

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:

1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new section 213-a to read as follows:
3 S 213-A. POWER OF THE COMMISSION TO IMPOSE FINES AND PENALTIES. IN
4 ADDITION TO ITS POWER TO SUSPEND OR REVOKE LICENSES GRANTED BY IT, THE
5 STATE GAMING COMMISSION IS HEREBY AUTHORIZED AND EMPOWERED TO IMPOSE
6 MONETARY FINES UPON ANY CORPORATION, ASSOCIATION OR PERSON PARTICIPATING
7 IN ANY WAY IN ANY THOROUGHBRED RACE MEET AT WHICH PARI-MUTUEL BETTING IS
8 CONDUCTED, OTHER THAN AS A PATRON, AND WHETHER LICENSED BY THE COMMIS-
9 SION OR NOT, FOR A VIOLATION OF ANY PROVISION OF THIS CHAPTER OR THE
10 RULES PROMULGATED BY THE COMMISSION PURSUANT THERETO, NOT EXCEEDING TEN
11 THOUSAND DOLLARS FOR EACH VIOLATION. THE COMMISSION IS FURTHER AUTHOR-
12 IZED AND EMPOWERED TO IMPOSE MONETARY FINES, NOT EXCEEDING TEN THOUSAND
13 DOLLARS FOR EACH VIOLATION, UPON ANY SUCH CORPORATION, ASSOCIATION OR
14 PERSON FOR A VIOLATION OF ANY ORDER ISSUED BY THE COMMISSION PURSUANT TO
15 THIS ARTICLE OR THE RULES PROMULGATED BY THE COMMISSION PURSUANT THERE-
16 TO, PROVIDED THAT A COPY OF SUCH ORDER SHALL HAVE BEEN SERVED EITHER
17 PERSONALLY OR BY REGISTERED MAIL, UPON THE CORPORATION, ASSOCIATION OR
18 PERSON TO WHOM THE SAME WAS DIRECTED, PRIOR TO THE OCCURRENCE OF THE
19 VIOLATION, FOR WHICH SUCH FINE IS IMPOSED. THE COMMISSION SHALL ONLY
20 IMPOSE SUCH FINE UPON A CORPORATION, ASSOCIATION OR PERSON IN AN AMOUNT
21 WHICH REFLECTS THE SEVERITY OF THE VIOLATION. THE COMMISSION SHALL
22 IMPOSE SUCH FINES SUBJECT TO THE NOTICE AND HEARING PROVISIONS OF THE
23 STATE ADMINISTRATIVE PROCEDURE ACT. SUCH FINES SHALL BE PAID INTO THE
24 TREASURY OF THE STATE. THE ACTION OF THE COMMISSION IN IMPOSING ANY
25 MONETARY FINE SHALL BE REVIEWABLE IN THE SUPREME COURT IN THE MANNER
26 PROVIDED BY AND SUBJECT TO THE PROVISIONS OF ARTICLE SEVENTY-EIGHT OF
27 THE CIVIL PRACTICE LAW AND RULES.
28 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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