

[First Reprint]

ASSEMBLY, No. 4909

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

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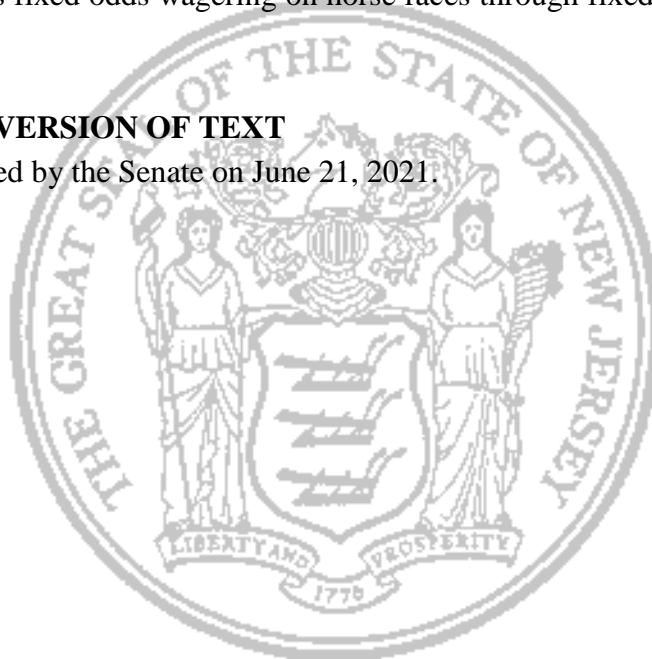
Senators Oroho and O'Scanlon

SYNOPSIS

Authorizes fixed odds wagering on horse races through fixed odds wagering system.

CURRENT VERSION OF TEXT

As amended by the Senate on June 21, 2021.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning the placement of wagers on horse races, and
2 supplementing chapter 5 of Title 5 of the Revised Statutes and
3 amending P.L.2002, c.89.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) This act shall be known and may be cited as
9 the “Fixed Odds Wagering Act.”

10

11 2. (New section) The Legislature finds and declares that:

12 a. The horse racing industry is economically important to this
13 State, and the general welfare of the people of the State will be
14 promoted by the advancement of horse racing and related projects
15 and facilities in the State.

16 b. It is the intent of the Legislature, by authorizing fixed odds
17 wagering, to promote the economic future of the horse racing
18 industry in this State, to foster the potential for increased
19 commerce, employment, and recreational opportunities in this State
20 and to preserve the State's open spaces.

21 c. It is the further intent of the Legislature that fixed odds
22 wagers may be taken in person, by direct telephone call, or by
23 communication through other electronic media from residents of
24 this State on horse races conducted within and outside of this State.

25 d. It is the further intent of the Legislature to permit persons
26 located in New Jersey who are not residents or account holders to
27 wager on fixed odds at racetracks in person or by electronic means.

28 e. The Legislature has determined that the Division of Gaming
29 Enforcement, in consultation with the New Jersey Racing
30 Commission, is best suited to oversee, license, and regulate fixed
31 odds wagering in the State.

32

33 3. (New section) As used in this act:

34 ¹“Advance deposit wagering” means a form of horse racing
35 wagering in which account holders must fund their account before
36 being permitted to place bets and refers to a fixed odds wagering
37 licensee.¹

38 "Authority" means the New Jersey Sports and Exposition
39 Authority created by section 4 of P.L.1971, c.137 (C.5:10-4).

40 “Division” means the New Jersey Division of Gaming
41 Enforcement in the New Jersey Department of Law and Public
42 Safety created by section 55 of P.L.1977, c.110 (C.5:12-55).

43 “Fixed odds wagering” means a form of horse racing wagering
44 against odds offered by a bookmaker in which account holders may

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 21, 2021.

1 lock in their odds when the bet is first placed and no fluctuation in
2 potential payout may occur.

3 "Fixed odds wagering account" means the account established
4 with the fixed odds wagering licensee by a person participating in
5 fixed odds wagering.

6 "Fixed odds wagering licensee" means the authority, provided
7 that the division has granted its approval for the authority or a
8 racetrack permit holder to establish fixed odds wagering as
9 provided for in this act, P.L. , c. (pending before the Legislature
10 as this bill).

11 "Fixed odds wagering system" means a system through which
12 fixed odds wagers are processed.

13 ¹"Internet sports pool operator" means an entity that is licensed
14 as a casino service industry enterprise pursuant to section 92 of
15 P.L.1977, c.110 (C.5:12-92) and that holds a permit issued by the
16 division to operate an online sports pool.¹

17 "Operating board" means the board established to negotiate,
18 manage, and oversee any agreements made for the purposes of
19 operating an account wagering system, off-track wagering facility,
20 exchange wagering system, or fixed odds wagering system.

21 "Participation agreement" means the written contract entered into
22 pursuant to this act, P.L. , c. (pending before the Legislature as
23 this bill), that shall set forth the manner in which the fixed odds
24 wagering system shall be managed, operated, and capitalized, as
25 well as how expenses and revenues shall be allocated and
26 distributed by and among the authority and the other eligible
27 participants subject to the agreement, including standardbred and
28 thoroughbred permit holders in this State.

29 "Permit holder" means the holder of an annual permit to conduct
30 a horse race meeting issued by the commission.

31

32 4. (New section) Notwithstanding any law, rule, or regulation
33 to the contrary, fixed odds wagering by residents of this State on the
34 results of horse races conducted in this State or jurisdictions outside
35 of this State shall be lawful provided that:

36 a. fixed odds wagering shall only be conducted by the fixed
37 odds wagering licensee pursuant to a valid fixed odds wagering
38 license issued by the division as provided for in this act;

39 b. fixed odds wagering shall be conducted pursuant to and in
40 compliance with the provisions of the Interstate Horse Racing Act
41 of 1978, 15 U.S.C. ss.3001 - 3007, as amended, this act, any related
42 intrastate contracts, and rules and regulations promulgated by the
43 division pursuant to this act;

44 c. in addition to the provisions of the Interstate Horse Racing
45 Act of 1978, 15 U.S.C. ss.3001 – 3007, fixed odds wagering
46 conducted on in-State races shall require a written agreement with
47 the Standardbred Breeders and Owners Association of New Jersey

1 and the New Jersey Thoroughbred Horsemen's Association for such
2 wagering on the associations' respective breeds;

3 d. the division has approved a contract or agreement, if any,
4 with a person or entity to conduct or operate fixed odds wagering
5 and to act as the agent for the authority or racetrack permit holder in
6 all fixed odds wagering matters approved by the division, pursuant
7 to section 5 of this act, P.L. , c. (C.)(pending before the
8 Legislature as this bill), including but not limited to the portion of
9 fixed odds revenues payable to such person or entity conducting or
10 operating fixed odds wagering;

11 e. fixed odds wagers are submitted to and accepted by the fixed
12 odds wagering licensee in person, by direct telephone call, or by
13 communication through other electronic media, as appropriate; and

14 f. fixed odds wagers are placed through the fixed odds
15 wagering system authorized in accordance with the provisions of
16 this act, P.L. , c. (C.)(pending before the Legislature as this
17 bill), and in accordance with division rules, regulations, and
18 conditions established therefor.

19

20 5. (New section) a. The division is hereby authorized to issue
21 a license to the authority, or to the racetrack permit holder, to
22 establish fixed odds wagering in accordance with the provisions of
23 this act, P.L. , c. (C.)(pending before the Legislature as this
24 bill). The licensing process shall include the filing by the authority
25 of a fixed odds wagering license application developed by the
26 division. The division may issue more than one license to the
27 authority for the purpose of establishing additional fixed odds
28 wagering systems. The division may issue an individual license to
29 a racetrack permit holder if the authority and racetrack permit
30 holder have mutually agreed to a transfer of licensing, pursuant to
31 the provisions of section 6 of P.L. , c. (C.) (pending before the
32 Legislature as this bill). Each new wagering system shall require a
33 license. All provisions of law concerning such license and the fixed
34 odds wagering system shall apply to each license and each system
35 established. Any reference in law to the license, the assignee, or the
36 fixed odds wagering system shall refer to all licenses, assignees,
37 and systems. A license issued pursuant to this act shall be valid for
38 a term of one year.

39 Any participation agreement shall include an agreement by the
40 operator to pay a proportional share of the available net project
41 revenues determined by the operating board to the standardbred or
42 thoroughbred permit holder, as the case may be, and a re-
43 negotiation mechanism to adjust a proportional share following the
44 addition or removal of an operator.

45 b. At the time of filing an application for licensure under this
46 section, the authority shall submit to the division a nonrefundable
47 filing fee in an amount established by regulation by the division,
48 and a certification in a form prescribed by the division which

1 specifies, but is not limited to, information about the operation of
2 the system and the authority's participation therein.

3 c. Within 14 days of receipt of a completed application,
4 certification and applicable fees, the division's director shall
5 determine whether the same is in due form and meets the
6 requirements of law and regulations in all respects. No later than 60
7 days following the receipt of the application, the division shall
8 make a final determination on the application. The division shall
9 approve the application if it determines that the authority has
10 demonstrated by clear and convincing evidence that wagers placed
11 through the proposed fixed odds wagering system will be accurately
12 processed and that there will be sufficient safeguards to maintain
13 the integrity of the horse racing industry in this State.

14 d. The division's determination shall be submitted to the
15 Attorney General for review and approval. The determination of the
16 division shall be deemed approved by the Attorney General if
17 affirmatively approved or not disapproved by the Attorney General
18 within 14 days of the date of submission. The decision of the
19 Attorney General shall be deemed a final decision. Upon approval
20 by the Attorney General, the division shall issue to the authority a
21 license to establish the system. The fixed odds wagering license
22 shall be valid for a term of one year, and shall be subject to renewal
23 annually, unless a different timeframe is otherwise prescribed by
24 regulation of the division.

25 e. With the approval of the division, the authority or racetrack
26 permit holder may enter into a contract or agreement with a person
27 or entity to conduct or operate the system and to act as the agent of
28 the authority in all fixed odds wagering matters approved by the
29 division. The fixed odds wagering license may not be transferred or
30 assigned to a successor in interest without the approval of the
31 division and the Attorney General, which approval may not be
32 unreasonably withheld.

33
34 6. (New section) The authority may transfer the operation and
35 control of a fixed odds wagering operation to an individual
36 racetrack permit holder if both the authority and racetrack permit
37 holder mutually agree to such transfer. The division and the
38 Attorney General shall approve the transfer following the written
39 agreement of the authority and racetrack permit holder. The
40 division and the Attorney General shall review the agreement and
41 determine if the racetrack permit holder has the appropriate
42 apparatus to operate as a licensee of a fixed odds wagering system.
43 If the transfer is not approved by the division and the Attorney
44 General, the authority shall remain the fixed odds wagering
45 licensee. Any agreement between the authority and a racetrack
46 permit holder that does not receive approval from the division and
47 Attorney General for a transfer may not be re-submitted for review

1 until one year following the prior determination by the division and
2 the Attorney General.

3
4 7. (New section) a. The division, in consultation with the New
5 Jersey Racing Commission, shall have full power to prescribe rules,
6 regulations, and conditions under which fixed odds wagering may
7 be conducted in this State, consistent with this act, including the
8 manner in which fixed odds wagers may be accepted, the
9 requirements for any person to participate in fixed odds wagering,
10 and the reasonable approval of any and all agreements made
11 pursuant to subsection c. of section 4 of this act, P.L. ,
12 c. (C.)(pending before the Legislature as this bill).

13 b. The division shall have full power to prescribe rules,
14 regulations, and conditions under which the fixed odds wagering
15 license is issued or renewed in this State, including requiring an
16 annual audit of a fixed odds wagering licensee's books and records
17 pertaining to fixed odds wagering, requiring all hub facilities,
18 servers, and technicians related to a fixed odds wagering operation
19 by a licensee in this State be located in this State, and to revoke,
20 suspend, or refuse to renew the license if in the opinion of the
21 division the revocation of, suspension of, or refusal to renew such
22 license is in the public interest; provided, however, that such rules,
23 regulations, and conditions shall be uniform in their application.

24 c. The division shall have no right or power to determine who
25 shall be officers, directors, or employees of any fixed odds
26 wagering licensee, or the salaries thereof; provided, however, that
27 the division may compel the discharge of any official or employee
28 of the fixed odds wagering licensee or the fixed odds wagering
29 system who: (1) fails or refuses for any reason to comply with the
30 rules or regulations of the division; (2) fails or refuses for any
31 reason to comply with any of the provisions of this act; (3) fails to
32 establish by clear and convincing evidence in the opinion of the
33 division good character, honesty, competency, and integrity; or (4)
34 has been convicted of a crime involving fraud, dishonesty, or moral
35 turpitude.

36 d. Notwithstanding the provisions of the "Administrative
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), within 90
38 days of the effective date of P.L. , c. (pending before the
39 Legislature as this bill), the director of the division shall adopt,
40 immediately upon filing proper notice with the Office of
41 Administrative Law, such temporary rules and regulations
42 necessary to effectuate the purposes of this act. The rules and
43 regulations so adopted shall be effective for a period not to exceed
44 18 months from the date of the filing. The rules and regulations
45 shall thereafter be amended, adopted, or readopted by the director in
46 accordance with the requirements of the "Administrative Procedure
47 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

1 8. (New section) a. A person within this State shall not be
2 permitted to open a fixed odds wagering account, or place a fixed
3 odds wager through the fixed odds wagering system, except in
4 accordance with federal law and this act, and through the fixed odds
5 wagering licensee, and no entity, other than the fixed odds wagering
6 licensee, shall accept a fixed odds wager from a person within this
7 State. A person may not place a fixed odds wager unless the person
8 has established a fixed odds wagering account with the fixed odds
9 wagering licensee and is physically present in New Jersey at the
10 time of placing the account wager, except that persons physically
11 present at a racetrack or off-track wagering facility may place a
12 wager through a teller at a window without opening a fixed odds
13 wagering account. To establish a fixed odds wagering account, a
14 person shall be physically present in New Jersey at the time of
15 establishing the wagering account, at least 18 years of age, except
16 that any person on the self-exclusion list established pursuant to
17 section 1 of P.L.2002, c.89 (C.5:5-65.1) shall be prohibited from
18 establishing a fixed odds wagering account. A resident of this State
19 who has established an account with a fixed odds wagering licensee
20 may place a fixed odds wager through the licensee while physically
21 present in New Jersey, or while physically present in another
22 jurisdiction if placing such a wager is not inconsistent with the law
23 of that jurisdiction or with federal law. The division shall develop
24 protocols to accurately determine a person's location within the
25 State to effectuate the provisions of this subsection.

26 b. The fixed odds wagering account shall be in the name of a
27 natural person and may not be in the name of any beneficiary,
28 custodian, joint trust, corporation, partnership, or other organization
29 or entity.

30 c. A fixed odds wagering account may be established in
31 person, by mail, telephone, or other electronic media, by a person
32 completing an application form approved by the division. The form
33 shall include the address of the principal residence of the
34 prospective fixed odds wagering account holder and a statement
35 that a false statement made in regard to an application may subject
36 the applicant to prosecution. The fixed odds wagering licensee
37 shall verify the identification, residence, and age of the fixed odds
38 wagering account holder using methods and technologies approved
39 by the division.

40 d. The prospective fixed odds wagering account holder shall
41 submit the completed application in person, by mail, telephone, or
42 other electronic media, including the Internet and wireless devices,
43 to the fixed odds wagering licensee or such other person or entity as
44 may be approved by the division. The fixed odds wagering licensee
45 may accept or reject an application after receipt and review of the
46 application and certification, or other proof, of age and residency
47 for compliance with this act.

1 e. Any prospective fixed odds wagering account holder who
2 provides false or misleading information on the application is
3 subject to rejection of the application or cancellation of the fixed
4 odds wagering account by the fixed odds wagering licensee without
5 notice.

6 f. The fixed odds wagering licensee shall have the right to
7 suspend or close any fixed odds wagering account at its discretion.

8 g. Any person not in good standing with the division shall not
9 be entitled to maintain a fixed odds wagering account.

10 h. The address provided by the applicant in the application
11 shall be deemed the proper address for the purposes of mailing
12 checks, fixed odds wagering account withdrawals, notices, and
13 other materials.

14 i. A fixed odds wagering account shall not be assignable or
15 otherwise transferable.

16 j. The fixed odds wagering licensee may at any time declare
17 the fixed odds wagering system closed for receiving any wagers on
18 any race or closed for all fixed odds wagering.

19

20 9. (New section) a. Credits to a fixed odds wagering account
21 shall be made as follows:

22 (1) The fixed odds wagering account holder's deposits to the
23 fixed odds wagering account shall be submitted by the fixed odds
24 wagering account holder to the fixed odds wagering licensee and
25 shall be in the form of one of the following:

26 (a) cash given to the fixed odds wagering licensee;

27 (b) check, money order, negotiable order of withdrawal, or wire
28 or electronic transfer, payable and remitted to the fixed odds
29 wagering licensee; or

30 (c) charges made to a fixed odds wagering account holder's
31 debit or credit card upon the fixed odds wagering account holder's
32 direct and personal instruction, which instruction may be given by
33 telephone communication or other electronic means to the fixed
34 odds wagering licensee or its agent by the fixed odds wagering
35 account holder if the use of the card has been approved by the fixed
36 odds wagering licensee.

37 (2) Credit for winnings from wagers placed with funds in a fixed
38 odds wagering account shall be posted to the fixed odds wagering
39 account by the fixed odds wagering licensee.

40 (3) The fixed odds wagering licensee shall have the right to
41 refuse for any reason all or part of any fixed odds wager or deposit
42 to the fixed odds wagering account.

43 (4) Funds deposited in the fixed odds wagering account shall not
44 bear interest to the fixed odds wagering account holder.

45 b. Debits to a fixed odds wagering account shall be made as
46 follows:

47 (1) Upon receipt by the fixed odds wagering licensee of a fixed
48 odds wager properly placed pursuant to section 10 of this act,

1 P.L. , c. (C.)(pending before the Legislature as this bill), the
2 fixed odds wagering licensee shall determine whether there are
3 sufficient funds in the fixed odds wagering account holder's fixed
4 odds wagering account to cover the total liability resulting from the
5 fixed odds wager, taking into consideration other fixed odds wagers
6 made by the fixed odds wagering account holder in the same
7 market, and any additional applicable transaction or other fees due
8 to the fixed odds wagering licensee under the division's rules and
9 regulations, and deduct such amounts from the fixed odds wagering
10 account holder's fixed odds wagering account.

11 (2) The fixed odds wagering licensee may authorize a
12 withdrawal from a fixed odds wagering account when the fixed
13 odds wagering account holder submits to the fixed odds wagering
14 licensee, the fixed odds wagering licensee's agent, or such other
15 entity as may be approved by the division, his or her fixed odds
16 wagering account number and proper means of identification
17 pursuant to procedures approved by the division. Fixed odds
18 wagering account holders may request a withdrawal in person, by
19 mail, by telephone, or by other electronic means. If there are
20 sufficient funds in the fixed odds wagering account to cover the
21 withdrawal, after taking into consideration any existing fixed odds
22 wagers made by the fixed odds wagering account holder, the fixed
23 odds wagering licensee shall make payment within three business
24 days of receipt of the fixed odds wagering account holder's
25 withdrawal request. Notwithstanding the foregoing, the fixed odds
26 wagering licensee may decline or delay fulfilling a withdrawal
27 request if the fixed odds wagering licensee reasonably suspects: (a)
28 fraud; (b) that the fixed odds wagering account holder was
29 ineligible to make one or more of the fixed odds wagers made from
30 the fixed odds wagering account; or (c) any other conditions which
31 the division may prescribe or approve. At the discretion of the
32 fixed odds wagering licensee, withdrawals may be payable in cash,
33 by a check sent to the fixed odds wagering account holder's verified
34 residence address, by wire transfer, or by other electronic transfer.
35 Withdrawals shall be made payable only to the holder of the fixed
36 odds wagering account and in no more than the amount of the
37 requested withdrawal.

38

39 10. (New section) a. The fixed odds wagering licensee may
40 accept fixed odds wagers from anyone physically present in New
41 Jersey who holds a valid account with a fixed odds wagering
42 licensee or residents of New Jersey who hold a valid account and
43 who are physically present in another jurisdiction where placing
44 such a wager is not inconsistent with the law of that jurisdiction or
45 with federal law, only in accordance with this act, federal law, and
46 as follows:

47 (1) A wager to back or lay a particular outcome in a given
48 market, specifying the price of the wager, shall be placed directly

1 with the fixed odds wagering licensee by the holder of the fixed
2 odds wagering account.

3 (2) The fixed odds wagering account holder placing the wager
4 shall provide the fixed odds wagering licensee with the correct
5 personal identification number of the holder of the fixed odds
6 wagering account.

7 (3) A fixed odds wagering licensee may not accept a fixed odds
8 wager, or series of fixed odds wagers, when the results of which
9 would create a liability for the fixed odds wagering account holder
10 in excess of funds on deposit in the fixed odds wagering account of
11 that holder.

12 (4) Only the holder of a fixed odds wagering account shall place
13 a wager. Unless otherwise approved by the division, no person,
14 corporation, or other entity shall directly or indirectly act as an
15 intermediary, transmitter, or agent in the placing of wagers for a
16 holder of an fixed odds wagering account; provided, however, that
17 the use of credit or debit cards specifically approved by the fixed
18 odds wagering licensee or the use of checks, money orders, or
19 negotiable orders of withdrawal or the use of telephonic, computer,
20 or electronic means by the fixed odds wagering account holder to
21 place such wagers shall not be prohibited.

22 (5) The fixed odds wagering account holder may place a wager
23 in person, by direct telephone call or by communication through
24 other electronic media.

25 b. A fixed odds wager may also be placed at a racetrack or off-
26 track wagering facility in person without opening a fixed odds
27 wagering account through a teller who shall issue a tote ticket for
28 the wager which may then be cashed by the teller.

29

30 11. (New section) Subject to the approval of the division, the
31 fixed odds wagering licensee shall be permitted to collect fixed
32 odds revenues in the manner and amounts determined by the fixed
33 odds wagering licensee, including but not limited to assessing a
34 surcharge on any person's net winnings.

35

36 12. (New section) Notwithstanding any other law, rule, or
37 regulation to the contrary, the division shall require each fixed odds
38 wagering licensee to:

39 a. pay such portions of the fixed odds wagering licensee's fixed
40 odds revenues as may be required pursuant to section 4 of this act,
41 P.L. , c. (C.)(pending before the Legislature as this bill);

42 b. pay to overnight purses to standardbred and thoroughbred
43 permit holders for wagering on races for the permit holder's
44 respective breed in this State 50 percent of fixed odds revenues
45 retained by the fixed odds wagering licensee after the payments
46 required pursuant to subsection a. of this section are made, and after
47 deducting all reasonable and necessary expenses incurred by the

1 licensee in administering, marketing, and operating the fixed odds
2 wagering system; and
3 c. reach a business agreement with all standardbred and
4 thoroughbred permit holders within this State as it pertains to
5 wagering on the permit holder's respective breed, within one year
6 from the date when the fixed odds wagering system becomes
7 operational, for the distribution of the net fixed odds wagering
8 revenues remaining after the payments are made pursuant to
9 subsections a. and b. of this section and after the payment of
10 operating expenses, subject to approval by the division; provided
11 that, if an agreement is not reached within that time frame, the
12 division shall distribute the fixed odds wagering revenues among
13 the fixed odds wagering licensees and the standardbred and
14 thoroughbred permit holders in this State based on wagering on the
15 permit holder's respective breed.
16

17 13. (New section) ¹a.¹ Of the monies distributed to overnight
18 purses pursuant to subsection b. of section 12 of this act, P.L. ,
19 c. (C.)(pending before the Legislature as this bill) ¹on in-State
20 racetracks¹, all ¹**【moneys】 monies¹** derived
21 from fixed odds wagering on thoroughbred races shall be paid to
22 overnight purses for thoroughbred races and all monies derived
23 from fixed odds wagering on standardbred races shall be paid to
24 overnight purses for standardbred races.

25 ¹b. Of the monies distributed to overnight purses pursuant to
26 subsection b. of section 12 of this act, P.L. , c. (C.)(pending
27 before the Legislature as this bill), on out-of-State and international
28 racetracks:

29 (1) all monies derived from fixed odds wagering at Monmouth
30 Racetrack, including at off-track wagering facilities operated by
31 Monmouth Racetrack and in regards to advance deposit wagering,
32 on thoroughbred races shall be paid to overnight purses for
33 thoroughbred races and all monies derived from fixed odds
34 wagering on standardbred races shall be paid to overnight purses for
35 standardbred races;

36 (2) all monies derived from fixed odds wagering at
37 Meadowlands Racetrack and Freehold Raceway, including at off-
38 track wagering facilities operated by Meadowlands Racetrack and
39 Freehold Raceway and in regards to advance deposit wagering, on
40 thoroughbred races and standardbred races shall be paid to
41 overnight purses, in the following manner: 65 percent shall be paid
42 to overnight purses for thoroughbred races and 35 percent shall be
43 paid to overnight purses for standardbred races; and

44 (3) notwithstanding paragraphs (1) and (2) of this subsection, all
45 monies derived from fixed odds wagering by any internet sports
46 pool operator or casino operator on thoroughbred races shall be paid
47 to overnight purses for thoroughbred races and all monies derived
48 from fixed odds wagering by any internet sports pool operator or

1 casino operator on standardbred races shall be paid to overnight
2 purses for standardbred races.

3 c.¹ The formula for allocating overnight purse monies from
4 fixed odds wagering to overnight purses set forth in this section
5 may only be modified by the mutual agreement of the Standardbred
6 Breeders and Owners Association of New Jersey and the New
7 Jersey Thoroughbred Horsemen's Association. Nothing contained
8 in this section shall be construed as a precedent for establishing the
9 division of overnight purse amounts between standardbred races
10 and thoroughbred races.

11 d.¹ Notwithstanding the foregoing, the sum derived from fixed
12 odds wagering on standardbred races pursuant to subsection b. of
13 section 12 of P.L. , c. (C.)(pending before the Legislature as
14 this bill) may be distributed as provided by a contractual agreement
15 authorized under section 11 of P.L.2013, c.266 (C.5:5-188).
16 Notwithstanding the foregoing, the sum derived from fixed odds
17 wagering on thoroughbred races pursuant to subsection b. of section
18 12 of P.L. , c. (C.)(pending before the Legislature as this
19 bill) may be distributed as provided by a contractual agreement
20 authorized under section 12 of P.L.2013, c.266 (C.5:5-189).

21
22 14. (New section) All amounts remaining in fixed odds
23 wagering accounts inactive or dormant for such period and under
24 such conditions as established by regulation shall be distributed in
25 accordance with the division's rules and regulations.

26
27 15. (New section) All persons engaged in conducting wagering-
28 related activities through the fixed odds wagering system, whether
29 employed directly by the fixed odds wagering licensee or by a
30 person or entity conducting or operating the system pursuant to a
31 contract or agreement with the fixed odds wagering licensee, shall
32 be licensed or registered in accordance with such regulations as
33 may be promulgated by the division hereunder. All other
34 employees of the system shall be licensed or registered in
35 accordance with regulations of the division. The division shall have
36 full power to prescribe rules, regulations, and conditions under
37 which all such licenses are issued, or registrations made, in this
38 State and to revoke or refuse to issue a license, or revoke or refuse
39 to accept a registration, if in the opinion of the division the
40 revocation or refusal is in the public interest, provided, however,
41 that such rules, regulations, and conditions shall be uniform in their
42 application, and further provided that no fee shall be in excess of
43 \$50 for each license so granted or registration accepted.

44
45 16. (New section) The provisions of this act shall be deemed to
46 be severable, and if any phrase, clause, sentence, or provision of
47 this act is declared to be unconstitutional or the applicability thereof

1 to any person is held invalid, the remainder of this act shall not
2 thereby be deemed to be unconstitutional or invalid.

3

4 17. (New section) The division shall promulgate rules and
5 regulations pursuant to the "Administrative Procedure Act,"
6 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
7 this act, P.L. , c. (pending before the Legislature as this bill).

8

9 18. Section 1 of P.L.2002, c.89 (C.5:5-65.1) is amended to read
10 as follows:

11 1. a. The commission shall provide by regulation for the
12 establishment of a list of persons who voluntarily seek to be
13 excluded from entry into permitted racetracks and licensed off-track
14 wagering facilities located in this State and from opening or
15 maintaining a wagering account with the account wagering system
16 **【or】** , with the exchange wagering system, or with the fixed odds
17 wagering system established in this State. A person may request
18 placement on the self-exclusion list by acknowledging in a manner
19 to be established by the commission that the person is a problem
20 gambler and by agreeing that, during a period of voluntary
21 exclusion, the person may not collect winnings or recover losses
22 resulting from wagering at a racetrack or off-track wagering facility
23 or from account wagering **【or】** , exchange wagering, or fixed odds
24 wagering.

25 b. The commission shall promulgate regulations to: (1)
26 establish procedures for placements on, and removals from, the list
27 of self-excluded persons; (2) establish procedures for the transmittal
28 to the permitted racetracks, licensed off-track wagering facilities,
29 the account wagering system, **【and】** the exchange wagering
30 licensee, and the fixed odds wagering licensee of identifying
31 information concerning persons on the self-exclusion list; and (3)
32 require permitted racetracks, licensed off-track wagering facilities,
33 the account wagering system, **【and】** the exchange wagering
34 licensee, and the fixed odds wagering licensee to establish
35 procedures designed, at a minimum, to remove persons on the self-
36 exclusion list from targeted mailings or other forms of advertising
37 or promotions and deny such persons access to credit,
38 complimentaries, check cashing privileges, club programs, and
39 other similar benefits.

40 c. The commission, a permitted racetrack, a licensed off-track
41 wagering facility, the account wagering system, the exchange
42 wagering licensee, the fixed odds wagering licensee, or an
43 employee thereof shall not be liable to a person on the self-
44 exclusion list or to another party in a judicial proceeding for harm,
45 monetary or otherwise, which may arise as a result of:

46 (1) the failure of a permitted racetrack, licensed off-track
47 wagering facility or the account wagering system or the exchange
48 wagering licensee or the fixed odds wagering licensee to withhold

1 wagering privileges from, or restore wagering privileges to, a
2 person on the self-exclusion list; or

3 (2) permitting a person on the self-exclusion list to engage in
4 wagering activity at a permitted racetrack or licensed off-track
5 wagering facility, or through the account wagering system, or
6 through the exchange wagering system, or through the fixed odds
7 wagering system.

8 d. Notwithstanding the provisions of section 8 of P.L.1940,
9 c.17 (C.5:5-28), the commission's self-exclusion list shall be
10 privileged and confidential and shall not be accessible to the public
11 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and
12 supplemented.

13 e. The commission, a permitted racetrack, a licensed off-track
14 wagering facility, the account wagering system, the exchange
15 wagering licensee, the fixed odds wagering licensee, or an
16 employee thereof shall not be liable to a person on the self-
17 exclusion list or to another party in a judicial proceeding for harm,
18 monetary or otherwise, which may arise as a result of disclosure or
19 publication, other than a willfully unlawful disclosure or
20 publication, of the identity of a self-excluded person.
21 (cf: P.L.2011, c.15, s.19)

22
23 19. Section 2 of P.L.2002, c.89 (C.5:5-65.2) is amended to read
24 as follows:

25 2. a. A person on the self-exclusion list established pursuant to
26 section 1 of P.L.2002, c.89 (C.5:5-65.1), shall not collect, in any
27 manner or proceeding, winnings or recover losses arising as a result
28 of wagering activity at a permitted racetrack or licensed off-track
29 wagering facility, or through the account wagering system, **[or]**
30 through the exchange wagering system, or through the fixed odds
31 wagering system.

32 b. Money or a thing of value which has been obtained by, or is
33 owed to, a person on the self-exclusion list from a permitted
34 racetrack, licensed off-track wagering facility or account wagering
35 system **[or]** , exchange wagering system, or fixed odds wagering
36 system as a result of wagers made by that person shall be subject to
37 forfeiture by order of the executive director of the commission,
38 following notice to the person on the self-exclusion list and
39 opportunity to be heard.

40 Money or a thing of value forfeited shall be deposited into the
41 State General Fund for appropriation by the Legislature to the
42 Department of Human Services to provide funds for compulsive
43 gambling treatment and prevention programs in the State.

44 c. In a proceeding brought by the commission against a live
45 racing permit holder, the off-track wagering licensee, the account
46 wagering licensee, **[or]** the exchange wagering licensee, or the
47 fixed odds wagering licensee for a willful violation of the
48 commission's self-exclusion regulations, the commission may order

1 in addition to a permit or license suspension, a fine not to exceed
2 \$5,000 per wagering incident, the forfeiture of money or a thing of
3 value obtained by the permit holder, off-track wagering licensee,
4 account wagering licensee, **[or]** exchange wagering licensee, or
5 fixed odds wagering licensee from a person on the self-exclusion
6 list and other remedial conditions the commission deems
7 appropriate. Money or a thing of value so forfeited shall be
8 disposed of in the same manner as money or a thing of value
9 forfeited pursuant to subsection b. of this section.

10 (cf: P.L.2011, c.15, s.20)

11

12 20. This act shall take effect immediately.