

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

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ENROLLED

SENATE BILL NO. 262

(By Mr. Jackson (of House))

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PASSED February 28 1955

In Effect July 1, 1955 Passage

Filed in the Office of the Secretary of State  
of West Virginia MAR 8 1955

D. BERT CARRION

**ENROLLED**

**Senate Bill No. 262**

(Originating in the Senate Committee on Finance)

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[Passed February 28, 1955; in effect July 1, 1955.]

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AN ACT to amend and reenact sections six and seven, chapter seventy-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, as amended by chapter one hundred fifty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to the regulation, licensing and control of horse racing and the taxes to be paid by and the financial responsibility of licensees conducting horse racing within the state, and providing that said chapter seventy-one and all amendments thereof and additions thereto be designated article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one.

*Be it enacted by the Legislature of West Virginia:*

That chapter seventy-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, and all amendments thereof and additions thereto be designated article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, and that sections six and seven of said chapter seventy-one, as amended, and of article twenty-three, chapter nineteen of said code, be amended and reenacted to read as follows:

Section 6. *Per Diem Tax on Tracks; Tax on Pool Contribution; How Taxes Paid; Financial Responsibility of Licensees.*—A person operating any horse race track one mile or more in length shall pay each day upon which horse races are run a license tax of five hundred dollars; any race track less than one mile in length shall pay for each day upon which horse races are run a license tax of two hundred fifty dollars: *Provided, however, That* the per diem tax shall not apply to horse shows or county fairs at which racing is conducted for not more than five days. Any person licensed by the commission to conduct racing and to permit and conduct pari-mutuel wagering

13 under this article, shall in addition to the aforementioned  
14 tax, pay to the racing commission of the State of West  
15 Virginia a tax of four per cent of the total contribution to  
16 all pari-mutuel pools conducted or made at any and every  
17 racing meeting licensed under this article. Such pay-  
18 ments shall be made to the commission or its agent after  
19 the last race on each day and every day of each and every  
20 race meeting, and shall be made from all contributions  
21 to all pari-mutuel pools to each and every race of the  
22 day, which payment shall be deposited with the treasurer  
23 of the State of West Virginia.

24 Any person making application for a license for a  
25 meeting to be held on any track in the State of West Vir-  
26 ginia, shall, when required, furnish satisfactory evidence  
27 to the commission of his or their ability to pay license  
28 fees, purses, salaries of officials and other expenses  
29 incident to the meeting. In the event the applicant is  
30 not able to furnish such satisfactory evidence of his or  
31 their ability to pay such expenses and fees, then the com-  
32 mission may require bond or other adequate security  
33 for not more than four successive days before such license  
34 is issued.

Sec. 7. *Only Pari-Mutuel System of Wagering Permitted; Minors; Supervisor.*—A person licensed by the commission shall permit only the pari-mutuel system of wagering within the enclosure at which horse racing is held, and the commission deducted by the licensee from the said pari-mutuel pools shall not exceed thirteen per cent of the total pari-mutuel pools for the day, including the license fee of the gross amount handled hereinbefore provided for, and the breakage, which shall be made and calculated to the dime: *Provided, however,* That no holder of such license shall permit or allow any person under the age of twenty-one years to wager thereat, knowing or having reason to believe that such person is under the age of twenty-one years. Any violation of this proviso shall be punishable by revocation of license.

A supervisor of pari-mutuel pools shall be appointed by the commission and shall be compensated by said commission. Said supervisor shall have free access to the space or enclosure where the pari-mutuel pool system of wagering is conducted or calculated at any race meeting to which he shall be assigned for the purpose of

22 ascertaining whether or not said licensee is retaining  
23 only the commission provided for in said section, and  
24 shall have general supervisory powers over the opera-  
25 tion of the pari-mutuel pools. He shall also, for the same  
26 purposes only, have full and free access to all records and  
27 papers pertaining to such pari-mutuel pool system of  
28 wagering, and shall report to the commission in writing,  
29 under oath, whether or not the licensee has retained any  
30 commissions in excess of those permitted under this  
31 article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*  
Chairman Senate Committee

*[Handwritten Signature]*  
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1955 passage.

*[Handwritten Signature]*  
Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates

*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

The within approved this the 7 day of March, 1955.

*[Handwritten Signature]*  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia MAR 8 1955  
D. PITT O'BRIEN  
SECRETARY OF STATE