

P.L. 2025, CHAPTER 302, *approved January 20, 2026*
Senate, No. 3455 (*Second Reprint*)

1 AN ACT concerning horse racing in this State and off-track
2 wagering licenses ¹**and facility operations,**¹ and amending
3 P.L.2001, c.199 ¹**and P.L.2006, c.19**¹.
4

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

8 ¹**1.** Section 1 of P.L.2006, c.19 (C.5:5-22.2) is amended to read
9 as follows:

10 1. Notwithstanding the provisions of any other law to the
11 contrary, the New Jersey Racing Commission, in effectuating its
12 responsibilities under P.L.1940, c.17 (C.5:5-22 et seq.), the
13 "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.), the
14 "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-
15 127 et seq.), and the "Casino Simulcasting Act," P.L.1992, c.19
16 (C.5:12-191 et seq.), and under such circumstances and for such
17 races as the commission shall deem appropriate, shall:

18 a. at the request of a permitholder, allow a permitholder to
19 offer a future wager consisting of wagering on prospective entrants
20 for specific races, with wagering conducted in advance, one or more
21 parimutuel pools formed and closed on dates prior to the date of the
22 race, and all wagers considered final and no refunds paid even if,
23 for any reason, an entrant fails to participate in the race;

24 b. provide that the minimum wager amount that may be placed
25 on a horse race may be \$0.10 or greater;

26 c. provide that, after **three years** one year following the date
27 of purchase, unclaimed cash vouchers shall be paid 50% to the
28 permitholder at the location where purchased and 50% to the purse
29 account at the location where purchased, provided that if the
30 permitholder conducts both harness and thoroughbred races the
31 purse amount shall be divided equally between the harness and
32 thoroughbred purse accounts;

33 d. at the request of a permitholder or the operator of a casino
34 simulcasting facility, allow the permitholder or the operator of a
35 casino simulcasting facility, whenever the permitholder or casino
36 simulcasting facility is open to the public for wagering, to accept a
37 wager in advance of a race or races at an in-State or out-of-State
38 sending track under a simulcast agreement without receiving a
39 simulcast transmission thereof or displaying live video of all races
40 from an in-State or out-of-State sending track thereof **when:** (1)
41 the race is to be conducted between the hours of 11:00 PM and

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 SBA committee amendments adopted June 24, 2024.

²Senate amendments adopted in accordance with Governor's
recommendations September 30, 2024.

1 11:00 AM local New Jersey time, or at such other times as the
2 commission shall permit due to extenuating circumstances; or (2) at
3 other times, as the commission shall permit, when a racetrack, off-
4 track wagering facility, or casino simulcasting facility is
5 temporarily closed due to the hosting of an event at that facility that
6 warrants the closure of that facility for a period not to exceed 24
7 hours, provided that a simulcast transmission of that race is
8 received and displayed under a simulcast transmission agreement at
9 any other racetrack, off-track wagering facility, or casino
10 simulcasting facility in this State**】**; and

11 e. allow a permitholder to pay an amount due a winning
12 ticketholder, notwithstanding that the ticketholder is unable to
13 produce the actual ticket, if the permitholder is able to verify
14 independently through electronic or other means approved by the
15 commission that the ticketholder purchased the ticket.

16 (cf: P.L.2011, c.48, s.1)**】**¹

17

18 ¹**【2.】 1.**¹ Section 3 of P.L.2001, c.199 (C.5:5-129) is amended
19 to read as follows:

20 3. As used in this act:

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

24 "Account wagering" means a form of parimutuel wagering in
25 which an account holder may deposit money in an account with the
26 account wagering licensee and then use the account balance to pay
27 for parimutuel wagers by the account holder.

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

32 "Account wagering system" means the system through which
33 account wagers are processed by the account wagering licensee
34 pursuant to this act.

35 **【**"Applicant" means the New Jersey Sports and Exposition
36 Authority or another entity that submits an application to the
37 commission for a license to establish and conduct an off-track
38 wagering facility pursuant to this act.**】**

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

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

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

1 "Breeding and Development" means the New Jersey Horse
2 Breeding and Development Account established pursuant to section
3 5 of P.L.1967, c.40 (C.5:5-88).

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

6 "Executive Director" means the Executive Director of the
7 commission.

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

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

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

18 "In-State track" means an in-State host track or an in-State
19 sending track.

20 "Interstate common pool" means the parimutuel pool established
21 within this State or in another state or foreign nation within which
22 is combined parimutuel pools of one or more receiving tracks
23 located in one or more states or foreign nations upon a race at an
24 out-of-State sending track or out-of-State host track for the purpose
25 of establishing payoff prices in the various jurisdictions.

26 "Jockey's Health and Welfare" means a health and welfare trust
27 established by the organization certified by the New Jersey Racing
28 Commission as representing a majority of the active licensed
29 thoroughbred jockeys in New Jersey for the purpose of providing
30 health and welfare benefits to active, disabled and retired New
31 Jersey jockeys and their dependents based upon reasonable criteria
32 by that organization.

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

35 "New Jersey Thoroughbred Horsemen's Association" means the
36 association representing the majority of New Jersey thoroughbred
37 owners and trainers responsible for receiving and distributing funds
38 for programs designed to aid thoroughbred horsemen.

39 "Off-track simulcasting" means the simultaneous audio or visual
40 transmission of horse races conducted at in-State and out-of-State
41 racetracks to off-track wagering facilities and parimutuel wagering
42 at those off-track wagering facilities on the results of those races.

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

45 "Off-track wagering facility" means a licensed facility, other
46 than a racetrack, at which parimutuel wagering is conducted
47 pursuant to this act.

1 "Off-track wagering licensee" means the New Jersey Sports and
2 Exposition Authority or its assignee, **【or another entity to which】**
3 provided that the commission has granted its approval to conduct an
4 off-track wagering facility as provided for in this act.

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

10 "Out-of-State sending track" means a racetrack in a jurisdiction
11 other than the State of New Jersey which is equipped to conduct
12 off-track simulcasting and the operator of which is lawfully
13 permitted to conduct a horse race meeting and to provide simulcast
14 horse races to off-track wagering facilities in this State.

15 "Out-of-State track" means an out-of-State host track or an out-
16 of-State sending track.

17 "Outstanding parimutuel ticket" means a winning parimutuel
18 ticket which is not claimed within 12 months of sale.

19 "Parimutuel" means any system whereby wagers with respect to
20 the outcome of a horse race are placed with, or in, a wagering pool
21 conducted by an authorized person, and in which the participants
22 are wagering with each other and not against the person conducting
23 the wagering pool.

24 "Participation agreement" means the written contract entered into
25 prior to the effective date of P.L.2011, c.26, that provides for the
26 establishment or implementation of either (a) an off-track wagering
27 facility or facilities or (b) an account wagering system. Each such
28 contract shall set forth the manner in which the off-track wagering
29 facility or facilities or the account wagering system shall be
30 managed, operated and capitalized, as well as how expenses and
31 revenues shall be allocated and distributed by and among the
32 authority and the other eligible participants **【subject to the**
33 **agreement】**.

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

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

38 "Racing costs" means the prospective and actual costs for all
39 licensing, investigation, operation, regulation, supervision and
40 enforcement activities and functions performed by the commission.

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

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

47 "Standardbred Drivers' Health and Welfare" means a health and
48 welfare trust established by the Standardbred Breeders' and Owners'

1 Association of New Jersey for the purpose of providing health and
2 welfare benefits to active, disabled and retired New Jersey
3 standardbred drivers and their dependents based upon reasonable
4 criteria by that organization.

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

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

11 (cf: P.L.2021, c.89, s.3)

12
13 ¹**[3.] 2.**¹ Section 4 of P.L.2001, c.199 (C.5:5-130) is amended
14 to read as follows:

15 4. a. The commission is authorized to issue a license to the
16 authority to permit off-track wagering at a specified facility, upon
17 application of the authority and in accordance with the provisions of
18 this act. A license issued pursuant to this act shall be valid for a
19 period of time to be determined by the commission, but for not less
20 than one year. ²**[Any]** The commission shall renew any² such
21 license that is valid on, or issued after, the effective date of
22 P.L. , c. (pending before the Legislature as this bill). ²**[shall**
23 renew automatically]² upon filing of the necessary renewal forms
24 with the commission, and payment of any renewal fees required by
25 the commission ², provided the commission determines that the
26 qualifications set forth in this subsection and any applicable
27 regulations promulgated by the commission have been satisfied².

28 The commission shall issue a license pursuant to this subsection
29 only if the permit holder at Monmouth Park and the thoroughbred
30 and standardbred permit holders at Meadowlands Racetrack
31 schedule at least the minimum number of race dates required in
32 section 30 of this act, P.L.2001, c.199 (C.5:5-156), and it is
33 satisfied that the authority has entered into a participation
34 agreement with each and every other person, partnership,
35 association, corporation, or authority or the successor in interest to
36 such person, partnership, association, corporation or authority that:

37 (1) held a valid permit to hold or conduct a race horse meeting
38 within this State in the calendar year 2000 ²or holds a current, valid
39 permit to hold or conduct a race horse meeting within this State²;

40 (2) has complied with the terms of such permit; and

41 (3) is in good standing with the commission and the State of
42 New Jersey.

43 An off-track wagering license may not be transferred or assigned
44 to a successor in interest without the approval of the commission
45 and the Attorney General, which approval may not be unreasonably
46 withheld.

1 b. **[(1) As part of the license application process, any]** Any
2 participation agreement entered into for the purposes of subsection
3 a. of this section, or any modification to the agreement made
4 thereafter, shall be reviewed by the commission and the Attorney
5 General to determine whether the agreement meets the requirements
6 of this act and shall be subject to the approval of the commission
7 and the Attorney General. **[Notwithstanding any other law, rule, or**
8 regulation to the contrary, a permit holder subject to a participation
9 agreement entered into prior to the effective date of P.L.2011, c.26
10 shall have made progress since the signing of that agreement toward
11 establishing the permit holder's share of the 15 off-track wagering
12 facilities authorized pursuant to section 10 of P.L.2001, c.199
13 (C.5:5-136), provided that any facility that has not received a
14 license under section 7 of P.L.2001, c.199 (C.5:5-133) on the
15 effective date of this act, P.L.2011, c.205 shall be subject to a cash
16 deposit, a bond, or an irrevocable letter of credit to be posted or
17 deposited by the permit holder in the amount of \$1 million for each
18 facility in the permit holder's share that remains to be licensed,
19 which deposit shall be paid to the commission within 180 days of
20 the effective date of this act, P.L.2011, c.205. A permit holder
21 making a deposit or posting a bond, or irrevocable letter of credit,
22 in connection with one or more of the off-track wagering facilities
23 in the permit holder's share that remain to be established shall
24 obtain the license and make substantial progress in the
25 commission's judgment pursuant to the progress benchmarks issued
26 by the commission and the New Jersey Economic Development
27 Authority under subsection e. of this section toward establishing the
28 off-track wagering facility or facilities within one year of making
29 the deposit, or posting the bond, or irrevocable letter of credit, and
30 if so the deposit, bond, or irrevocable letter of credit shall be
31 returned to the permit holder at the end of the one-year period, or
32 the amount deposited or posted shall be forfeited and distributed by
33 the commission to the representative horsemen's organization in this
34 State for use in establishing an off-track wagering facility or
35 facilities under paragraph (2) of this subsection. Any facility that
36 has not been licensed on the effective date of this act, P.L.2011,
37 c.205, and for which a deposit, bond, or irrevocable letter of credit
38 is not made or posted, and any facility for which a deposit, bond, or
39 irrevocable letter of credit is made or posted which has not been
40 licensed and made progress toward establishment within one year of
41 making such deposit or posting the bond, or irrevocable letter of
42 credit, shall no longer be considered as part of the permit holder's
43 share, and shall be available to be established by a horsemen's
44 organization in this State as provided by paragraph (2) of this
45 subsection. However, if the commission finds that a permit holder
46 is making progress toward obtaining an off-track wagering license
47 and establishing an off-track wagering facility according to
48 specified benchmarks developed by the commission, the

1 commission may allow a permit holder to retain its share of the off-
2 track wagering facilities to be established, provided the permit
3 holder continues to make progress on an annual basis. For the
4 purposes of this section, a permit holder shall be deemed to have
5 made progress toward establishing its share of off-track wagering
6 facilities, and shall not be subject to a cash deposit or be required to
7 post a bond or irrevocable letter of credit as set forth in this section,
8 if it has entered into an agreement, in connection with good faith
9 negotiations over the sale or lease of a racetrack under the permit
10 holder's control, to transfer allocated off-track wagering licenses or
11 facilities to an individual or entity that is a bona fide prospective
12 purchaser or lessee, or has demonstrated to the satisfaction of the
13 Commission that the execution of such an agreement is imminent
14 based upon the portions of such an agreement agreed upon in
15 principle by the parties as evidenced by a memorandum of
16 understanding or similar accord, or has demonstrated to the
17 satisfaction of the commission that negotiations concerning such an
18 agreement have been unsuccessful and the permit holder has plans
19 for soliciting new sources of interest or entering into new
20 negotiations that, in the judgment of the commission, have a
21 reasonable likelihood of resulting in a successful conclusion.

22 (2) The commission is authorized to issue a license or licenses
23 to any horsemen's organization in this State, for the establishment
24 of one or more of the remaining off-track wagering facilities in
25 partnership with other horsemen's organizations in this State, the
26 authority, or private investors, in accordance with all applicable
27 provisions of the "Off-Track and Account Wagering Act,"
28 P.L.2001, c.199 (C.5:5-127 et seq.). Notwithstanding any provision
29 of this paragraph to the contrary, a representative standardbred
30 horsemen's organization shall have the right to establish the off-
31 track wagering facilities not established by the permit holder at
32 Freehold Raceway as provided under paragraph (1) of this
33 subsection, and to receive any deposit, bond, or irrevocable letter of
34 credit forfeited by that permit holder for the establishment of one or
35 more of those off-track wagering facilities, except that if a
36 representative standardbred horsemen's organization does not make
37 application therefor, or fails to make progress in establishing the
38 facility or facilities as provided herein, any amounts received shall
39 be returned as provided in this paragraph and the facility or
40 facilities shall be available to be established in accordance with
41 subsection c. of this section. A horsemen's organization shall make
42 progress on an annual basis in establishing an off-track wagering
43 facility from the date the organization is eligible to apply for an
44 initial license pursuant to this subsection, provided that any facility
45 that has not received a license under section 7 of P.L.2001, c.199
46 (C.5:5-133) within a reasonable timeframe from the date the
47 horsemen's organization became eligible to apply for its initial
48 license shall no longer be considered eligible to be established by a

1 horsemen's organization under this paragraph, and shall be available
2 to be established by a well-suited entity pursuant to subsection c. of
3 this section. When a horsemen's organization under this paragraph
4 has received the sum of \$1 million as provided under paragraph (1)
5 of this subsection, the horsemen's organization shall have one year
6 from the date the funds are allocated to it by the commission to
7 obtain a license and make substantial progress in establishing the
8 off-track wagering facility or facilities, provided that, if the
9 horsemen's organization fails to make progress within that year, in
10 the commission's judgment pursuant to the progress benchmarks
11 issued by the commission and the New Jersey Economic
12 Development Authority under subsection e. of this section, the
13 horsemen's organization shall be liable to return to the commission
14 the funds allocated to it in their entirety at the end of the one-year
15 period, and the commission shall return such funds to the permit
16 holder originally making the deposit, or posting the bond or
17 irrevocable letter of credit, to be used for capital improvements at
18 the permit holder's racetrack.】

19 c. 【With respect to any licenses that remain to be issued under
20 paragraph (2) of subsection b. of this section, the commission is
21 also authorized to issue a license to a well-suited entity to permit
22 off-track wagering at a specified facility, upon application of the
23 entity and in accordance with the provisions of this act and the
24 provisions of section 14 of P.L.1940, c.17 (C.5:5-34). A license
25 issued pursuant to this act shall be valid for a period of one year
26 and, if the licensed entity is not a permit holder in this State, the
27 license shall be contingent upon the licensee showing simulcast
28 New Jersey races and allowing wagering thereon at the off-track
29 wagering facility, subject to the rules and regulations of the
30 commission, and shall be issued only if the permit holders schedule
31 at least the minimum number of race dates required in section 30 of
32 P.L.2001, c.199 (C.5:5-156). In assessing the qualifications of an
33 entity to establish and conduct an off-track wagering facility, the
34 commission shall apply substantially similar standards and criteria
35 to those applied to the authority, its assignees, and other permit
36 holders and licensees in the State. These standards and criteria
37 shall enable the commission to determine by clear and convincing
38 evidence in the opinion of the commission that the person or
39 persons applying for licensure on behalf of the entity are well-suited
40 to receive licensure, and shall include, but may not be limited to:

41 (1) proof of financial resources sufficient to enable the entity to
42 establish and conduct a quality off-track wagering facility or
43 facilities with appropriately staffed and managed operations;

44 (2) evidence of good character, honesty, competency and
45 integrity;

46 (3) the absence of a conviction for a crime involving fraud,
47 dishonesty or moral turpitude; and

1 (4) any additional standards and criteria the commission may
2 establish by rule or regulation in accordance with this act.】

3 (Deleted by amendment, P.L. _____, c. _____) (pending before the
4 Legislature as this bill).

5 d. 【(1) The commission, in consultation with the State Treasurer,
6 shall develop a process by which the commission will accept bids
7 for each off-track wagering license to be awarded under this act,
8 P.L.2001, c.199. An off-track wagering licensee and an entity
9 interested in establishing an off-track wagering facility and being
10 licensed as an off-track wagering licensee shall be eligible to submit
11 a bid. The bidding process shall include procedures for the
12 establishment of a minimum bid threshold, for the selection of a
13 successful bidder and, when the successful bidder is not yet
14 licensed as an off-track wagering licensee, for the awarding of a bid
15 to that successful bidder subject to its eligibility to be licensed as an
16 off-track wagering licensee in compliance with the provisions of
17 this act, P.L.2001, c.199. As part of the bidding process, and in
18 addition to submitting a monetary bid, a bidder shall submit to the
19 commission a conceptual plan of the off-track wagering facility the
20 bidder intends to establish, which shall include, but may not be
21 limited to, a description of the proposed facility and the amenities it
22 would offer, and its proposed or intended location. In selecting a
23 successful bidder, the commission shall consider and balance the
24 following: (a) the monetary value of the bid in comparison to other
25 bids submitted; (b) the level of quality of the proposed facility and
26 amenities in striving to be a first-rate experience for the customer
27 that includes the provision of first-class dining facilities; (c) the
28 potential of the proposed facility and amenities to generate greater
29 interest in the horse racing industry and the sport of horse racing in
30 the State; and (d) the proximity of the bidder's proposed or intended
31 location for the off-track wagering facility and its impact on other
32 planned or existing off-track wagering facilities and racetracks in
33 the State. For the purposes of this act, P.L.2001, c.199, a successful
34 bid shall be conditional upon the successful bidder's compliance
35 with all the provisions of this act, P.L.2001, c.199, and the
36 applicable rules and regulations promulgated by the commission.

37 (2) The commission shall consider the amount of a successful
38 bid pursuant to paragraph (1) of this subsection as a license fee in
39 connection with the issuance of an initial license to an off-track
40 wagering facility licensee. The initial license fee need not be
41 uniform for all off-track wagering facility licenses, and may vary
42 depending on the results of the bidding process for each license.
43 The proceeds generated by the initial license fee shall be distributed
44 as follows: 50% to the New Jersey Thoroughbred Horsemen's
45 Association for programs designed to aid the horsemen, and 50% to
46 the Standardbred Breeders' and Owners' Association of New Jersey
47 for programs designed to aid the horsemen.】 (Deleted by

1 amendment, P.L. , c.) (pending before the Legislature as
2 this bill).

3 e. **【**The commission shall, in consultation with the New Jersey
4 Economic Development Authority, develop progress benchmarks,
5 within three months of the effective date of P.L.2011, c.26, for each
6 off-track wagering licensee to follow for the timely and expeditious
7 establishment of each off-track wagering facility. Such benchmarks
8 shall provide that a permit holder shall be deemed to have made
9 progress toward establishing its share of off-track wagering
10 facilities if it has entered into an agreement, in connection with
11 good faith negotiations over the sale or lease of a racetrack under
12 the permit holder's control, to transfer allocated off-track wagering
13 licenses or facilities to an individual or entity that is a bona fide
14 prospective purchaser or lessee, or has demonstrated to the
15 satisfaction of the Commission that the execution of such an
16 agreement is imminent based upon the portions of such an
17 agreement agreed upon in principle by the parties as evidenced by a
18 memorandum of understanding or similar accord, or has
19 demonstrated to the satisfaction of the commission that negotiations
20 concerning such an agreement have been unsuccessful and the
21 permit holder has plans for soliciting new sources of interest or
22 entering into new negotiations that, in the judgment of the
23 commission, have a reasonable likelihood of resulting in a
24 successful conclusion. The failure of a licensee to meet the
25 benchmarks shall constitute a basis for the denial by the
26 commission of the renewal of the off-track wagering license, except
27 that the licensee shall have the right to appeal the commission's
28 decision.】 (Deleted by amendment, P.L. , c.) (pending
29 before the Legislature as this bill).

30 f. Nothing in P.L.2001, c.199 (C.5:5-127 et seq.) shall be
31 construed to limit the ability of a horsemen's organization to enter
32 into or enforce a participation agreement or any other partnership
33 agreement with a horse racing permit holder for the operation of an
34 off-track wagering facility pursuant to a valid license issued
35 pursuant to P.L.2001, c.199 (C.5:5-127 et seq.).

36 (cf: P.L.2011, c.205, s.1)

37
38 ¹**【4.】** ^{3.1} Section 5 of P.L.2001, c.199 (C.5:5-131) is amended to
39 read as follows:

40 5. a. At the time of filing an application for an off-track wagering
41 license, the applicant shall submit to the commission a non-refundable
42 filing fee in an amount established by regulation by the commission,
43 and a certification in a form prescribed by the commission which
44 specifies, but is not limited to, the following information:

45 (1) a plan depicting the proposed facility and improvements
46 thereon, including information about the size, seating capacity, parking
47 and services to be provided at the facility;

1 (2) the location of the proposed facility, and relevant demographic
2 or other information concerning the municipality and surrounding area
3 where the proposed facility is to be located;

4 (3) the number of permanent and part-time jobs expected to be
5 created at the proposed facility, and gross revenues expected to be
6 generated by the facility;

7 (4) the fire evacuation plan for the proposed facility;

8 (5) the type of food and beverages available, which shall include
9 the provision of first-class dining facilities; and

10 (6) such other information as the commission may require.

11 b. The applicant shall file a separate application and certification
12 for each proposed off-track wagering facility.

13 c. The commission shall charge each off-track wagering licensee
14 **【an annual】** a reasonable fee in connection with the renewal of the off-
15 track wagering license, and shall establish by regulation procedures ²,
16 conditions,² and **【conditions】** forms necessary for renewal of licenses
17 issued under this act. The amount of the **【annual】** license renewal fee
18 shall be used by the commission to cover commission expenses
19 associated with implementation of the provisions of this act, P.L.2001,
20 c.199, and shall reasonably reflect those costs.

21 ²**【**The commission shall not establish or enforce any requirements
22 for the renewal of an off-track wagering license other than the
23 submission of the necessary forms and payment of a reasonable fee
24 established pursuant to this subsection.**】¹²**

25 d. The commission shall by regulation establish the maximum
26 hours of operation of off-track wagering facilities.

27 e. (1) Notwithstanding R.S.33:1-42, priority for the service of
28 alcoholic beverages for on-premise consumption at an off-track
29 wagering facility shall be given to a Class C plenary retail
30 consumption licensee, by an agreement or contract with the off-track
31 wagering licensee, pursuant to the provisions of R.S.33:1-1 et seq. in
32 accordance with such procedures as established by statute and by
33 regulation of the Division of Alcoholic Beverage Control. When a
34 Class C plenary retail consumption license or licensee is available in
35 the municipality, the authority shall not hold a license to provide
36 alcoholic beverages at an off-track wagering facility. However, when
37 a Class C plenary retail consumption licensee or license is not
38 available in the municipality, the Director of the Division of Alcoholic
39 Beverage Control shall issue a special concessionaire permit to the
40 authority for the provision of alcoholic beverages at the off-track
41 wagering facility and, if the off-track wagering license is held by an
42 off-track wagering licensee other than the authority, the director may
43 issue a non-transferable special license to provide alcoholic beverages
44 at the off-track wagering facility pursuant to paragraph (2) of this
45 subsection.

46 (2) The Director of the Division of Alcoholic Beverage Control
47 may issue one special license to an individual, corporation, or other

1 type of legal entity to serve alcoholic beverages at an off-track
2 wagering facility located in the municipality where a Class C plenary
3 retail consumption licensee was not available to provide alcoholic
4 beverages at the off-track wagering facility pursuant to paragraph (1)
5 of this subsection. The license shall authorize the sale of alcoholic
6 beverages for immediate consumption on the premises of the off-track
7 wagering facility. The director may issue not more than 15 licenses
8 pursuant to this paragraph. Furthermore, licenses issued pursuant to
9 this paragraph shall be subject to the following requirements:

10 (a) No person who would fail to qualify as a licensee under Title
11 33 of the Revised Statutes shall be permitted to hold an interest in a
12 special license under the provisions of this paragraph;

13 (b) Licenses shall be subject to the provisions of Title 33 of the
14 Revised Statutes and rules and regulations promulgated by the
15 director, to the extent those provisions are not inconsistent with the
16 provisions of this act;

17 (c) No license issued pursuant to this paragraph shall be
18 transferred to any other premises;

19 (d) Application for the initial issuance and renewal of each license
20 shall be made to the director on an annual basis. The fee for the initial
21 issuance of the license shall be the average sale price for the three
22 most recent sales of plenary retail consumption licenses in the
23 municipality where the license is being issued during the preceding
24 five years. If the off-track wagering facility is located within the
25 boundaries of two or more municipalities, the highest average sale
26 price of the two or more municipalities shall be used. If less than three
27 plenary retail consumption licenses have been sold in the municipality
28 or municipalities, as the case may be, within the previous five years,
29 the director shall obtain an appraisal, at the applicant's expense, to
30 determine the appropriate fee for the license. The appraisal process
31 shall include an examination of previous transactions in the
32 municipality or municipalities, as the case may be, and shall reflect
33 what a willing buyer, under no pressure to buy, would pay a willing
34 seller, under no pressure to sell, for a plenary retail consumption
35 license in that municipality or municipalities, as the case may be. One
36 half of the amount of the application fee for the initial issuance of the
37 license shall be paid upon the issuance of the license and the other half
38 of that amount shall be paid one year later. The director shall establish
39 an annual fee for the license which shall not exceed the fee which may
40 be imposed by a municipality for a plenary retail consumption license
41 pursuant to R.S.33:1-12, a portion of which shall be paid by the
42 director to the New Jersey Racing Commission for the funding of
43 horse breeding incentive programs;

44 (e) The fee for the initial issuance of the license shall be
45 distributed in the following manner:

46 (i) Twenty-five percent shall be paid to the municipality where the
47 off-track wagering facility is located and if the off-track wagering

1 facility is located within the boundaries of two or more municipalities,
2 the fee shall be divided equally among those municipalities;

3 (ii) Twenty-five percent shall be paid to the Director of the
4 Division of Alcoholic Beverage Control;

5 (iii) Fifty percent shall be paid to the New Jersey Racing
6 Commission for the funding of horse breeding incentive programs;

7 (f) The individual corporation or entity holding the license shall
8 not be entitled to sell a license issued pursuant to this paragraph, and
9 the license shall expire upon the closure of the off-track wagering
10 facility;

11 (g) The director shall not issue a special concessionaire permit for
12 any off-track wagering facility or premises which is eligible to obtain a
13 license to serve alcoholic beverages under the provisions of this
14 paragraph; and

15 (h) Pursuant to the "Administrative Procedure Act," P.L.1968,
16 c.410 (C.52:14B-1 et seq.), the director shall adopt rules and
17 regulations to effectuate the purposes of this paragraph.

18 (3) Nothing in this subsection shall be construed to allow the
19 Director of the Division of Alcoholic Beverage Control to issue a
20 special concessionaire permit or a special license described in
21 paragraph (2) of this subsection to the authority pursuant to this act,
22 P.L.2001, c.199, or to issue a special license to any individual,
23 corporation, or other type of legal entity to serve alcoholic beverages
24 in a municipality that prohibits the retail sale of alcoholic beverages
25 within its boundaries.

26 f. Persons under the age of 18 years shall not be permitted in any
27 off-track wagering facility, except in dining areas if accompanied by a
28 parent or guardian.

29 g. The commission shall by regulation establish minimum
30 standards for off-track wagering facilities **and** timelines for their
31 establishment and completion**],** including, but not limited to, standards
32 for quality, size, seating capacity, the provision of first-class dining
33 facilities, and parking and services to be provided **],** as well as
34 expected dates of construction, renovations and opening**].** The failure
35 of an off-track wagering licensee to meet these standards shall be
36 sufficient cause for the commission to revoke **[,]** ²**[or]** ²suspend **[or**
37 **refuse to renew]** ², or refuse to renew² a license pursuant to the
38 provisions of section 8 of P.L.2001, c.199 (C.5:5-134).

39 h. Notwithstanding the provisions of any law, rule, or regulation
40 to the contrary, an off-track wagering facility shall be a permitted use
41 in all commercial and industrial districts of a municipality.

42 i. In evaluating an application for an off-track wagering license,
43 the commission shall consider the proximity of the applicant's
44 proposed site to other planned or existing off-track wagering facilities
45 and to racetracks in this State. If, in the opinion of the commission,
46 the establishment of the facility at its proposed location would be
47 inimical to the interests of another planned or established off-track

1 wagering facility, or to a State racetrack, the commission shall require
2 the applicant to consider alternative sites for the proposed facility.

3 (cf: P.L.2011, c.26, s.4)

4
5 ¹~~5.~~ ²~~4.~~¹ Section 8 of P.L.2001, c.199 (C.5:5-134) is amended
6 to read as follows:

7 8. a. The commission shall have full power to prescribe rules,
8 regulations and conditions under which all off-track wagering
9 licenses are issued ~~and renewed~~ in the State, including requiring
10 an annual audit of the off-track wagering licensee's books and
11 records pertaining to off-track wagering, and to revoke ~~or~~
12 suspend ~~or refuse to renew~~ a license if in the opinion of the
13 commission the revocation ~~of,~~ ~~or~~ suspension of ~~or refusal to~~
14 renew such license is in the public interest; provided, however,
15 that such rules, regulations and conditions shall be uniform in their
16 application.

17 b. The commission shall have no right or power to determine
18 who shall be officers, directors or employees of any off-track
19 wagering facility, or the salaries thereof; provided, however, that
20 the commission may compel the discharge of any official or
21 employee of the licensee at the off-track wagering facility who: (1)
22 fails or refuses for any reason to comply with the rules or
23 regulations of the commission; (2) fails or refuses for any reason to
24 comply with any of the provisions of this act; (3) fails to establish
25 by clear and convincing evidence in the opinion of the commission
26 good character, honesty, competency and integrity; or (4) has been
27 convicted of a crime involving fraud, dishonesty or moral turpitude.
28 (cf: P.L.2001, c.199, s.8)²

29
30 ¹~~6.~~ Section 30 of P.L.2001, c.199 (C.5:5-156) is amended to
31 read as follows:

32 30. a. The permit holder at Monmouth Park and the
33 thoroughbred permit holder at Meadowlands Racetrack together
34 shall schedule annually no fewer than 141 thoroughbred race dates,
35 except that the thoroughbred permit holder may decrease the annual
36 number of scheduled thoroughbred race dates to no fewer than ~~50~~
37 ~~25~~ thoroughbred race dates upon written consent from the New
38 Jersey Thoroughbred Horsemen's Association.

39 b. The standardbred permit holder at Meadowlands Racetrack
40 shall schedule annually no fewer than 151 standardbred race dates,
41 except that the standardbred permit holder may decrease the annual
42 number of scheduled standardbred race dates to no fewer than 75
43 standardbred race dates upon written consent from the Standardbred
44 Breeders' and Owners' Association of New Jersey.

45 c. The permit holders at Freehold Raceway shall schedule
46 annually no fewer than 192 standardbred race dates, except that the
47 permit holders may decrease the annual number of scheduled race

1 dates to no fewer than 75 standardbred race dates upon written
2 consent from the Standardbred Breeders' and Owners' Association
3 of New Jersey.

4 d. (Deleted by amendment, P.L.2017, c.172)
5 (cf: P.L.2017, c.172, s.1) **1**

6

7 **¹[7.] ²[5.¹] 4.²** This act shall take effect immediately.

8

9

10

11

12 Provides for automatic renewal of off-track wagering licenses.