§ 1015. Simulcasting of races run by out-of-state harness tracks. 1. The provisions of this section shall govern the simulcasting of races conducted at harness tracks located in another state or country during the period July first, nineteen hundred ninety-four through June thirtieth, two thousand twenty-seven. This section shall supersede all inconsistent provisions of this chapter.

2. Harness racing associations or corporations subject to a written agreement with such association's or corporation's representative horsemen's association and off-track betting facilities are hereby authorized to accept wagers and display the signal of out-of-state harness tracks provided that:

a. the payments to the out-of-state track for accepting wagers and displaying the live simulcast signals of these races shall not exceed two percent of total handle for facilities licensed in accordance with section one thousand eight and one thousand nine of this chapter and three percent of total handle for those facilities licensed in accordance with section one thousand seven of this chapter.

b. all off-track betting branches are permitted to accept such wagers and that all simulcast facilities licensed in accordance with sections one thousand eight and one thousand nine of this article are permitted to display the live simulcast signal under the same terms and conditions as facilities licensed in accordance with section one thousand seven of this article;

c. on any day on which a harness track is conducting a racing program, it shall offer its signal to all off-track betting facilities authorized to receive such signals under terms and conditions no less favorable than those in effect on March thirty-first, nineteen hundred ninety-three; and that in addition to any out-of-state simulcasting program, the track shall accept wagers and display the signal from at least one in-state harness track;

d. on any day on which a harness association or corporation is not conducting a racing program, it shall accept the signal from not fewer

than two in-state harness tracks conducting a program except this requirement may be waived by the written consent of those harness tracks conducting the race meeting;

e. every off-track betting branch office and simulcast facility licensed in accordance with sections one thousand eight and one thousand nine of this article, as a condition to accepting out-of-state wagers and displaying the live simulcast signal of such races, shall accept wagers and display the simulcast signal of its regional harness track at all locations at which out-of-state wagers are accepted or the signal displayed. If the regional harness track is not conducting a race meeting but another harness association in the state is conducting a meeting, the off-track betting facilities as a condition of accepting out-of-state wagers shall accept wagers and display the signal from at least one in-state harness track;

f. No off-track betting facility shall accept wagers or display the simulcast signal from an out-of-state harness track without an agreement with the regional track, provided, however, that off-track betting facilities shall have the right to display any simulcast signal displayed by a regional harness track and any such agreement shall not unreasonably be withheld.

3. Any facility authorized to accept wagers on out-of-state tracks shall distribute all sums deposited in any pari-mutuel pool to the holders of any tickets therein provided such tickets are presented for payment prior to April first of the year following the year of their purchase less nineteen percent of total deposits in pools resulting from regular bets, less twenty-one percent of total deposits of pools resulting from multiple bets, less twenty-seven percent of total deposits of pools resulting from exotic bets, less thirty-six percent of total deposits of pools resulting from super exotic bets except that the retention rates and breaks shall be as prescribed by another state or country if such wagers are combined with those in the other state or country pursuant to section nine hundred five of this chapter.

a. Distribution of retained commissions for all licensed harness

tracks shall be in accordance with article three of this chapter.

b. For off-track betting facilities, (1) of the sums so retained, the applicable tax rate shall be one percent of all such wagers;

(2) of the sum so retained, one percent of all wagers shall be paid to the New York state agricultural and horse breeding and development fund;

(3) of the sum so retained, five percent shall be paid to the regional licensed harness track to be distributed in the same manner as though such payments were on races conducted at such track;

(4) of the sum so retained, an additional one percent of all wagers shall be paid to the regional licensed harness track for the purpose of increasing purses.

c. In those regions in which there is more than one regional licensed harness track, the payments required under subparagraphs three and four of paragraph b of this subdivision shall be made to the regional track conducting a meet on the day out-of-state simulcasting occurs. If either no track is conducting a meet, or more than one track is conducting a meet, the distribution shall be made in the proportion that each track's handle bore to the total regional licensed harness track handle during the preceding calendar month or in accordance with a contractual agreement between the regional tracks and the off-track betting corporation.

d. For wagers placed at an off-track betting facility in that portion of the western region located with a thoroughbred special betting district, but not included in a harness special betting district, one and one-half percent of such wagers shall be paid to the racing association located in such district provided such association is neither accepting wagers nor simulcasting out-of-state harness races. Any payments required by this subdivision shall reduce payments required to be made to the regional licensed harness track under the provisions of subparagraph three of paragraph b of this subdivision.

e. Any thoroughbred racing corporation or harness racing association or corporation or off-track betting corporation authorized pursuant to this section shall pay to the commission as a regulatory fee, which fee

is hereby levied, six-tenths of one percent of all wagering pools.

4. The provisions of section five hundred thirty-two of this chapter shall apply as follows:

a. for all wagers placed at facilities licensed to receive such out-of-state simulcasts in accordance with section one thousand eight of this article, distribution shall first be made in accordance with subdivision three-a, and then fifty percent of the remaining amount in accordance with paragraph a of subdivision three of section five hundred thirty-two of this chapter and the other fifty percent shall be retained by such operator for its general purpose.

b. for wagers placed at off-track betting branch offices on out-of-state tracks where such simulcasting is not conducted, in accordance with section five hundred thirty-two of this chapter.

c. upon application of any facility licensed in accordance with sections one thousand seven and one thousand nine of this article, the commission shall authorize the imposition of a sum equal to the amount authorized by section five hundred thirty-two of this chapter that shall apply to wagers placed at such facility. Such sums received by facilities licensed in accordance with section one thousand nine of this article shall be retained for the general purpose of the corporation. Such sums received by such facilities licensed in accordance with section one thousand seven of this article shall be distributed as follows:

(1) fifty percent shall be used exclusively for purses awarded in races conducted by such licensed facility; and

(2) fifty percent shall be retained by such licensed facility for its general purposes.

5. Nothing in this section shall be construed to prohibit the accepting of wagers on races conducted at out-of-state tracks without the display of the live simulcast signal if authorized under any other provision of this chapter.