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

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2013-2014 Regular Sessions

I N  A S S E M B L Y

June 17, 2013

Introduced by M. of A. CYMBROWITZ -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to prohibiting the sale of lottery tickets to certain persons

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

Section 1. Section 1607 of the tax law is amended by adding a new subdivision (i) to read as follows:

I. A VIOLATION OF SECTION SIXTEEN HUNDRED TEN OF THIS ARTICLE AS PROVIDED IN THIS SUBDIVISION:

1. A LICENSE SHALL BE SUSPENDED FOR A PERIOD OF SIX MONTHS UPON THE DETERMINATION OF THE GAMING COMMISSION THAT TWO VIOLATIONS HAVE OCCURRED PURSUANT TO SECTION SIXTEEN HUNDRED TEN OF THIS ARTICLE WITHIN THE LAST YEAR.

2. A LICENSE SHALL BE REVOKED FOR ONE YEAR UPON THE DETERMINATION OF THE GAMING COMMISSION THAT FIVE VIOLATIONS HAVE OCCURRED PURSUANT TO SECTION SIXTEEN HUNDRED TEN OF THIS ARTICLE WITHIN THE LAST THREE YEARS.

S 2. Section 1610 of the tax law, as added by chapter 92 of the laws of 1976, is amended to read as follows:

S 1610. Sales to certain persons prohibited. a. [No ticket shall be sold to any person under the age of eighteen years, but this shall not be deemed to prohibit the purchase of a ticket for the purpose of making a gift by a person eighteen years of age or older to a person less than that age. Any licensee or the employee or agent of any licensee who sells or offers to sell a lottery ticket to any person under the age of eighteen shall be guilty of a misdemeanor.

b. No ticket shall be sold to and no prize shall be paid to any of the following persons:

(i) any member, officer or employee of the division; or

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

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(ii) any member, officer or employee of the department of taxation and finance whose duties directly relate to the operation of the state lottery; or

(iii) any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any of the foregoing persons.] ANY PERSON LICENSED TO SELL LOTTERY TICKETS PURSUANT TO SECTION SIXTEEN HUNDRED FIVE OF THIS ARTICLE, IS PROHIBITED FROM, AND MAY BE FOUND GUILTY OF A VIOLATION FOR SELLING LOTTERY TICKETS TO:

(I) ANY INDIVIDUAL UNDER THE AGE OF EIGHTEEN;

(II) ANY MEMBER, OFFICER OR EMPLOYEE OF THE DIVISION;

(III) ANY MEMBER, OFFICER OR EMPLOYEE OF THE DEPARTMENT OF TAXATION AND FINANCE WHOSE DUTIES DIRECTLY RELATE TO THE OPERATION OF THE STATE LOTTERY; OR

(IV) ANY SPOUSE, CHILD, BROTHER, SISTER OR PARENT RESIDING AS A MEMBER OF THE SAME HOUSEHOLD IN THE PRINCIPAL PLACE OF ABODE OF ANY OF THE FOREGOING PERSONS.

B. NO PRIZE SHALL BE PAID TO ANY INDIVIDUAL LISTED IN SUBDIVISION A OF THIS SECTION.

C. THE SALE OF LITTERY TICKETS SHALL ONLY BE MADE TO AN INDIVIDUAL WHO DEMONSTRATES, THROUGH (I) A VALID DRIVER'S LICENSE OR NON-DRIVER'S IDENTIFICATION CARD ISSUED BY THE COMMISSIONER OF MOTOR VEHICLES, THE FEDERAL GOVERNMENT, ANY UNITED STATES TERRITORY, COMMONWEALTH OR POSSESSION, THE DISTRICT OF COLUMBIA, A STATE GOVERNMENT WITHIN THE UNITED STATES OR A PROVINCIAL GOVERNMENT OF THE DOMINION OF CANADA, OR (II) A VALID PASSPORT ISSUED BY THE UNITED STATES GOVERNMENT OR ANY OTHER COUNTRY, OR (III) AN IDENTIFICATION CARD ISSUED BY THE ARMED FORCES OF THE UNITED STATES, INDICATING THAT THE INDIVIDUAL IS AT LEAST EIGHTEEN YEARS OF AGE. SUCH IDENTIFICATION NEED NOT BE REQUIRED OF ANY INDIVIDUAL WHO REASONABLY APPEARS TO BE AT LEAST TWENTY-FIVE YEARS OF AGE, PROVIDED, HOWEVER, THAT SUCH APPEARANCE SHALL NOT CONSTITUTE A DEFENSE IN ANY PROCEEDING ALLEGING THE SALE OF A LOTTERY TICKET TO AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

D. ANY PERSON LICENSED TO SELL LOTTERY TICKETS PURSUANT TO SECTION SIXTEEN HUNDRED FIVE OF THIS ARTICLE SHALL POST IN A CONSPICUOUS PLACE A SIGN UPON WHICH THERE SHALL BE IMPRINTED THE FOLLOWING STATEMENT, "SALE OF LOTTERY TICKETS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW." SUCH SIGN SHALL BE PRINTED ON A WHITE CARD IN RED LETTERS AT LEAST ONE-HALF INCH IN HEIGHT.

S 3. The tax law is amended by adding a new section 1610-a to read as follows:

S 1610-A. PENALTIES FOR VIOLATION. IF THE COMMISSION DETERMINES AFTER A HEARING, THAT A VIOLATION OF THIS ARTICLE HAS OCCURRED, IN ADDITION TO IMPOSING ANY OTHER PENALTY REQUIRED OR PERMITTED PURSUANT TO THIS ARTICLE, IT SHALL IMPOSE A CIVIL PENALTY OF A MINIMUM OF THREE HUNDRED DOLLARS, BUT NOT TO EXCEED ONE THOUSAND DOLLARS FOR THE FIRST VIOLATION, A MINIMUM OF FIVE HUNDRED DOLLARS, BUT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT VIOLATION.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.