

# STATE OF NEW YORK

8658

## IN ASSEMBLY

January 10, 2022

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to prohibiting requests for tax rate modifications by mobile sports wagering licensees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 7 of section 1367-a of the  
2 racing, pari-mutuel wagering and breeding law, as added by section 4 of  
3 part Y of chapter 59 of the laws of 2021, is amended to read as follows:

4 (d) The commission shall award a license to each of the two highest  
5 scoring platform providers that submit applications; provided however,  
6 that such awards shall require that both winning platform providers pay  
7 the same tax rate; and provided further, that the commission shall  
8 require that no less than four mobile sports wagering operators will be  
9 operating in the state. The commission may award additional licenses if  
10 it determines that such additional awards are in the best interests of  
11 the state; provided however, that any additional platform providers  
12 awarded licenses must also agree to pay the same tax rate as those plat-  
13 form providers that were initially awarded licenses by the commission.  
14 The award of any such license shall require each applicant to remit the  
15 highest percentage of gross gaming revenue from mobile sports wagering  
16 contained in an applicant's bid selected by the commission considered  
17 for licensure. A qualified applicant shall be afforded the ability to  
18 revise its bid in any such manner in order for such bid to meet the  
19 percentage of gross gaming revenue from mobile sports wagering as  
20 required by the commission for license award, provided that the bid does  
21 not incorporate any additional operators not already included in the  
22 bid; and provided however that it is not determined by the commission  
23 that the revised bid no longer meets all requirements and criteria  
24 established pursuant to this section and the request for applications.  
25 Any applicant that does not revise its bid to meet the percentage of  
26 gross gaming revenue from mobile sports wagering required by the commis-  
27 sion for license award shall not be awarded a license. Once such  
28 contracts have been awarded and a tax rate has been established, no  
29 modification to such tax rate may be requested by a licensee.

30 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD14112-01-1