, ASSOCIATION OR PERSON PARTICIPATING IN ANY WAY IN ANY THOROUGHBRED RACE MEET AT WHICH PARI-MUTUEL BETTING IS CONDUCTED, OTHER THAN AS A PATRON, AND WHETHER LICENSED BY THE BOARD OR NOT, FOR A VIOLATION OF ANY PROVISION OF THIS CHAPTER OR THE RULES PROMULGATED BY THE BOARD PURSUANT THERETO, NOT EXCEEDING TEN THOUSAND DOLLARS FOR EACH VIOLATION. THE BOARD IS FURTHER AUTHORIZED AND EMPOWERED TO IMPOSE MONETARY FINES, NOT EXCEEDING TEN THOUSAND DOLLARS FOR EACH VIOLATION, UPON ANY SUCH CORPORATION, ASSOCIATION OR PERSON FOR A VIOLATION OF ANY ORDER ISSUED BY THE BOARD PURSUANT TO THIS ARTICLE OR THE RULES PROMULGATED BY THE BOARD PURSUANT THERETO, PROVIDED THAT A COPY OF SUCH ORDER SHALL HAVE BEEN SERVED EITHER PERSONALLY OR BY REGISTERED MAIL, UPON THE CORPORATION, ASSOCIATION OR PERSON TO WHOM THE SAME WAS DIRECTED, PRIOR TO THE OCCURRENCE OF THE VIOLATION, FOR WHICH SUCH FINE IS IMPOSED. THE BOARD SHALL ONLY IMPOSE SUCH FINE UPON A CORPORATION, ASSOCIATION OR PERSON IN AN AMOUNT WHICH REFLECTS THE SEVERITY OF THE VIOLATION. THE BOARD SHALL IMPOSE SUCH FINES SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE ACT. SUCH FINES SHALL BE PAID INTO THE TREASURY OF THE STATE. THE ACTION OF THE BOARD IN IMPOSING ANY MONETARY FINE SHALL BE REVIEWABLE IN THE

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

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SUPREME COURT IN THE MANNER PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 2. Section 522 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 4 to read as follows:

4. IN ADDITION TO ITS POWER TO SUSPEND OR REVOKE PLANS OF OPERATION APPROVED OR LICENSES GRANTED BY IT, THE BOARD IS HEREBY AUTHORIZED AND EMPOWERED TO IMPOSE MONETARY FINES UPON ANY CORPORATION, ASSOCIATION OR PERSON PARTICIPATING IN ANY WAY IN OFF-TRACK BETTING ON WHICH PARI-MUTUEL BETTING IS CONDUCTED, OTHER THAN AS A PATRON, AND WHETHER LICENSED BY THE BOARD OR NOT, FOR A VIOLATION OF ANY PROVISION OF THIS CHAPTER, OR THE RULES PROMULGATED BY THE BOARD PURSUANT THERETO, OR AN APPROVED PLAN OF OPERATION, NOT EXCEEDING TEN THOUSAND DOLLARS FOR EACH VIOLATION. THE BOARD IS FURTHER AUTHORIZED AND EMPOWERED TO IMPOSE MONETARY FINES, NOT EXCEEDING TEN THOUSAND DOLLARS FOR EACH VIOLATION, UPON ANY SUCH CORPORATION, ASSOCIATION OR PERSON FOR A VIOLATION OF ANY ORDER ISSUED BY THE BOARD PURSUANT TO THE PROVISIONS OF THIS CHAPTER OR THE RULES PROMULGATED BY THE BOARD PURSUANT THERETO, PROVIDED THAT A COPY OF SUCH ORDER SHALL HAVE BEEN SERVED EITHER PERSONALLY OR BY CERTIFIED MAIL, UPON THE CORPORATION, ASSOCIATION OR PERSON TO WHOM THE SAME WAS DIRECTED, PRIOR TO THE OCCURRENCE OF THE VIOLATION FOR WHICH SUCH FINE IS IMPOSED. THE BOARD SHALL ONLY IMPOSE SUCH FINE UPON A CORPORATION, ASSOCIATION OR PERSON IN AN AMOUNT WHICH REFLECTS THE SEVERITY OF THE VIOLATION. THE BOARD SHALL IMPOSE SUCH MONETARY FINES, SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF THE STATE ADMINISTRATIVE PROCEDURE ACT. SUCH FINES SHALL BE PAID INTO THE STATE TREASURY. THE ACTION OF THE BOARD IN IMPOSING ANY MONETARY FINE SHALL BE REVIEWABLE IN THE SUPREME COURT IN THE MANNER PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 3. This act shall take effect immediately.