

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

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to authorizing the payment of rebates on pari-mutuel wagers

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

- 1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new section 112 to read as follows:
3 S 112. REBATES. 1. FOR THE PURPOSES OF THIS SECTION, "REBATE" SHALL
4 MEAN A PORTION OF PARI-MUTUEL WAGERS, OTHERWISE PAYABLE TO AN ASSOCI-
5 ATION OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON
6 RACES RUN THEREAT, WHICH IS PAID TO HOLDERS OF PARI-MUTUEL WAGERING
7 TICKETS AND WHICH REDUCES THE AMOUNT OTHERWISE PAYABLE TO SUCH ASSOCI-
8 ATION OR CORPORATION. SUCH TERM MAY BE FURTHER DELINEATED AND CLARIFIED
9 IN RULES PROMULGATED BY THE BOARD AND MAY INCLUDE, BUT NOT BE LIMITED
10 TO, REFUNDS TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS OF ANY PORTION OR
11 PERCENTAGE OF THE FULL FACE VALUE OF A PARI-MUTUEL WAGER, INCREASING THE
12 PAYOFF OF, PAYING A BONUS ON A WINNING PARI-MUTUEL TICKET OR ANY OTHER
13 BENEFIT THE BOARD DEEMS APPROPRIATE TO REWARD RACING FAN PATRONS INCLUD-
14 ING, BUT NOT LIMITED TO, AWARDS OF MERCHANDISE, SERVICES SUCH AS MEALS,
15 PARKING, ADMISSION, SEATING AND PROGRAMS, FREE OR REDUCED COST PARI-MU-
16 TUEL WAGERS, AND MONETARY AWARDS.
17 2. THE RACING AND WAGERING BOARD, UPON APPLICATION OF AN ASSOCIATION
18 OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES
19 RUN THEREAT, MAY ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCI-
20 ATION OR CORPORATION, SUBJECT TO THE FOLLOWING REQUIREMENTS:
21 A. THE APPLICANT FULLY DISCLOSES THE EXTENT OF THE REBATE PROGRAM.
22 FULL DISCLOSURE SHALL INCLUDE THE DISCLOSURE OF THE MONETARY VALUE OF
23 ALL REBATES PAID TO BETTORS DURING THE PREVIOUS CALENDAR YEAR, AND THE

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

LBD05302-01-9

1 TERMS AND CONDITIONS GOVERNING THE AWARD OF REBATES TO BETTORS FOR THE
2 CALENDAR YEAR TO WHICH THE APPLICATION APPLIES;

3 B. THE APPLICANT PROVIDES ASSURANCES THAT THE VALUES OF THE REBATES
4 ARE DETERMINED SOLELY BY (I) THE AMOUNT WAGERED BY A BETTOR, (II) THE
5 AMOUNT PAYABLE TO THE ASSOCIATION OR CORPORATION ON EACH WAGER, AND
6 (III) HOW FREQUENTLY A BETTOR WAGERS;

7 C. THE ASSOCIATION OR CORPORATION MAINTAINS RECORDS OF ALL WAGERS
8 SUBJECT TO A REBATE, FOR A PERIOD OF NOT LESS THAN THREE YEARS; AND

9 D. THE APPLICANT DEMONSTRATES THAT SUCH REBATES ARE IN THE BEST INTER-
10 ESTS OF HORSE RACING.

11 3. REGIONAL OFF-TRACK BETTING CORPORATIONS MAY OFFER REBATES ON WAGERS
12 MADE ON RACES RUN BY ANY ASSOCIATION OR CORPORATION WHICH OFFERS REBATES
13 PURSUANT TO THIS SECTION. SUCH REBATES SHALL BE SUBJECT TO THE
14 PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

15 4. UPON THE APPROVAL OF AN ASSOCIATION OR CORPORATION CONDUCTING
16 PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN THEREAT, ANOTHER
17 RACING ASSOCIATION OR CORPORATION MAY PROVIDE BETTORS WITH REBATES ON
18 WAGERS ON RACES RUN AT THE RACETRACK OPERATED BY SUCH APPROVING ASSOCI-
19 ATION OR CORPORATION. ALL SUCH REBATES SHALL BE SUBJECT TO THE
20 PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

21 S 2. This act shall take effect on the first of January next succeed-
22 ing the date on which it shall have become a law, provided that effec-
23 tive immediately any rules, regulations and applications necessary to
24 implement the provisions of this act on its effective date are author-
25 ized to be completed on or before such date.