

HORSE RACING LAW OF 1995 (EXCERPT)
Act 279 of 1995

431.312 Applicant for license to conduct thoroughbred or standardbred race meeting; live racing and simulcast requirements; amended license.

Sec. 12.

(1) An applicant for a license to conduct a thoroughbred race meeting shall apply to conduct not fewer than 30 days of live thoroughbred racing during its proposed race meeting. Except during the opening and closing week of a race meeting, the applicant shall apply to conduct live racing not fewer than 2 days per week, with not fewer than 8 live horse races programmed, and shall conduct live racing programs on the days allocated by the racing commissioner. The commissioner shall allocate not fewer than 10 days of live horse racing to a race meeting licensee with not fewer than 6 programmed live races per allocated day.

(2) An applicant for a license to conduct a standardbred race meeting shall apply to conduct not fewer than 30 days of live standardbred harness horse racing during its proposed race meeting. Except during the opening and closing week of a race meeting, the applicant shall apply to conduct live horse racing not fewer than 2 days per week, with not fewer than 8 live horse races programmed, and shall conduct live racing programs on the days awarded. The commissioner shall allocate not fewer than 10 days of live horse racing to a race meeting licensee with not fewer than 6 programmed live races per allocated day.

(3) If a race meeting licensee is unable to program and conduct 8 live horse races on a racing date awarded to the licensee because there are fewer than 5 entries in a race, the licensee shall not conduct any simulcasting on that day without the written consent of the certified horsemen's organization with which it has a contract.

(4) If a race meeting licensee is unable to conduct racing on a live racing date awarded to the licensee or fewer than 8 live horse races on an awarded live racing date because of a labor dispute, fire, adverse weather conditions, or other causes beyond the race meeting licensee's control, the race meeting licensee is considered to have conducted those races or that race date for purposes of this act and is not precluded from conducting any simulcasts because of the licensee's inability to conduct those live races or that race date.

(5) Intertrack simulcast races that a race meeting licensee contracts to receive from other racetracks that are canceled for any of the reasons described in subsection (4) are offered to the public for purposes of this act.

(6) If an entire race meeting or the balance of a race meeting and racing dates awarded to a licensee cannot be raced because of an act of God or significant physical damage to the licensed racetrack at which the race meeting was licensed to be conducted caused by fire or some other catastrophe, the racing commissioner may transfer those dates to another race meeting licensee upon application of the substitute licensee if the substitute licensee satisfies the requirements for licensure under this act and demonstrates that it has or will have a legal or contractual right to the use of a different licensed racetrack facility on the racing dates in question, and all race meeting licensees that will be conducting live racing on those dates within 50 miles of the substitute racetrack consent to the transfer.

(7) Notwithstanding anything in this act to the contrary, if the racing commissioner determines that 1 or more of the conditions listed in subsection (8) apply and the contracted certified horsemen's organization is in agreement, the racing commissioner may amend an existing race meeting license and simulcast permit to allow the licensee to continue simulcasting during the remaining period of the race meeting license. An amended license under this section may be issued by the racing commissioner at any time, including at the time of the initial issuance of the race meeting license for the upcoming year during which it is valid.

(8) The racing commissioner may issue an order amending a race meeting license under subsection (7) if he or she determines that the licensee is capable of conducting simulcast horse racing in accordance with this act and that 1 or more of the following conditions exist:

(a) There is inadequate horse supply for the licensee to conduct a live race meeting of at least 10 days with 6 races per day.

(b) There is inadequate funding of live racing purses to support the licensee's conducting of a live race meeting of at least 10 days with 6 races per day.

(c) There is no certified horsemen's organization operating in this state.

(9) In order to obtain an amended license issued under subsection (7) and satisfy the live racing requirements of this act, the licensee must have a written contract with a certified horsemen's organization to pay a percentage of its net commission from simulcasting to the live racing purse pool at another racetrack licensed under this act during the period when the amended license issued under subsection (7) is in effect. Unless otherwise provided in the written contract between the licensee and the certified horsemen's organization, the payment must be not less than 25% of net commission from simulcasting if only 1 certified horsemen's organization has a contract for live race days in this state for the calendar year. If both certified horsemen's organizations have a contract for live race dates in this state for the calendar year, the payment must be not more than 40% of the net commission from simulcasting.

(10) Subsections (7) to (9) apply only to amendments to a race meeting license for the purpose of allowing simulcast-only operations and are not limitations on or requirements for other race meeting license amendments the racing commissioner may approve or deny.

(11) Notwithstanding anything in this act to the contrary, if a race meeting licensee and the certified horsemen's organization with which the licensee has a contract jointly request that the licensee be allowed to conduct a live race meeting with fewer than 8 races per day, the racing commissioner shall approve the request and issue an order amending the license accordingly.

History: 1995, Act 279, Imd. Eff. Jan. 9, 1996 ;-- Am. 2000, Act 164, Imd. Eff. June 20, 2000 ;-- Am. 2016, Act 271, Imd. Eff. July 1, 2016