

LAW AND PUBLIC SAFETY

(a)

NEW JERSEY RACING COMMISSION Notice of Administrative Correction Sports Wagering N.J.A.C. 13:74D-1.3

Take notice that the New Jersey Racing Commission (Commission) discovered an error relating to an improper repeal of a section in N.J.A.C. 13:74D Sports Wagering. On November 5, 2018, the Commission published the proposed readoption of N.J.A.C. 13:74D in the New Jersey Register. See 50 N.J.R. 2222(a). Included in the notice of proposal was the repeal of N.J.A.C. 13:74D-1.3. A comment received from the member of the public resulted in the Commission making a change upon adoption in order to not adopt the proposed repeal of N.J.A.C. 13:74D-1.3. At its February 27, 2019 public meeting, the Commission voted to readopt N.J.A.C. 13:74D with the change to not adopt the proposed repeal of N.J.A.C. 13:74D-1.3. Staff error resulted in the repeal of N.J.A.C. 13:74D-1.3 being included in the notice of adoption that was filed with the Office of Administrative Law (OAL). The notice of adoption was published on April 1, 2019, without change. See 51 N.J.R. 474(a). The Commission has requested, and the OAL has agreed to this correction causing N.J.A.C. 13:74D-1.3 to be reinserted into the New Jersey Administrative Code as it was adopted effective June 13, 2018 (See 50 N.J.R. 1666(a)) to coincide with the legal actions of the Commission. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:74D-1.3 Application for transactional waiver authorizing issuance of sports wagering license and immediate commencement of sports wagering

(a) A racetrack permit holder may file a letter with the Racing Commission applying for a transactional waiver to immediately commence sports wagering. Upon a showing that the applicant currently holds a permit to conduct live racing in the State of New Jersey, the Racing Commission shall immediately issue a sports wagering license to the permit holder allowing for the immediate commencement of sports wagering subject to the condition that the permit holder comply with the Act, this chapter, and the rules of the Division promulgated pursuant to the Act, by March 8, 2019 (270 days from the effective date of the Act). In the event the permit holder fails to comply with the Act, this chapter, or the rules of the Division promulgated pursuant to the Act within such time period, the non-complying permit holder will not thereafter be eligible to conduct sports wagering until such compliance is achieved and, if applicable, the license is renewed by application to the Division.

(b) The letter applying for a transactional waiver shall be filed with the Executive Director who shall have the authority to issue the sports wagering license upon finding that the waiver applicant currently holds a permit to conduct live racing in the State of New Jersey and that the permit holder is in good standing with the Racing Commission. If issued pursuant

to the grant of an application for a transactional waiver, the sports wagering license shall be valid for 365 days. The permit holder shall file an application for the grant of an initial license with the Racing Commission pursuant to N.J.A.C. 13:74D-2.1 within 60 days of the filing of the letter applying for the transactional waiver.

(c) The Executive Director shall have the authority to determine whether the permit holder has complied with this chapter by March 8, 2019 (270 days of the effective date of the Act). The Division shall have the authority to determine whether the permit holder has complied with the Act and the rules of the Division promulgated pursuant to the Act by March 8, 2019 (270 days of the effective date of the Act). In the event that either the Executive Director or the Division determines that the permit holder is not in compliance, the Executive Director shall summarily order the non-complying permit holder to immediately cease sports wagering until such compliance is achieved.

(d) If the Executive Director and the Division certify that the permit holder has complied with the Act, this chapter, and the rules of the Division promulgated pursuant to the Act pursuant to (c) above, the initial license shall remain valid for 365 days from the date of issuance.