§ 309. Licenses for participants and employees at harness race meetings. 1. For the purpose of maintaining a proper control over harness race meetings conducted pursuant to sections two hundred twenty-two through seven hundred five of this chapter, the commission may license drivers and such other persons participating in harness horse race meets, as the commission may by rule prescribe, including, if the commission deems it necessary so to do, owners, and some or all persons exercising their occupation or employed at harness race meets, provided, however, that no such license shall be required for seasonal employees hired solely to work for no longer than six weeks during the summer meet at the Syracuse mile. Each applicant for a license shall pay to the commission an annual license fee as follows: owner's license, if a renewal, fifty dollars, and if an original application, one hundred dollars; trainer's license, twenty dollars; assistant trainer's license, twenty dollars; driver's license, twenty dollars; farrier's license, twenty dollars; and stable employee's license, five dollars. Such fees shall be paid to the commission and by it paid into the state treasury. The commission may by rule fix the license fees to be paid by other persons required to be licensed by the rules of the commission, not to exceed twenty dollars per category. All such licenses, unless revoked for cause shall be for the period of no more than one, two or three years, as determined by rule of the commission, expiring on the applicant's birth date. Licenses current on the effective date of this provision shall not be reduced in duration by this provision. An applicant who applies for a license that, if issued, would take effect less than six months prior to the applicant's birth date may, by payment of a fifty percent higher fee, receive a license that shall not expire until the applicant's second succeeding birth date. For each category of license, the applicant may apply for a two or three year license by payment to the commission of the appropriate multiple of the annual fee. The applications for licenses shall be in writing, accompanied by fingerprints and a photograph of the applicant, and shall be in such form, and contain such other information, as the commission may require. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a

national criminal history record check.

Every person employed after May first, nineteen hundred fifty-four, by such association or corporation, including officers and directors thereof, whether or not such person be licensed, shall file fingerprints and a photograph with the commission within ten days after such employment. The fingerprints so obtained from applicants for licenses and from employees not to be licensed shall be forthwith transmitted by the commission to the division of criminal justice services and may also be submitted to the federal bureau of investigation or any other government agency having facilities for checking fingerprints for the purpose of establishing the identity and the previous criminal record, if any, of such person and such agency shall promptly report its findings to the commission in writing.

2. If the commission finds that the experience, character and general fitness of the applicant are such that the participation of such person in harness horse race meets will be consistent with the public interest, convenience and necessity and with the best interests of racing generally in conformity with the purposes of sections two hundred twenty-two through seven hundred five of this chapter, the commission may thereupon grant a license.

Without limiting the generality of the foregoing, the commission may refuse to issue a license, pursuant to this section, if the commission finds that the applicant has:

a. been convicted of a crime involving moral turpitude;

b. engaged in bookmaking or other form of illegal gambling;

c. been found guilty of any fraud or misrepresentation in connection with racing or breeding;

d. been found guilty of any violation or attempt to violate any law, rule or regulation of racing in any jurisdiction for which suspension from racing might be imposed in such jurisdiction; or

e. violated any rule, regulation or order of the commission. The commission may suspend or revoke a license issued pursuant to this section if the commission determines that (i) the applicant or licensee has (1) been convicted of a crime involving moral turpitude; (2) engaged in bookmaking or other form of illegal gambling; (3) been found guilty of any fraud in connection with racing or breeding; (4) been guilty of any violation or attempt to violate any law, rule or regulation of any racing jurisdiction for which suspension from racing might be imposed in such jurisdiction; or (5) violated any rule, regulation or order of the commission, or (ii) the experience, character or general fitness of any applicant or licensee is such that the participation of such person in harness racing or related activities would be inconsistent with the public interest, convenience or necessity or with the best interests of racing generally.

3. Pending final determination of any question under this section, the commission may issue a temporary license upon such terms and conditions as it may deem necessary, desirable or proper to effectuate the provisions of sections two hundred twenty-two through seven hundred five of this chapter.