

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 466

BY: WILKERSON

AS INTRODUCED

AN ACT RELATING TO AMUSEMENTS AND SPORTS; AMENDING SECTION 15, CHAPTER 11, O.S.L. 1983, AS LAST AMENDED BY SECTION 98, CHAPTER 369, O.S.L. 1989 AND SECTION 34, CHAPTER 11, O.S.L. 1983, AS AMENDED BY SECTION 2, CHAPTER 275, O.S.L. 1990 (3A O.S. SUPP. 1990, SECTIONS 204.2 AND 208.8), WHICH RELATE TO OCCUPATION LICENSES AND CORRUPT PRACTICES RELATING TO HORSE RACING; REQUIRING THE OKLAHOMA HORSE RACING COMMISSION TO PERMANENTLY SUSPEND OR REVOKE AN OCCUPATION LICENSE IF LICENSEE IS CONVICTED OF OR RECEIVES A SUSPENDED OR DEFERRED SENTENCE FOR A MISDEMEANOR OR FELONY FOR CERTAIN VIOLATIONS OR VIOLATES CERTAIN RULES; REMOVING POWER TO SUSPEND OR REVOKE ORGANIZATION LICENSE FOR CERTAIN VIOLATIONS; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 15, Chapter 11, O.S.L. 1983, as last amended by Section 98, Chapter 369, O.S.L. 1989 (3A O.S. Supp. 1990, Section 204.2), is amended to read as follows:

Section 204.2 A. The Commission shall issue occupation licenses to horse owners, trainers, jockeys, agents, apprentices,

grooms, exercise persons, veterinarians, valets, blacksmiths, concessionaires, stewards, starters, timers, judges, supervisors of mutuels, guards, and such other personnel designated by the Commission whose work, in whole or in part, is conducted upon racetrack grounds which are owned by an organization licensee. The licenses shall be obtained prior to the time such persons engage in their vocations upon such racetrack grounds at any time during the calendar year for which the organization license has been issued. No person required to be licensed pursuant to the provisions of this section may participate in any capacity in any race meeting without a valid license authorizing such participation.

B. Each application for an occupation license shall be on a form prescribed and furnished by the Commission and shall include a search waiver. The license shall be renewed either annually or triennially beginning January 1. The application shall be accompanied by a fee in an amount of not more than One Hundred Dollars (\$100.00) if renewed annually or not more than Three Hundred Dollars (\$300.00) if renewed triennially. Each application shall contain the following information concerning the applicant:

1. full name and address; and
2. age; and
3. whether the applicant was issued any prior occupation license from this state; and
4. whether the applicant was issued any occupation license from another state; and
5. whether an occupation license from another state is or has been denied, suspended, or revoked; and
6. whether the applicant has been convicted of a felony in this state or any other state; and
7. such other information as required by the Commission.

C. The Commission may refuse an occupation license to any person:

1. who has been convicted of a felony; or
2. who has been convicted of violating any law regarding gambling or controlled dangerous substances of the United States, this state, or any other state; or
3. who is unqualified to perform the duties required of the applicant; or
4. who fails to disclose or states falsely any information required in the application; or
5. who has been found guilty of a violation of any provision of the Oklahoma Horse Racing Act or of the rules and regulations of the Commission; or
6. whose license has been suspended, revoked, or denied for just cause in any other state.

D. The Commission may suspend or revoke any occupation license or fine an occupation licensee for:

1. violation of any of the provisions of the Oklahoma Horse Racing Act; or
2. violation of any provision of the rules or regulations of the Commission; or
3. any cause which, if known to the Commission, would have justified the refusal of the Commission to issue the occupation license; or
4. any other just cause as determined by the Commission.

E. The Commission shall permanently revoke the occupation license of any licensee who is convicted of or receives a suspended or deferred sentence for a misdemeanor or felony violation of any provision of the Oklahoma Horse Racing Act or violates any provision of the rules and regulations of the Commission regarding the Oklahoma-Bred Program.

F. The fingerprint card fee charged the Commission by the Oklahoma State Bureau of Investigation shall not exceed Thirty-five Dollars (\$35.00) for each fingerprint card.

~~F.~~ G. Except as provided for in this subsection, the license fees received by the Commission pursuant to the provisions of this section shall be deposited to the credit of the General Revenue Fund of the State Treasury. Thirty-five Dollars (\$35.00) of the original application fee for an occupation license shall be deposited in the OSBI Revolving Fund.

SECTION 2. AMENDATORY Section 34, Chapter 11, O.S.L. 1983, as amended by Section 2, Chapter 275, O.S.L. 1990 (3A O.S. Supp. 1990, Section 208.8), is amended to read as follows:

Section 208.8 A. It shall be unlawful for any person to directly or indirectly engage or to conspire with or aid, assist, or abet any other person in the commission of any corrupt act or practice, including but not limited to:

1. the giving, offering, promising, accepting, soliciting or receiving, directly or indirectly, any gratuity or bribe in any form to any person having duties in relation to any race or race horse or to any trainer, jockey, starter, assistant starter, gatekeeper or agent or to any other person having charge of, or access to, any race horse; or

2. the passing or attempting to pass or the cashing or attempting to cash any altered or fraudulent pari-mutuel ticket; or

3. the unauthorized sale or the attempt to make an unauthorized sale of any racetrack admission ticket.

B. Any person who is convicted of violating the provisions of subsection A of this section shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

C. If any person who is convicted of violating the provisions of subsection A of this section is licensed pursuant to the provisions of the Oklahoma Horse Racing Act, Section 200 et seq. of this title, the Commission shall permanently suspend or revoke the

~~organization or~~ occupation license of the person in addition to the penalty and fine imposed in subsection B of this section.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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