

[First Reprint]

**SENATE, No. 3198**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED NOVEMBER 19, 2020

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman RALPH R. CAPUTO**

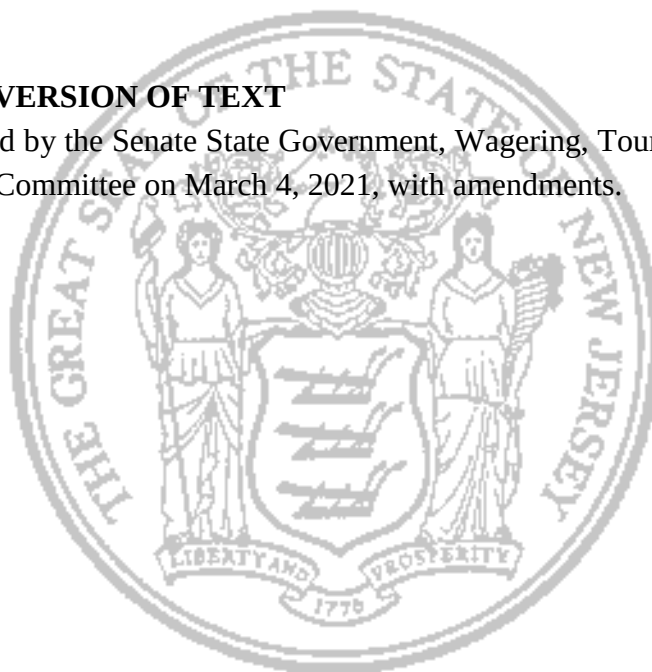
**District 28 (Essex)**

**SYNOPSIS**

Extends time outstanding parimutuel ticket may be claimed from six months to 12 months; allows additional time to claim outstanding parimutuel tickets and unclaimed cash vouchers due to Public Health Emergency.

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on March 4, 2021, with amendments.



**(Sponsorship Updated As Of: 3/25/2021)**

1 AN ACT concerning outstanding parimutuel tickets <sup>1</sup>and unclaimed  
2 cash vouchers<sup>1</sup> and amending various sections of the statutory  
3 law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 44 of P.L.1940, c.17 (C.5:5-64) is amended to read  
9 as follows:

10 44. Each holder of a permit shall distribute all sums deposited in  
11 any pool where the patron is required to select one horse to the  
12 winners thereof, less an amount which in harness races shall not  
13 exceed 17% of the total deposits plus the breaks and which in other  
14 races shall not exceed 17% of the total deposits plus the breaks. In  
15 every pool where the patron is required to select two horses, the  
16 holder of each permit for either harness or running track shall  
17 distribute all sums deposited in each pool to the winners thereof,  
18 less an amount which shall not exceed 19% of the total deposits  
19 plus the breaks. In every pool where the patron is required to select  
20 three or more horses, every holder of a permit shall distribute all  
21 sums deposited in each pool to the winners thereof, less an amount  
22 which shall not exceed 25% of the total deposits plus the breaks.  
23 Every permitholder shall distribute to the persons holding winning  
24 tickets in any of the aforementioned pools, as a minimum, a sum not  
25 exceeding \$0.10, calculated on the basis of each dollar deposited in  
26 any pool after the deduction of the said 17%, 19% or 25%, as the  
27 case may be. Should the amount remaining in the pool be  
28 insufficient to pay the winners the minimum, the breakage accruing  
29 in that race, or any necessary portion thereof, shall be applied  
30 toward making up any such deficiency. The breaks are hereby  
31 defined as the odd cents over any multiple of \$0.10, calculated on  
32 the basis of \$1.00 otherwise payable to a patron. Every  
33 permitholder engaged in the business of conducting running race  
34 meetings under this act, except the New Jersey Sports and  
35 Exposition Authority established pursuant to P.L.1971, c.137  
36 (C.5:10-1 et seq.) or a lessee of the authority, shall distribute as  
37 purse money the breaks as herein defined, except as the same shall  
38 have been applied toward making up a deficiency in a pool as  
39 herein provided. Every permitholder engaged in the business of  
40 conducting harness race meetings under this act, except the New  
41 Jersey Sports and Exposition Authority or a lessee of the authority,  
42 shall retain for his own uses and purposes 50% of the breaks as  
43 herein defined, except as the same shall have been applied toward  
44 making up a deficiency in the pool as herein provided, and shall

**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:

<sup>1</sup>Senate SSG committee amendments adopted March 4, 2021.

1 distribute as purse money the remaining 50%. The New Jersey  
2 Sports and Exposition Authority or a lessee of the authority shall  
3 retain all breaks as revenue, except as the same shall have been  
4 applied toward making up a deficiency in a pool as herein provided.

5 Every permitholder shall submit to the commission every  
6 seventh day of any and every race meeting a report under oath  
7 showing the daily and total amount of such breaks, together with  
8 such other information as the commission may require. All sums  
9 held by any permitholder for payment of outstanding parimutuel  
10 tickets not claimed by the person or persons entitled thereto within  
11 **【six months】** 12 months from the time such tickets are issued shall  
12 be paid upon the expiration of such **【six-month】** 12 months holding  
13 period as follows:

14 a. In the case of running and harness races, beginning July 1,  
15 1997 50% of those sums shall be paid to the racing commission for  
16 deposit in the general fund of the State and disposition in  
17 accordance with section 4 of P.L.1997, c.29 (C.5:5-68.1);

18 b. In the case of running races, 50% of those sums shall be paid  
19 to the commission and set aside in the special trust account  
20 established pursuant to section 46 b.(1)(e) and section 46 b.(2)(e) of  
21 P.L.1940, c.17 (C.5:5-66); and

22 c. In the case of harness races, 25% of those sums shall be  
23 retained by the permitholder to supplement purses for sire stakes  
24 races on which there is parimutuel wagering, and 25% shall be  
25 retained by the permitholder to supplement overnight purses unless  
26 otherwise provided by a contractual agreement authorized under  
27 section 11 of P.L.2013, c.266 (C.5:5-188).

28 Where it is shown to the satisfaction of the commission that the  
29 reason for the parimutuel tickets being outstanding and unclaimed is  
30 the loss, misplacement or theft of said tickets within the confines  
31 and control of the parimutuel department of any permitholder, and it  
32 is further shown to the satisfaction of the commission that said  
33 parimutuel tickets have been cashed by such parimutuel department,  
34 the commission may adjust and credit the permitholder's account  
35 accordingly and the permitholder shall reimburse any employee  
36 who has been held personally accountable and paid for such lost,  
37 stolen or misplaced tickets. All outstanding parimutuel ticket  
38 money shall be deposited in an account separate and apart from the  
39 track's mutuel or general treasury account. The outstanding  
40 parimutuel ticket account shall be subject to the rules and  
41 regulations prescribed by the Division of New Jersey Racing  
42 Commission.

43 (cf: P.L.2013, c.266, s.1)  
44

45 2. Section 4 of P.L.1997, c.29 (C.5:5-68.1) is amended to read  
46 as follows:

47 4. Beginning July 1, 1997, amounts resulting from parimutuel  
48 tickets remaining unclaimed after **【six months】** 12 months which

1 are paid to the Racing Commission for deposit in the general fund  
2 pursuant to subsection a. of section 44 of P.L.1940, c.17 (C.5:5-  
3 64)【, subsection a. of section 1 of P.L.1984, c.236 (C.5:5-64.1)】  
4 and paragraph (1) of subsection g. of section 7 of P.L.1971, c.137  
5 (C.5:10-7) shall be appropriated each fiscal year to the Racing  
6 Commission to be used for the expenses of the commission.  
7 (cf: P.L.1997, c.29, s.4)

8  
9 3. Section 3 of P.L.2001, c.199 (C.5:5-129) is amended to read  
10 as follows:

11 3. As used in this act:

12 "Account holder" means a resident of this State over age 18 who  
13 establishes an account pursuant to this act through which account  
14 wagers are placed.

15 "Account wagering" means a form of parimutuel wagering in  
16 which an account holder may deposit money in an account with the  
17 account wagering licensee and then use the account balance to pay  
18 for parimutuel wagers by the account holder.

19 "Account wagering licensee" means the New Jersey Sports and  
20 Exposition Authority or its assignee, provided that the commission  
21 has granted its approval for the authority to establish an account  
22 wagering system as provided for in this act.

23 "Account wagering system" means the system through which  
24 account wagers are processed by the account wagering licensee  
25 pursuant to this act.

26 "Applicant" means the New Jersey Sports and Exposition  
27 Authority or another entity that submits an application to the  
28 commission for a license to establish and conduct an off-track  
29 wagering facility pursuant to this act.

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

32 "Backstretch Benevolency" means the Backstretch Benevolency  
33 Programs Fund established pursuant to section 1 of P.L.1993, c.15  
34 (C.5:5-44.8).

35 "Breeders and Stallions" means the distribution from the special  
36 trust account created pursuant to section 46 a. (2) of P.L.1940, c.17  
37 (C.5:5-66) for the purposes of subparagraph (c) of that citation.

38 "Breeding and Development" means the New Jersey Horse  
39 Breeding and Development Account established pursuant to section  
40 5 of P.L.1967, c.40 (C.5:5-88).

41 "Commission" means the New Jersey Racing Commission  
42 created by section 1 of P.L.1940, c.17 (C.5:5-22).

43 "Executive Director" means the Executive Director of the  
44 commission.

45 "Health and Welfare" means moneys distributed to the  
46 Standardbred Breeders' and Owners' Association for the  
47 administration of a health benefits program pursuant to section 46 a.  
48 (5) of P.L.1940, c.17 (C.5:5-66).

1 "In-State host track" means a racetrack within this State which is  
2 operated by a permit holder which conducts a horse race upon  
3 which account wagers are placed pursuant to this act.

4 "In-State sending track" means a racetrack within this State  
5 which is operated by a permit holder and is equipped to conduct  
6 off-track simulcasting.

7 "In-State track" means an in-State host track or an in-State  
8 sending track.

9 "Interstate common pool" means the parimutuel pool established  
10 within this State or in another state or foreign nation within which  
11 is combined parimutuel pools of one or more receiving tracks  
12 located in one or more states or foreign nations upon a race at an  
13 out-of-State sending track or out-of-State host track for the purpose  
14 of establishing payoff prices in the various jurisdictions.

15 "Jockey's Health and Welfare" means a health and welfare trust  
16 established by the organization certified by the New Jersey Racing  
17 Commission as representing a majority of the active licensed  
18 thoroughbred jockeys in New Jersey for the purpose of providing  
19 health and welfare benefits to active, disabled and retired New  
20 Jersey jockeys and their dependents based upon reasonable criteria  
21 by that organization.

22 "New Jersey Racing Industry Special Fund" means the fund  
23 established pursuant to section 27 of this act.

24 "New Jersey Thoroughbred Horsemen's Association" means the  
25 association representing the majority of New Jersey thoroughbred  
26 owners and trainers responsible for receiving and distributing funds  
27 for programs designed to aid thoroughbred horsemen.

28 "Off-track simulcasting" means the simultaneous audio or visual  
29 transmission of horse races conducted at in-State and out-of-State  
30 racetracks to off-track wagering facilities and parimutuel wagering  
31 at those off-track wagering facilities on the results of those races.

32 "Off-track wagering" means parimutuel wagering at an off-track  
33 wagering facility as authorized under this act.

34 "Off-track wagering facility" means a licensed facility, other  
35 than a racetrack, at which parimutuel wagering is conducted  
36 pursuant to this act.

37 "Off-track wagering licensee" means the New Jersey Sports and  
38 Exposition Authority or its assignee, or another entity to which the  
39 commission has granted its approval to conduct an off-track  
40 wagering facility as provided for in this act.

41 "Out-of-State host track" means a racetrack in a jurisdiction  
42 other than the State of New Jersey, the operator of which is lawfully  
43 permitted to conduct a horse race meeting and which conducts horse  
44 races upon which account wagers may be placed pursuant to this  
45 act.

46 "Out-of-State sending track" means a racetrack in a jurisdiction  
47 other than the State of New Jersey which is equipped to conduct  
48 off-track simulcasting and the operator of which is lawfully

1 permitted to conduct a horse race meeting and to provide simulcast  
2 horse races to off-track wagering facilities in this State.

3 "Out-of-State track" means an out-of-State host track or an out-  
4 of-State sending track.

5 "Outstanding parimutuel ticket" means a winning parimutuel  
6 ticket which is not claimed within **[six months]** 12 months of sale.

7 "Parimutuel" means any system whereby wagers with respect to  
8 the outcome of a horse race are placed with, or in, a wagering pool  
9 conducted by an authorized person, and in which the participants  
10 are wagering with each other and not against the person conducting  
11 the wagering pool.

12 "Participation agreement" means the written contract entered into  
13 prior to the effective date of P.L.2011, c.26, that provides for the  
14 establishment or implementation of either (a) an off-track wagering  
15 facility or facilities or (b) an account wagering system. Each such  
16 contract shall set forth the manner in which the off-track wagering  
17 facility or facilities or the account wagering system shall be  
18 managed, operated and capitalized, as well as how expenses and  
19 revenues shall be allocated and distributed by and among the  
20 authority and the other eligible participants subject to the  
21 agreement.

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

24 "Racetrack" means the physical facility where a permit holder  
25 conducts a horse race meeting with parimutuel wagering.

26 "Racing costs" means the prospective and actual costs for all  
27 licensing, investigation, operation, regulation, supervision and  
28 enforcement activities and functions performed by the commission.

29 "Simulcast horse races" means horse races conducted at an in-  
30 State sending track or an out-of-State sending track, as the case may  
31 be, and transmitted simultaneously by picture to a receiving track or  
32 an off-track wagering facility.

33 "Sire Stakes" means the Sire Stakes Program established  
34 pursuant to section 1 of P.L.1971, c.85 (C.5:5-91).

35 "Standardbred Drivers' Health and Welfare" means a health and  
36 welfare trust established by the Standardbred Breeders' and Owners'  
37 Association of New Jersey for the purpose of providing health and  
38 welfare benefits to active, disabled and retired New Jersey  
39 standardbred drivers and their dependents based upon reasonable  
40 criteria by that organization.

41 "Takeout" means that portion of a wager which is deducted from  
42 or not included in the parimutuel pool, and which is distributed  
43 other than to persons placing wagers.

44 "Thoroughbred Breeders and Stallions" means the special trust  
45 account created pursuant to section 46 b.(1)(e) of P.L.1940, c.17  
46 (C.5:5-66).

47 (cf: P.L.2011, c.26, s.2)

1       4. Section 2 of P.L.1992, c.19 (C.5:12-192) is amended to read  
2 as follows:

3       2. As used in sections 1 through 20 of this act:

4       "Casino" means a licensed casino or gambling house located in  
5 Atlantic City at which casino gambling is conducted pursuant to the  
6 provisions of P.L.1977, c.110 (C.5:12-1 et seq.).

7       "Casino simulcasting" means the simultaneous transmission by  
8 picture of running or harness horse races conducted at race tracks to  
9 casinos and parimutuel wagering at those gambling establishments  
10 on the results of those races.

11       "In-State sending track" means a racetrack within this State  
12 which is operated by a permit holder and is equipped to conduct  
13 casino simulcasting.

14       "Interstate common pool" means a parimutuel pool established  
15 within this State or in another state or foreign nation within which  
16 is combined parimutuel pools of one or more receiving tracks  
17 located in one or more states or foreign nations upon a race at a  
18 sending track located outside of this State for the purpose of  
19 establishing pay-off prices in the various jurisdictions.

20       "Out-of-State sending track" means a racetrack in a jurisdiction  
21 other than the State of New Jersey which is equipped to conduct  
22 casino simulcasting and the operator of which is lawfully permitted  
23 to conduct a horse race meeting and to provide simulcast horse  
24 races to a casino in this State.

25       "Outstanding parimutuel ticket" means a winning parimutuel  
26 ticket which is not claimed within **【six months】** 12 months of sale.

27       "Permit holder" means the holder of an annual permit to conduct  
28 a horse race meeting issued by the New Jersey Racing Commission.

29       "Simulcast horse race" means a running or harness horse race  
30 conducted at a racetrack which is simultaneously transmitted by  
31 picture to a casino.

32 (cf: P.L.1992, c.19, s.2)

33

34       <sup>1</sup>5. a. Notwithstanding the provisions of any other law, rule, or  
35 regulation to the contrary, winning outstanding parimutuel tickets  
36 purchased from the period beginning on September 16, 2019 and  
37 ending on the date of the end of the Public Health Emergency  
38 declared by the Governor in Executive Order No. 103 of 2020 and  
39 as extended shall be eligible to be claimed and shall be payable  
40 during the period ending one year following the end of the Public  
41 Health Emergency.

42       b. Notwithstanding the provisions of this act or any other law,  
43 rule, or regulation to the contrary, unclaimed cash vouchers on  
44 horse racing issued or purchased since March 16, 2017 shall be  
45 eligible to be claimed and shall be payable during the period ending  
46 one year following the end of the Public Health Emergency  
47 declared by the Governor in Executive Order No. 103 of 2020 and  
48 as extended. The one-year extension shall apply to unclaimed cash

1 vouchers that reach the three-year expiration date before the end of  
2 the Public Health Emergency.  
3 c. Notwithstanding the provisions of any other law, rule, or  
4 regulation to the contrary, all sums held by a permit holder that  
5 conducts harness or thoroughbred races for payment of outstanding  
6 parimutuel tickets and unclaimed cash vouchers shall not be paid to  
7 any account, as required by law, until one year following the end of  
8 the Public Health Emergency declared by the Governor in  
9 Executive Order No. 103 of 2020 and as extended, to allow a person  
10 or persons entitled to such tickets and vouchers to claim the  
11 proceeds, pursuant to the provisions of subsections a. and b. of this  
12 section.<sup>1</sup>  
13  
14 <sup>1</sup>**[5.] 6.**<sup>1</sup> This act shall take effect immediately.