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

4235

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

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 COMMISSION TO IMPOSE FINES AND PENALTIES. IN ADDITION TO ITS POWER TO SUSPEND OR REVOKE LICENSES GRANTED BY IT, THE STATE GAMING COMMISSION 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 COMMISSION OR NOT, FOR A VIOLATION OF ANY PROVISION OF THIS CHAPTER OR THE RULES PROMULGATED BY THE COMMISSION PURSUANT THERETO, NOT EXCEEDING TEN THOUSAND DOLLARS FOR EACH VIOLATION. THE COMMISSION 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 COMMISSION PURSUANT TO THIS ARTICLE OR THE RULES PROMULGATED BY THE COMMISSION 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 COMMISSION SHALL ONLY IMPOSE SUCH FINE UPON A CORPORATION, ASSOCIATION OR PERSON IN AN AMOUNT WHICH REFLECTS THE SEVERITY OF THE VIOLATION. THE COMMISSION 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 COMMISSION 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 2. This act shall take effect immediately.

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

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