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Gaming; Off-Track Pari-Mutuel Wagering

University of the Pacific, McGeorge School of Law

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Gaming

Commission.¹ Chapter 304 expands the list of restricted transactions² requiring Commission approval to include the granting of an option to purchase a security issued by a corporation licensed by the Commission.³

1. 1969 Nev. Stat. c. 220, §25, at 374 (amending NEV. REV. STAT. §463.510).

2. Compare NEV. REV. STAT. §463.510 (amended by 1983 Nev. Stat. c. 304, §1(1), at 743) with 1969 Nev. Stat. c. 220, §25, at 374 (amending NEV. REV. STAT. §463.510).

3. NEV. REV. STAT. §463.510(1) (amended by 1983 Nev. Stat. c. 304, §1(1), at 743).

Gaming; off-track pari-mutuel wagering

NEV. REV. STAT. §§463.—, 464.—, 466.— (new); §§463.430, 463.440, 464.010, 464.020, 464.040, 464.050, 464.060, 464.070, 466.080, 466.090, 466.100, 466.105, 466.115, 466.140, 466.155, 466.157 (amended).

SB 356 (Committee on Judiciary); 1983 STAT. Ch 417

(Effective June 11, 1983)*

(Effective May 20, 1983)

AB 535 (Vergiels); 1983 STAT. Ch 592

AB 558 (Committee on Commerce); 1983 STAT. Ch 615

(Effective May 31, 1983)

The Nevada Gaming Control Act¹ (hereinafter referred to as Act) empowers the Nevada Gaming Commission² (hereinafter referred to as the Commission) to regulate the dissemination of horse racing information within the state of Nevada.³ Chapter 417 clarifies specific language of the Act,⁴ and broadens the scope of the powers of the Commission.⁵ Additionally, Chapter 592 legalizes off-track pari-mutuel wagering⁶ and authorizes the Commission to regulate this activity.⁷

* Section 1 of Chapter 417 became effective June 11, 1983; Sections 2, 3, and 4 of Chapter 417 take effect May 20, 1983).

1. See NEV. REV. STAT. §§463.010-480.

2. See *id.* §463.440.

3. See *id.* §§463.022-.029 (duties of the Nevada Gaming Commission).

4. Compare *id.* §463.430 (amended by 1983 Nev. Stat. c. 417, §1, at 1035) with 1949 Nev. Stat. c. 152, §1, at 326 (enacting NEV. REV. STAT. §463.430(1),(2)).

5. Compare NEV. REV. STAT. §463.440 (amended by 1983 Nev. Stat. c. 417, §2, at 1036) with 1959 Nev. Stat. 318, §45, at 455 (amending NEV. REV. STAT. §463.440).

6. 1983 Nev. Stat. c. 592, §2(1), at 1891 (definition of off-track pari-mutuel wagering).

7. *Id.*

Dissemination of Horse Racing Information

Chapter 417 declares that a policy of the state is to protect the health, safety, morals, good order, and general welfare of the public.⁸ Activities associated with the dissemination of horse racing information are to be regulated to ensure equal access to this information.⁹

Under existing law, a license is required before any *person*¹⁰ may lawfully supply or disseminate horse racing information for the purpose of maintaining and operating a gambling game¹¹ including a horse racing book.¹² Chapter 417 also requires a person *receiving* this type of information to be licensed.¹³

Existing law authorizes the Commission to issue or suspend licenses¹⁴ for dissemination of this information within the state where the information is to be used for gambling games and horse racing books.¹⁵ Chapter 592 amends these provisions to exclude off-track pari-mutuel wagering from the licensing requirements of the Act.¹⁶ Moreover, the Commission is granted the authority to condition, limit, and restrict licenses, and to impose fines in accordance with existing law.¹⁷

Under existing law, the Commission may adopt, amend and repeal regulations necessary to administer the law.¹⁸ Chapter 417 empowers the Commission to prescribe the manner, terms and conditions for receiving, supplying or disseminating horse racing information within the state.¹⁹ In addition the Commission is granted the power to fix, regulate, and control the rates charged to customers of disseminators.²⁰ Under Chapter 417, the Commission may also order licensed subscribers to a disseminator's service to disclose information concerning wagering and amounts won.²¹ Chapter 417 declares that disseminators cannot lawfully adjust the rates charged to their customers without first

8. NEV. REV. STAT. §463.440(1)(b) (amended by 1983 Nev. Stat. c. 417, §2(1), at 1036).

9. *Id.*

10. NEV. REV. STAT. §463.0183 (definition of person).

11. *Id.* §463.430(1). Public utilities operating within Nevada are exempted from this section. *Id.* §463.430(2).

12. *Id.* §463.430(1) (amended by 1983 Nev. Stat. c. 417, §1(1), at 1035).

13. *Id.* §463.0165 (definition of license).

14. *Id.* §463.0152 (definition of gambling games).

15. *See id.* §§463.430-.440.

16. *Id.* §463.430 (amended by 1983 Nev. Stat. c. 592, §11, at 1894).

17. *Compare id.* §463.440(2) (amended by 1983 Nev. Stat. c. 417, §2(2), at 1036) with 1959 Nev. Stat. c. 318, §45, at 455 (amending NEV. REV. STAT. §463.440).

18. NEV. REV. STAT. §463.440.

19. *Id.* §463.440(1)(d) (amended by 1983 Nev. Stat. c. 417, §2(2), at 1036).

20. 1983 Nev. Stat. c. 417, §3(1), at 1036 (rates must be reasonable).

21. *Id.* c. 417, §3(2), at 1036.

applying to the Commission for a rate change²² Furthermore the Commission may, at the request of a customer, lower the rates charged by disseminators.²³

Pari-mutuel Wagering

Chapter 592 also empowers the Commission to issue licenses permitting the conduct of pari-mutuel wagering and off-track pari-mutuel wagering.²⁴

All licenses issued by the Commission to conduct horse racing or pari-mutuel wagering are conditioned upon compliance with the federal statutes regulating interstate off-track wagering.²⁵

The Commission is empowered by Chapter 592 to adopt regulations for the conduct of licensees²⁶ of off-track pari-mutuel wagering upon the recommendation of the State Gaming Control Board on a race or sporting event.²⁷ In addition to the authority under existing law to revoke, modify or suspend a license,²⁸ the Commission is given the authority to fine a licensee.²⁹ Any punitive action taken by the Commission against a licensee, except a refusal to issue a license, must comply with existing statutory procedures³⁰ governing the investigation and discipline of licensees.³¹

Prior law made the operation of a pari-mutuel system of wagering occurring outside the premises illegal.³² Chapter 592 allows off-track pari-mutuel wagering at approved gaming establishments.³³ In addition, prior law declared that wagering conducted outside the enclosure of the licensed race or event was illegal.³⁴ Chapter 592 permits off-track pari-mutuel wagering that is conducted on premises licensed by the Commission.³⁵

Under prior law, a principal could place a wager through an agent.³⁶

22. *Id.* c. 417, §3(3), at 1036. Any application for a rate change will be considered at a public hearing. *Id.* c.417, 3(5), at 1036.

23. *Id.* c. 417, §3(6), at 1037.

24. NEV. REV. STAT. §464.020(2) (amended by 1983 Nev. Stat. c. 592, §6(2)-(3), at 1892).

25. 1983 Nev. Stat. c. 592, §§13(3), 14(4), at 1895, 1897; *see also* 15 U.S.C. §3004(b)(1)(A).

26. NEV. REV. STAT. §463.0171 (definition of licensee).

27. 1983 Nev. Stat. c. 592, §3(1), at 1036.

28. NEV. REV. STAT. §466.100(4) (amended by 1983 Nev. Stat. c. 592, §13(5), at 1895).

29. *Id.*

30. *Id.* §§463.310-312 (procedures governing disciplinary investigation of licensees).

31. *Id.* §466.100(4) (amended by 1983 Nev. Stat. c. 592, §13(5), at 1895).

32. 1981 Nev. Stat. c. 761, §10, at 1946 (amending NEV. REV. STAT. §466.155).

33. *Compare* NEV. REV. STAT. §466.155 (amended by 1983 Nev. Stat. c. 592, §17, at 1898), *with* 1981 Nev. Stat. c. 761, §1, at 1946 (amending NEV. REV. STAT. §466.155).

34. 1959 Nev. Stat. c. 318, §51, at 457 (amending NEV. REV. STAT. §464.060).

35. *Compare* NEV. REV. STAT. §464.060 (amended by 1983 Nev. Stat. c. 592, §9, at 1894), *with* 1959 Nev. Stat. c. 318, §51, at 457 (amending NEV. REV. STAT. §464.060).

36. 1949 Nev. Stat. c. 321, §6, at 508 (enacting NEV. REV. STAT. §464.070).

Chapter 592 requires that a principal using an agent be present on the premises where the wagered race is being conducted and requires all off-track pari-mutuel wagering be done by a principal.³⁷

Prior law limited the issuance of a pari-mutuel wagering license or a license to conduct or operate a game or device to United States citizens.³⁸ Chapter 592 removes this limitation.³⁹ Chapter 592 requires commission approval of the terms of any agreement entered into between a licensee and (1) an agency of the state in which the race or event takes place or (2) a licensee of another state.⁴⁰

37. 1983 Nev. Stat. c. 592, §10, at 1894.

38. 1981 Nev. Stat. c. 761, §3, at 1942 (amending NEV. REV. STAT. §466.090).

39. *Compare* NEV. REV. STAT. §466.090 (amended by 1983 Nev. Stat. c. 592, §12(2), at 1895) with 1981 Nev. Stat. c. 761, §3, at 1942 (amending NEV. REV. STAT. §466.090).

40. 1983 Nev. Stat. c. 592, §3(2), at 1891.

Gaming; immunity of gaming licensees

NEV. REV. STAT. §465.101 (amended).

SB 337 (Committee on Judiciary); 1983 STAT. Ch 249

Existing law grants immunity from civil or criminal liability to gaming licensees,¹ their officers, employees, or agents when they question a suspected cheater in their establishments.² To be afforded this immunity, however, notice of the immunity must be conspicuously posted on the premises.³ Chapter 249 extends the availability of this immunity to the act of reporting suspected cheaters to the State Gaming Control Board or to law enforcement authorities.⁴ In addition, prior law restricted the immunity to prosecutions for false arrest, false imprisonment, slander, or unlawful detention.⁵ Chapter 249 deletes these restrictions, thus conferring a broader immunity to the licensees and their various agents.⁶

Furthermore, under existing law, the immunity from liability is limited to situations in which the taking into custody and detention of a

1. NEV. REV. STAT. §463.0171; (definition of licensee).

2. *See id.* §465.101(1) (amended by 1983 Nev. Stat. c. 249, §1, at 564).

3. *Id.* §465.101(3) (amended by 1983 Nev. Stat. c. 249, §1, at 564).

4. *Compare id.* §465.101(1) (amended by 1983 Nev. Stat. c. 249, §1, at 564) with 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101). The Gaming Control Board and its agents are empowered to investigate and prosecute suspected criminal violations. *See* NEV. REV. STAT. §463.140; *see also* Gaming: Law Enforcement Activities of the Nevada Gaming Control Board, Op. Att'y Gen. (Op. no. 11, Nov. 19, 1981).

5. 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101).

6. *Compare* NEV. REV. STAT. §465.101 (amended by 1983 Nev. Stat. c. 249, §1, at 564) with 1981 Nev. Stat. c. 594, §9, at 1295 (amending NEV. REV. STAT. §465.101).