**§ 1016. Simulcasting of out-of-state thoroughbred races 1.** The provisions of this section shall govern the simulcasting of races conducted at thoroughbred tracks located in another state or country on any day during which a franchised corporation is not conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack until June thirtieth, two thousand twenty-seven. Every off-track betting corporation branch office and every simulcasting facility licensed in accordance with section one thousand seven that have entered into a written agreement with such facility's representative horsemen's organization as approved by the commission, one thousand eight or one thousand nine of this article shall be authorized to accept wagers and display the live full-card simulcast signal of thoroughbred tracks (which may include quarter horse or mixed meetings provided that all such wagering on such races shall be construed to be thoroughbred races) located in another state or foreign country, subject to the following provisions; provided, however, no such written agreement shall be required of a franchised corporation licensed in accordance with section one thousand seven of this article:

a. Each off-track betting branch office accepting wagers on an out-of-state track shall accept wagers on races run at all in-state thoroughbred tracks that are conducting racing programs and every simulcasting facility licensed in accordance with sections one thousand eight and one thousand nine of this article that is accepting wagers and displaying the simulcast signal from an out-of-state track shall similarly accept wagers and display the signal from all in-state thoroughbred tracks conducting racing programs.

b. 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 winning tickets therein, provided such tickets are presented for payment prior to April first of the year following the year of their purchase less eighteen percent of the total deposits in pools resulting from regular bets, less twenty-one percent of the total deposits in pools resulting from multiple bets, less twenty-six percent of the total deposits in pools resulting from exotic bets, and less twenty-seven percent of the total deposits in pools resulting from super exotic bets,

may be required by another jurisdiction 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.

(1) Of the sums so retained, the applicable tax rates shall be as as set forth in subdivision one of section one hundred thirty-six of this chapter.

(2) (A) Of the sums so retained, one-half of one percent of all wagers shall be paid to the New York State thoroughbred breeding and development fund, except that of the sums so retained on such wagers at licensed harness tracks, one-half of one percent shall be paid to the agricultural and New York State horse breeding and development fund.

(B) Any harness racing or association or corporation or thoroughbred racing 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 the total daily pari-mutuel pools.

(3) Distribution of wagers placed on the initial out-of-state thoroughbred track at facilities licensed in accordance with sections one thousand eight and one thousand nine of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

| | Regular bets | Multiple bets | Exotic bets | Super-exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred Racing corporation | 0.50 | 0.50 | 0.50 | 0.50 |
| Non-franchised Thoroughbred Racing corporation payments to purses | 1.50 | 2.00 | 1.50 | 2.00 |
| Franchised corporation | 0.50 | 0.50 | 0.50 | 0.50 |
| Franchised corporation payments to purses | 2.00 | 2.00 | 2.50 | 4.00 |

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

Super-

| | Regular bets | Multiple bets | Exotic bets | exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred Racing corporation | 0.50 | 0.50 | 0.50 | 0.00 |
| Non-franchised Thoroughbred Racing corporation payments to purses | 0.50 | 0.50 | 0.50 | 0.50 |
| Franchised corporation | 2.00 | 1.50 | 1.50 | 2.00 |
| Franchised corporation payments to purses | 2.00 | 3.00 | 3.00 | 5.00 |

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to the thoroughbred racing corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(4) Distribution of wagers placed on other than the initial out-of-state thoroughbred track at facilities licensed in accordance with sections one thousand eight and one thousand nine of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

| | Regular bets | Multiple bets | Exotic bets | Super-exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred Racing corporation payments to purses | 2.00 | 2.00 | 2.00 | 2.50 |
| Franchised corporation | 1.00 | 1.00 | 1.00 | 1.00 |
| Franchised corporation payments to purses | 2.00 | 2.00 | 2.50 | 4.00 |

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

| | Regular bets | Multiple bets | Exotic bets | Super-exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred racing | 0.50 | 0.25 | 0.50 | 0.50 |

| | | | | |
|---|---|---|---|---|
| corporation | | | | |
| Non-franchised Thoroughbred racing corporation payments to purses | 0.50 | 0.25 | 0.50 | 0.50 |
| Franchised corporation | 2.25 | 2.25 | 2.00 | 2.50 |
| Franchised corporation payments to purses | 2.25 | 3.25 | 3.00 | 4.50 |

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to the thoroughbred racing corporation or to the franchised corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(D) On days when no thoroughbred track is conducting a race meeting, facilities licensed in accordance with sections one thousand eight and one thousand nine of this article are authorized to accept the simulcast signal from more than two out-of-state thoroughbred tracks. The distribution of wagers on such out-of-state thoroughbred track or tracks shall be in accordance with clause (B) of this subparagraph.

(5) Distribution of wagers placed on the initial out-of-state thoroughbred track at facilities licensed in accordance with section one thousand seven of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

| | Regular bets | Multiple bets | Exotic bets | Super-exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred racing corporation | 0.25 | 0.25 | 0.25 | 0.50 |
| Non-franchised Thoroughbred racing corporation payments to purses | 0.75 | 1.00 | 0.75 | 1.00 |
| Franchised corporation | 0.25 | 0.25 | 0.25 | 0.25 |
| Franchised corporation payments to purses | 1.00 | 1.00 | 2.25 | 2.00 |

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

| | Regular bets | Multiple bets | Exotic bets | Super-exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred racing corporation | 0.25 | 0.25 | 0.25 | 0.25 |
| Non-franchised Thoroughbred racing corporation payments to purses | 0.25 | 0.25 | 0.25 | 0.25 |
| Franchised corporation | 1.00 | 0.75 | 0.75 | 1.00 |
| Franchised corporation payments to purses | 1.00 | 1.50 | 1.50 | 2.50 |

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to a thoroughbred racing corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(D) For wagers placed at a thoroughbred racing corporation the state tax shall be the amounts specified in subdivision one of section one hundred thirty-six of this chapter and retention thereafter shall be identical to sums retained for each type of on-track wager.

(E) On days when a franchised corporation is not conducting a race meeting and when a licensed harness track is neither accepting wagers nor displaying the signal from an in-state thoroughbred corporation or association or an out-of-state thoroughbred track:

(i) Such licensed regional harness track shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thoroughbred racing corporation, two and eight-tenths percent on regular and multiple bets during a regional meeting and one and nine-tenths percent of such bets if there is no regional meeting and four and eight-tenths percent on exotic bets on days on which there is a regional meeting and three and four-tenths percent of such bets if there is no regional meeting.

(ii) Such licensed regional harness track shall receive one and one-half percent on total regional handle on races conducted at out-of-state or out-of-country thoroughbred tracks.

(iii) In those regions in which there is more than one licensed

regional harness track, if no track is accepting wagers or displaying the live simulcast signal from the out-of-state track, the total sum shall be divided among the tracks in proportion to the ratio the wagers placed on races conducted by each track bears to the corporation's total in-region harness handle. If one or more tracks are accepting wagers or displaying the live simulcast signal, the total amount shall be divided among those tracks not accepting wagers or displaying the simulcast signal for an out-of-state track or in-state thoroughbred corporation or association.

(F) Of the sums retained by a licensed harness facility, fifty percent shall be used exclusively for purses awarded in races conducted by such licensed facility and the remaining fifty percent shall be retained by such licensed facility for its general purposes, provided, however, that in a harness special betting district the portion of the sums retained by a licensed harness facility to be used for purses or the methodology for calculating the amount to be used for purses may be specified in a written contract between a harness racing association or corporation and its representative horsemen's association.

(6) Distribution of wagers placed on other than the initial out-of-state thoroughbred track at facilities licensed in accordance with section one thousand seven of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

| | Regular bets | Multiple bets | Exotic bets | Super-exotic bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred Racing corporation payments to purses | 1.00 | 1.00 | 1.00 | 1.25 |
| Franchised corporation | 0.50 | 0.50 | 0.50 | 0.50 |
| Franchised corporation payments to purses | 1.00 | 1.00 | 1.25 | 2.00 |

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

| | Regular | Multiple | Exotic | Super-exotic |
|---|---|---|---|---|

| | bets | bets | bets | bets |
|---|---|---|---|---|
| Non-franchised Thoroughbred Racing corporation | 0.25 | 0.25 | 0.25 | 0.25 |
| Non-franchised Thoroughbred Racing corporation payments to purses | 0.25 | 0.25 | 0.25 | 0.25 |
| Franchised corporation | 1.25 | 1.25 | 1.00 | 1.25 |
| Franchised corporation payments to purses | 1.25 | 2.00 | 1.50 | 2.25 |

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to a thoroughbred racing corporation or to the franchised corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(D) For wagers placed at a franchised corporation or a thoroughbred racing corporation the state tax shall be the amounts specified in clauses (A) and (B) of this subparagraph and retention thereafter shall be identical to sums retained for each type of on-track wager.

(E) On days when no thoroughbred track is conducting a race meeting, facilities licensed in accordance with section one thousand seven of this article are authorized to accept the simulcast signal from out-of-state thoroughbred tracks. The distribution of wagers on such out-of-state thoroughbred track or tracks shall be in accordance with clause (B) of this subparagraph.

(F) On days when a franchised corporation is not conducting a race meeting and when a licensed harness track is neither accepting wagers nor displaying the signal from an in-state thoroughbred corporation or association or an out-of-state thoroughbred track:

(i) Such licensed regional harness track shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thoroughbred racing corporation, two and eight-tenths percent on regular and multiple bets during a regional meeting and one and nine-tenths percent of such bets if there is no regional meeting and four and eight-tenths percent on exotic bets on days on which there is a regional meeting and three and four-tenths percent of such bets if there is no regional meeting.

(ii) Such licensed regional harness track shall receive one and one-half percent on total regional handle on races conducted at out-of-state or out-of-country thoroughbred tracks.

(iii) In those regions in which there is more than one licensed regional harness track, if no track is accepting wagers or displaying the live simulcast signal from the out-of-state track, the total sum shall be divided among the tracks in proportion to the ratio the wagers placed on races conducted by each track bears to the corporation's total in-region harness handle. If one or more tracks are accepting wagers or displaying the live simulcast signal, the total amount shall be divided among those tracks not accepting wagers or displaying the simulcast signal for an out-of-state track or in-state thoroughbred corporation.

(G) Of the sums retained by a licensed harness facility, fifty percent shall be used exclusively for purses awarded in races conducted by such licensed facility and the remaining fifty percent shall be retained by such licensed facility for its general purposes, provided, however, that in a harness special betting district the portion of the sums retained by a licensed harness facility to be used for purses or the methodology for calculating the amount to be used for purses may be specified in a written contract between a harness racing association or corporation and its representative horsemen's association.

c. (1) All wagers authorized by this section shall be combined so as to produce common pari-mutuel betting pools, which shall be combined with the sending track, for the calculation of odds and the determination of payouts from such pools, which payouts shall be made pursuant to the rules of the commission. Every location authorized to accept wagers or display simulcasting pursuant to this section shall be subject to all appropriate provisions of this chapter.

(2) Every regional off-track betting corporation may simulcast all out-of-state races authorized by this section at any licensed simulcast facility except for those facilities located in a thoroughbred special betting district. Facilities located in such special betting district may display the simulcast signal with the permission of the thoroughbred track located in such district or if such track displays the signal from an out-of-state or out-of-country track.

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

(1) for all wagers placed at facilities licensed to receive such out-of-state or out-of-country simulcasts in accordance with section one thousand eight of this article, distribution shall first be made in accordance with subdivision three-a of section five hundred thirty-two of this chapter, 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.

(2) 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 applies 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:

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

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

e. Nothing in this section shall be construed to prohibit the acceptance 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.

2. The provisions of this section shall not be effective, nor shall any out-of-state simulcast signal or wagers thereon be permitted to be accepted pursuant to this section by any off-track betting corporation in this state during the dates set forth in subdivision one of this section until the following conditions are met and are in full force and effect:

a. New York city off-track betting corporation has a written contractual agreement with an in-state thoroughbred racing corporation, guaranteeing said in-state thoroughbred racing corporation the same display of its signal as any out-of-state track displayed under this section during the dates and time periods delineated herein, including the display of said signal at least five days per week under section one thousand three of this article, commonly known as the in-home simulcasting experiment; provided said corporation's signal is made available five days per week;

b. Said written contractual agreement shall not provide for remuneration and shall be separate and apart from any existing statutory provision, current agreement, or future agreement, regarding remuneration of the in-state thoroughbred racing corporation by New York city off-track betting corporation for its simulcast signal, and shall contain a clause providing for enforcement of the contractual agreement in a court of general jurisdiction with the power to grant equitable and/or injunctive relief;

c. Said written agreement shall contain a clause providing for injunctive relief and/or liquidated damages if said contract is breached by either party;

d. Upon a decision, ruling or order by a court of general jurisdiction that said contract has been breached, no out-of-state simulcasting shall be permitted under the provisions of this section until renewal of said contract or a new contract containing the requirements herein is executed; and

e. Provided further, that if New York city off-track betting corporation shall cease to display the signal of an out-of-state track through in-home simulcasting pursuant to section one thousand three of this article, nothing herein shall prohibit any off-track corporation from displaying the out-of-state signal in its parlors and teletheaters so long as the signal of an in-state thoroughbred racing corporation is displayed on an equal number of screens.