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

933--A

Cal. No. 132

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE -- read once and referred to the Committee on Racing and Wagering -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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:

Section 1. Section 250 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, is amended to read as follows:

S 250. Power of state racing and wagering board to impose penalties. In addition to its power to suspend or revoke occupational licenses, licenses to conduct running races and race meetings or steeplechases and steeplechase meetings and licenses to conduct pari-mutuel betting at a race course or race meeting for running races or steeplechases issued by it, the state racing and wagering board is hereby authorized to impose civil penalties upon any such licensee or franchisee for a violation of any provision of [sections two hundred twenty-two through seven hundred five of] this chapter or the rules and regulations promulgated pursuant thereto, not exceeding [five] TWENTY thousand dollars for each violation, which penalties shall be paid into the state treasury. Each day upon which such violation continues may be considered by the board as a separate violation in assessing the amount of civil penalty to be imposed. Any penalty so imposed shall be sued for by the attorney general in the name of the people of the state of New York, if so directed by the board. The amount of the penalty collected by the board or recovered in any such action, or paid to the board upon a compromise as hereinafter 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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state treasury and credited to the general fund. The board, for cause shown and in its discretion, may extend the time for the payment of such penalty and, by compromise may accept less than the amount of such penalty as imposed in settlement thereof. The powers granted by this section shall not be affected by the circumstances that any such license shall have expired by its terms prior to the imposition of such penalty.

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

S 310. Power of the state racing and wagering 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 harness 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 [sections two hundred twenty-two through seven hundred five of] this chapter or the rules promulgated by the board pursuant thereto, not exceeding [five] TWENTY thousand dollars for each violation. The board is further authorized and empowered to impose monetary fines, not exceeding [five] TWENTY 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 [sections two hundred twenty-two through seven hundred five 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 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. 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 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. Section 410 of the racing, pari-mutuel wagering and breeding law is amended to read as follows:

S 410. Power of state racing and wagering board to impose fines and penalties. In addition to its powers 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 quarter horse 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 sections two hundred twenty-two through seven hundred five] of this chapter or the rules promulgated by the board pursuant thereto, not exceeding [five] TWENTY thousand dollars for each violation. The board is further authorized and empowered to impose monetary fines, not exceeding [five] TWENTY 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 sections two hundred twenty-two through seven hundred five] 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 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. 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 supreme court in the manner provided by and subject to the provisions of article seventy-eight of the civil practice law and rules.

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

S 1005. 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 simulcasts 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 [article] CHAPTER or the rules promulgated by the board pursuant thereto, not exceeding [five] TWENTY thousand dollars for each violation. The board is further authorized and empowered to impose monetary fines, not exceeding [five] TWENTY 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 [article] 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 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. 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 5. This act shall take effect immediately.