

# SENATE BILL 858

C6

3lr2645

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By: **Senator Simonaire**

Introduced and read first time: February 7, 2013

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Racing Commission – Ejections from Race Tracks – Appeals**

3 FOR the purpose of authorizing certain license holders to appeal an ejection by certain  
4 licensees to the State Racing Commission; authorizing the Commission to refuse  
5 to hear certain appeals under certain circumstances; providing for the filing of  
6 certain appeals with the Commission; requiring certain licensees to provide  
7 certain written statements by a certain time; providing for the content of certain  
8 appeals; requiring the Commission to conduct certain hearings in accordance  
9 with certain administrative procedures; authorizing the Commission to take  
10 certain actions; requiring certain licensees to abide by certain decisions;  
11 requiring the Commission to adopt certain regulations; defining a certain term;  
12 and generally relating to appeals made to the State Racing Commission.

13 BY adding to

14 Article – Business Regulation

15 Section 11–211.1

16 Annotated Code of Maryland

17 (2010 Replacement Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Business Regulation**

21 **11–211.1.**

22 **(A) IN THIS SECTION, “LICENSE HOLDER” MEANS A PERSON LICENSED**  
23 **BY THE COMMISSION THROUGH REGULATIONS TO PARTICIPATE IN RACING IN**  
24 **MARYLAND.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) (1) A LICENSE HOLDER WHO IS AGGRIEVED BY AN EJECTION**  
2 **FROM A TRACK BY A LICENSEE MAY APPEAL THE EJECTION TO THE**  
3 **COMMISSION.**

4           **(2) THE COMMISSION MAY REFUSE TO HEAR AN APPEAL FROM**  
5 **THE EJECTED LICENSE HOLDER IF THE EJECTION WAS CONNECTED WITH THE**  
6 **LICENSE HOLDER'S SUSPENSION OR TERMINATION OF EMPLOYMENT WITH THE**  
7 **LICENSEE.**

8           **(3) AN APPEAL UNDER THIS SECTION MUST BE FILED WITH THE**  
9 **COMMISSION NO LATER THAN:**

10                   **(I) 20 DAYS AFTER A WRITTEN EJECTION NOTICE IS**  
11 **RECEIVED BY THE LICENSE HOLDER FROM A LICENSEE; OR**

12                   **(II) 30 DAYS AFTER THE LICENSEE RECEIVES A LICENSE**  
13 **HOLDER'S WRITTEN REQUEST TO REENTER THE TRACK.**

14           **(4) A LICENSEE SHALL PROVIDE AN EJECTED LICENSE HOLDER A**  
15 **WRITTEN STATEMENT OF ALL REASONS FOR THE EJECTION NO LATER THAN 24**  
16 **HOURS AFTER THE LICENSE HOLDER IS EJECTED.**

17           **(5) AN APPEAL SHALL BE IN WRITING ON A FORM PRESCRIBED BY**  
18 **THE COMMISSION.**

19           **(C) THE COMMISSION SHALL CONDUCT A HEARING ON EACH APPEAL IN**  
20 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**  
21 **ARTICLE.**

22           **(D) (1) THE COMMISSION MAY REJECT, AFFIRM, OR MODIFY ANY**  
23 **EJECTION IMPOSED BY A LICENSEE ON A LICENSE HOLDER.**

24                   **(2) THE LICENSEE SHALL ABIDE BY ANY ORDER, RESTRICTIONS,**  
25 **OR CONDITIONS ISSUED BY THE COMMISSION IN CONNECTION WITH ITS**  
26 **DECISION ON THE EJECTION APPEAL.**

27           **(E) THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THE**  
28 **PROVISIONS OF THIS SECTION.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2013.