

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 59.1-389 of the Code of Virginia, relating to the Virginia Racing*  
 3 *Commission; consideration of application.*

[S 1073]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 59.1-389 of the Code of Virginia is amended and reenacted as follows:**

8 § 59.1-389. Consideration of application.

9 A. The Commission shall promptly consider any application for a permit and issue or deny such  
 10 permit based on the information in the application and all other information before it, including any  
 11 investigation it deems appropriate. If an application for a permit is approved, the Commission shall issue  
 12 a permit, which shall contain such information as the Commission deems appropriate. Such permit shall  
 13 be valid for one year; however, the permit of a licensee's employee shall expire automatically when such  
 14 permit holder leaves the employment of the licensee or at the end of one year, whichever occurs first.  
 15 The licensee shall promptly notify the Commission when a permit holder leaves the employment of the  
 16 licensee. The Commission shall establish criteria and procedures for permit renewal.

17 B. The Commission shall deny the application and refuse to issue the permit, which denial shall be  
 18 final unless an appeal is taken under § 59.1-373, if it finds that the issuance of such permit to such  
 19 applicant would not be in the interests of the people of the Commonwealth, or the horse racing industry  
 20 of the Commonwealth, or would reflect on the honesty and integrity of the horse racing industry in the  
 21 Commonwealth, or that the applicant:

22 1. Has knowingly made a false statement of a material fact in the application, or has deliberately  
 23 failed to disclose any information requested by the Commission;

24 2. Is or has been found guilty of any corrupt or fraudulent practice or conduct in connection with  
 25 horse racing in this or any other state;

26 3. Has knowingly failed to comply with the provisions of this chapter or the regulations of the  
 27 Commission;

28 4. Has had a permit to engage in activity related to horse racing denied for just cause, suspended or  
 29 revoked in any other state, and such denial, suspension or revocation is still in effect; or

30 5. Is unqualified to perform the duties required for the permit sought; or.

31 ~~6. C. The Commission shall deny the application and refuse to issue the permit if, within the five~~  
 32 ~~years immediately preceding the date of his application for the permit sought, the applicant has been~~  
 33 ~~convicted of a misdemeanor or felony crime involving the unlawful conduct of wagering, fraudulent~~  
 34 ~~use of a credential, unlawful transmission of information, touting, bribery, or administration or~~  
 35 ~~possession of drugs or any felony considered by the Commission to be detrimental to horse racing in the~~  
 36 ~~Commonwealth; the denial shall be final unless an appeal is taken under § 59.1-373. Additionally, the~~  
 37 ~~Commission may deny the application and refuse to issue any permit, if the applicant has been~~  
 38 ~~convicted of any such crime committed prior to the five years immediately preceding the date of his~~  
 39 ~~application.~~

40 ~~C. D. The Commission may refuse to issue the permit if for any reason it feels the granting of such~~  
 41 ~~permit is not consistent with the provisions of this chapter or its responsibilities hereunder.~~

ENROLLED

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