

5:5-65.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 89
NJSA: 5:5-65.1 (Problem gamblers - self-excluded list)
BILL NO: A626 (Substituted for S1786)

SPONSOR(S): Arnone and Guear

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Tourism and Gaming

SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 20, 2002

SENATE: October 7, 2002

DATE OF APPROVAL: November 4, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A626

[SPONSORS STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

S1786

[SPONSORS STATEMENT](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)
Identical to Senate Statement for A626

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

P.L. 2002, CHAPTER 89, *approved November 4, 2002*
Assembly, No. 626 (*First Reprint*)

1 **AN ACT** allowing persons to volunteer for placement on the list of
2 persons to be excluded from permitted racetracks and licensed off-
3 track wagering facilities and from engaging in account wagering,
4 and supplementing P.L.1940, c.17 (C.5:5-22 et seq.).
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. a. The commission shall provide by regulation for the
10 establishment of a list of persons who voluntarily seek to be excluded
11 from entry into permitted racetracks and licensed off-track wagering
12 facilities located in this State and from opening or maintaining a
13 wagering account with the account wagering system established in this
14 State. A person may request placement on the self-exclusion list by
15 acknowledging in a manner to be established by the commission that
16 the person is a problem gambler and by agreeing that, during a period
17 of voluntary exclusion, the person may not collect winnings or recover
18 losses resulting from wagering at a racetrack or off-track wagering
19 facility or from account wagering.

20 b. The commission shall promulgate regulations to: (1) establish
21 procedures for placements on, and removals from, the list of self-
22 excluded persons; (2) establish procedures for the transmittal to the
23 permitted racetracks, licensed off-track wagering facilities and the
24 account wagering system of identifying information concerning
25 persons on the self-exclusion list; and (3) require permitted racetracks,
26 licensed off-track wagering facilities and the account wagering system
27 to establish procedures designed, at a minimum, to remove persons on
28 the self-exclusion list from targeted mailings or other forms of
29 advertising or promotions and deny such persons access to credit,
30 complementaries, check cashing privileges, club programs, and other
31 similar benefits.

32 c. The commission, a permitted racetrack, a licensed off-track
33 wagering facility, the account wagering system or an employee thereof
34 shall not be liable to a person on the self-exclusion list or to another
35 party in a judicial proceeding for harm, monetary or otherwise, which
36 may arise as a result of:

37 (1) the failure of a permitted racetrack, licensed off-track wagering
38 facility or the account wagering system to withhold wagering

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ATG committee amendments adopted May 9, 2002.

1 privileges from, or restore wagering privileges to, a person on the self-
2 exclusion list; or

3 (2) permitting a person on the self-exclusion list to engage in
4 wagering activity at a permitted racetrack or licensed off-track
5 wagering facility, or through the account wagering system.

6 d. Notwithstanding the provisions of section 8 of P.L.1940, c.17,
7 s.8 (C.5:5-28), the commission's self-exclusion list shall be privileged
8 and confidential and shall not be ¹[open] accessible¹ to ¹the¹ public
9 ¹[inspection] pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), as
10 amended and supplemented¹.

11 e. The commission, a permitted racetrack, a licensed off-track
12 wagering facility, the account wagering system or an employee thereof
13 shall not be liable to a person on the self-exclusion list or to another
14 party in a judicial proceeding for harm, monetary or otherwise, which
15 may arise as a result of disclosure or publication, other than a willfully
16 unlawful disclosure or publication, of the identity of a self-excluded
17 person.

18

19 2. a. A person on the self-exclusion list established pursuant to
20 section 1 of P.L., c. (C.) (now pending before the
21 Legislature as this bill), shall not collect, in any manner or proceeding,
22 winnings or recover losses arising as a result of wagering activity at a
23 permitted racetrack or licensed off-track wagering facility, or through
24 the account wagering system.

25 b. Money or a thing of value which has been obtained by, or is
26 owed to, a person on the self-exclusion list from a permitted racetrack,
27 licensed off-track wagering facility or account wagering system as a
28 result of wagers made by that person shall be subject to forfeiture by
29 order of the executive director of the commission, following notice to
30 the person on the self-exclusion list and opportunity to be heard.

31 Money or a thing of value forfeited shall be deposited into the State
32 General Fund for appropriation by the Legislature to the Department
33 of Health and Senior Services to provide funds for compulsive
34 gambling treatment and prevention programs in the State.

35 c. In a proceeding brought by the commission against a live racing
36 permit holder, the off-track wagering licensee or the account wagering
37 licensee for a willful violation of the commission's self-exclusion
38 regulations, the commission may order in addition to a permit or
39 license suspension, a fine not to exceed \$5,000 per wagering incident,
40 the forfeiture of money or a thing of value obtained by the permit
41 holder, off-track wagering licensee or account wagering licensee from
42 a person on the self-exclusion list and other remedial conditions the
43 commission deems appropriate. Money or a thing of value so forfeited
44 shall be disposed of in the same manner as money or a thing of value
45 forfeited pursuant to subsection b. of this section.

1 3. This act shall take effect immediately but shall be inoperative
2 until the 60th day after enactment.

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7 Allows problem gamblers to request placement on Racing

8 Commission's list for self-excluded persons.

ASSEMBLY, No. 626

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman MICHAEL J. ARNONE

District 12 (Mercer and Monmouth)

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Co-Sponsored by:

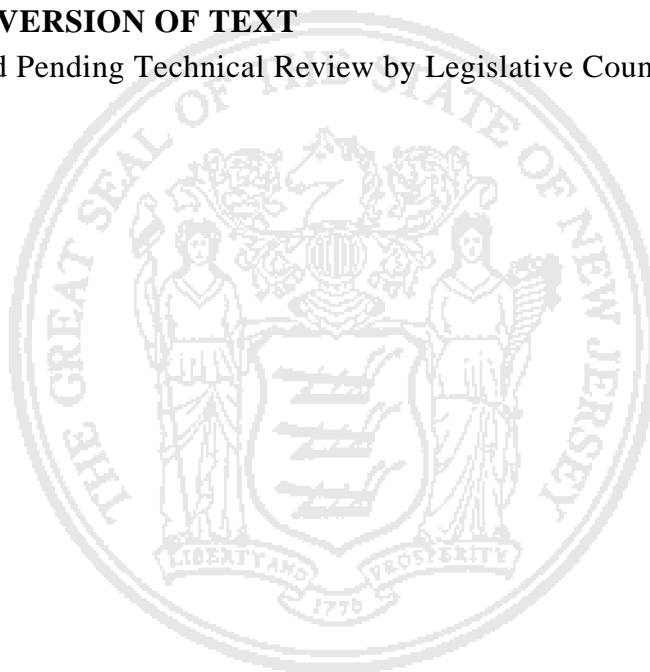
Assemblymen Blee and D'Amato

SYNOPSIS

Allows problem gamblers to request placement on Racing Commission's list for self-excluded persons.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/10/2002)

1 AN ACT allowing persons to volunteer for placement on the list of
2 persons to be excluded from permitted racetracks and licensed off-
3 track wagering facilities and from engaging in account wagering,
4 and supplementing P.L.1940, c.17 (C.5:5-22 et seq.).
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. a. The commission shall provide by regulation for the
10 establishment of a list of persons who voluntarily seek to be excluded
11 from entry into permitted racetracks and licensed off-track wagering
12 facilities located in this State and from opening or maintaining a
13 wagering account with the account wagering system established in this
14 State. A person may request placement on the self-exclusion list by
15 acknowledging in a manner to be established by the commission that
16 the person is a problem gambler and by agreeing that, during a period
17 of voluntary exclusion, the person may not collect winnings or recover
18 losses resulting from wagering at a racetrack or off-track wagering
19 facility or from account wagering.

20 b. The commission shall promulgate regulations to: (1) establish
21 procedures for placements on, and removals from, the list of self-
22 excluded persons; (2) establish procedures for the transmittal to the
23 permitted racetracks, licensed off-track wagering facilities and the
24 account wagering system of identifying information concerning
25 persons on the self-exclusion list; and (3) require permitted racetracks,
26 licensed off-track wagering facilities and the account wagering system
27 to establish procedures designed, at a minimum, to remove persons on
28 the self-exclusion list from targeted mailings or other forms of
29 advertising or promotions and deny such persons access to credit,
30 complementaries, check cashing privileges, club programs, and other
31 similar benefits.

32 c. The commission, a permitted racetrack, a licensed off-track
33 wagering facility, the account wagering system or an employee thereof
34 shall not be liable to a person on the self-exclusion list or to another
35 party in a judicial proceeding for harm, monetary or otherwise, which
36 may arise as a result of:

37 (1) the failure of a permitted racetrack, licensed off-track wagering
38 facility or the account wagering system to withhold wagering
39 privileges from, or restore wagering privileges to, a person on the self-
40 exclusion list; or

41 (2) permitting a person on the self-exclusion list to engage in
42 wagering activity at a permitted racetrack or licensed off-track
43 wagering facility, or through the account wagering system.

44 d. Notwithstanding the provisions of section 8 of P.L.1940, c.17,
45 s.8 (C.5:5-28), the commission's self-exclusion list shall be privileged
46 and confidential and shall not be open to public inspection.

1 e. The commission, a permitted racetrack, a licensed off-track
2 wagering facility, the account wagering system or an employee thereof
3 shall not be liable to a person on the self-exclusion list or to another
4 party in a judicial proceeding for harm, monetary or otherwise, which
5 may arise as a result of disclosure or publication, other than a willfully
6 unlawful disclosure or publication, of the identity of a self-excluded
7 person.

8
9 2. a. A person on the self-exclusion list established pursuant to
10 section 1 of P.L., c. (C.) (now pending before the
11 Legislature as this bill), shall not collect, in any manner or proceeding,
12 winnings or recover losses arising as a result of wagering activity at a
13 permitted racetrack or licensed off-track wagering facility, or through
14 the account wagering system.

15 b. Money or a thing of value which has been obtained by, or is
16 owed to, a person on the self-exclusion list from a permitted racetrack,
17 licensed off-track wagering facility or account wagering system as a
18 result of wagers made by that person shall be subject to forfeiture by
19 order of the executive director of the commission, following notice to
20 the person on the self-exclusion list and opportunity to be heard.

21 Money or a thing of value forfeited shall be deposited into the State
22 General Fund for appropriation by the Legislature to the Department
23 of Health and Senior Services to provide funds for compulsive
24 gambling treatment and prevention programs in the State.

25 c. In a proceeding brought by the commission against a live racing
26 permit holder, the off-track wagering licensee or the account wagering
27 licensee for a willful violation of the commission's self-exclusion
28 regulations, the commission may order in addition to a permit or
29 license suspension, a fine not to exceed \$5,000 per wagering incident,
30 the forfeiture of money or a thing of value obtained by the permit
31 holder, off-track wagering licensee or account wagering licensee from
32 a person on the self-exclusion list and other remedial conditions the
33 commission deems appropriate. Money or a thing of value so forfeited
34 shall be disposed of in the same manner as money or a thing of value
35 forfeited pursuant to subsection b. of this section.

36
37 3. This act shall take effect immediately but shall be inoperative
38 until the 60th day after enactment.

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41 STATEMENT

42
43 This bill directs the New Jersey Racing Commission to establish a
44 mechanism by which a person could voluntarily place himself or herself
45 on a list of persons to be excluded from racetracks and off-track
46 wagering facilities in this State, or from opening or maintaining a

1 wagering account in the State's account wagering system. A person
2 on the self-exclusion list will be removed from mailing lists advertising
3 the operations or marketing promotions of racetracks, off-track
4 wagering facilities, or the account wagering system. The person on
5 the self-exclusion list will also be denied credit at racetracks and off-
6 track wagering facilities, and through the account wagering system.

7 A person on the self-exclusion list who wagers at a racetrack or off-
8 track wagering facility in this State, or through the State's account
9 wagering system, will not be permitted to collect winnings or recover
10 losses arising from his or her wagering activity. Conversely, a
11 racetrack or off-track wagering facility, or the account wagering
12 system, that willfully violates the Racing Commission's regulations
13 regarding the self-exclusion list will be subject to penalties, including
14 permit or license suspension, fines, and forfeiture of the money or
15 thing of value obtained from the person on the self-exclusion list.

16 A similar mechanism is available to a person who wishes to exclude
17 him or herself from licensed Atlantic City casinos.

ASSEMBLY TOURISM AND GAMING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 626

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 9, 2002

The Assembly Tourism and Gaming Committee reports favorably Assembly, No. 626, with committee amendments.

As amended, this bill directs the New Jersey Racing Commission to establish a mechanism by which a person could voluntarily place himself or herself on a list of persons to be excluded from racetracks and off-track wagering facilities in this State, or from opening or maintaining a wagering account in the State's account wagering system. A person on the self-exclusion list will be removed from mailing lists advertising the operations or marketing promotions of racetracks, off-track wagering facilities, or the account wagering system. The person on the self-exclusion list will also be denied credit at racetracks and off-track wagering facilities, and through the account wagering system.

A person on the self-exclusion list who wagers at a racetrack or off-track wagering facility in this State, or through the State's account wagering system, will not be permitted to collect winnings or recover losses arising from his or her wagering activity. Conversely, a racetrack or off-track wagering facility, or the account wagering system, that willfully violates the Racing Commission's regulations regarding the self-exclusion list will be subject to penalties, including permit or license suspension, fines, and forfeiture of the money or thing of value obtained from the person on the self-exclusion list.

A similar mechanism is available to a person who wishes to exclude him or herself from licensed Atlantic City casinos.

This bill was pre-filed for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee adopted a technical amendment to clarify that the self-exclusion list is not accessible to the public.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 626

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 626 (1R).

This bill directs the New Jersey Racing Commission to establish a mechanism by which a person could voluntarily place himself or herself on a list of persons to be excluded from racetracks and off-track wagering facilities in this State, or from opening or maintaining a wagering account in the State's account wagering system. A person on the self-exclusion list will be removed from mailing lists advertising the operations or marketing promotions of racetracks, off-track wagering facilities, or the account wagering system. The person on the self-exclusion list will also be denied credit at racetracks and off-track wagering facilities, and through the account wagering system.

A person on the self-exclusion list who wagers at a racetrack or off-track wagering facility in this State, or through the State's account wagering system, will not be permitted to collect winnings or recover losses arising from his or her wagering activity. Conversely, a racetrack or off-track wagering facility, or the account wagering system, that willfully violates the Racing Commission's regulations regarding the self-exclusion list will be subject to penalties, including permit or license suspension, fines, and forfeiture of the money or thing of value obtained from the person on the self-exclusion list.

A similar mechanism is available to a person who wishes to exclude him or herself from licensed Atlantic City casinos.

As reported by the committee, Assembly Bill, No. 626 (1R) is identical to Senate Bill, No. 1786, which also was reported by the committee on this date.

SENATE, No. 1786

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Co-Sponsored by:

Senator Allen

SYNOPSIS

Allows problem gamblers to request placement on Racing Commission's list for self-excluded persons.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/1/2002)

1 AN ACT allowing persons to volunteer for placement on the list of
2 persons to be excluded from permitted racetracks and licensed off-
3 track wagering facilities and from engaging in account wagering,
4 and supplementing P.L.1940, c.17 (C.5:5-22 et seq.).
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
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9 1. a. The commission shall provide by regulation for the
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18 losses resulting from wagering at a racetrack or off-track wagering
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20 b. The commission shall promulgate regulations to: (1) establish
21 procedures for placements on, and removals from, the list of self-
22 excluded persons; (2) establish procedures for the transmittal to the
23 permitted racetracks, licensed off-track wagering facilities and the
24 account wagering system of identifying information concerning
25 persons on the self-exclusion list; and (3) require permitted racetracks,
26 licensed off-track wagering facilities and the account wagering system
27 to establish procedures designed, at a minimum, to remove persons on
28 the self-exclusion list from targeted mailings or other forms of
29 advertising or promotions and deny such persons access to credit,
30 complementaries, check cashing privileges, club programs, and other
31 similar benefits.

32 c. The commission, a permitted racetrack, a licensed off-track
33 wagering facility, the account wagering system or an employee thereof
34 shall not be liable to a person on the self-exclusion list or to another
35 party in a judicial proceeding for harm, monetary or otherwise, which
36 may arise as a result of:

37 (1) the failure of a permitted racetrack, licensed off-track wagering
38 facility or the account wagering system to withhold wagering
39 privileges from, or restore wagering privileges to, a person on the self-
40 exclusion list; or

41 (2) permitting a person on the self-exclusion list to engage in
42 wagering activity at a permitted racetrack or licensed off-track
43 wagering facility, or through the account wagering system.

44 d. Notwithstanding the provisions of section 8 of P.L.1940, c.17,
45 s.8 (C.5:5-28), the commission's self-exclusion list shall be privileged
46 and confidential and shall not be accessible to the public pursuant to

1 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented.
2 e. The commission, a permitted racetrack, a licensed off-track
3 wagering facility, the account wagering system or an employee thereof
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5 party in a judicial proceeding for harm, monetary or otherwise, which
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8 person.

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10 2. a. A person on the self-exclusion list established pursuant to
11 section 1 of P.L. , c. (C.) (now pending before the
12 Legislature as this bill), shall not collect, in any manner or proceeding,
13 winnings or recover losses arising as a result of wagering activity at a
14 permitted racetrack or licensed off-track wagering facility, or through
15 the account wagering system.

16 b. Money or a thing of value which has been obtained by, or is
17 owed to, a person on the self-exclusion list from a permitted racetrack,
18 licensed off-track wagering facility or account wagering system as a
19 result of wagers made by that person shall be subject to forfeiture by
20 order of the executive director of the commission, following notice to
21 the person on the self-exclusion list and opportunity to be heard.

22 Money or a thing of value forfeited shall be deposited into the State
23 General Fund for appropriation by the Legislature to the Department
24 of Health and Senior Services to provide funds for compulsive
25 gambling treatment and prevention programs in the State.

26 c. In a proceeding brought by the commission against a live racing
27 permit holder, the off-track wagering licensee or the account wagering
28 licensee for a willful violation of the commission's self-exclusion
29 regulations, the commission may order in addition to a permit or
30 license suspension, a fine not to exceed \$5,000 per wagering incident,
31 the forfeiture of money or a thing of value obtained by the permit
32 holder, off-track wagering licensee or account wagering licensee from
33 a person on the self-exclusion list and other remedial conditions the
34 commission deems appropriate. Money or a thing of value so forfeited
35 shall be disposed of in the same manner as money or a thing of value
36 forfeited pursuant to subsection b. of this section.

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38 3. This act shall take effect immediately but shall be inoperative
39 until the 60th day after enactment.

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42 STATEMENT

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44 This bill directs the New Jersey Racing Commission to establish a
45 mechanism by which a person could voluntarily place himself or herself
46 on a list of persons to be excluded from racetracks and off-track

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1 wagering facilities in this State, or from opening or maintaining a
2 wagering account in the State's account wagering system. A person
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4 the operations or marketing promotions of racetracks, off-track
5 wagering facilities, or the account wagering system. The person on
6 the self-exclusion list will also be denied credit at racetracks and off-
7 track wagering facilities, and through the account wagering system.

8 A person on the self-exclusion list who wagers at a racetrack or off-
9 track wagering facility in this State, or through the State's account
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11 losses arising from his or her wagering activity. Conversely, a
12 racetrack or off-track wagering facility, or the account wagering
13 system, that willfully violates the Racing Commission's regulations
14 regarding the self-exclusion list will be subject to penalties, including
15 permit or license suspension, fines, and forfeiture of the money or
16 thing of value obtained from the person on the self-exclusion list.

17 A similar mechanism is available to a person who wishes to exclude
18 him or herself from licensed Atlantic City casinos.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1786

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 1786.

This bill directs the New Jersey Racing Commission to establish a mechanism by which a person could voluntarily place himself or herself on a list of persons to be excluded from racetracks and off-track wagering facilities in this State, or from opening or maintaining a wagering account in the State's account wagering system. A person on the self-exclusion list will be removed from mailing lists advertising the operations or marketing promotions of racetracks, off-track wagering facilities, or the account wagering system. The person on the self-exclusion list will also be denied credit at racetracks and off-track wagering facilities, and through the account wagering system.

A person on the self-exclusion list who wagers at a racetrack or off-track wagering facility in this State, or through the State's account wagering system, will not be permitted to collect winnings or recover losses arising from his or her wagering activity. Conversely, a racetrack or off-track wagering facility, or the account wagering system, that willfully violates the Racing Commission's regulations regarding the self-exclusion list will be subject to penalties, including permit or license suspension, fines, and forfeiture of the money or thing of value obtained from the person on the self-exclusion list.

A similar mechanism is available to a person who wishes to exclude him or herself from licensed Atlantic City casinos.

As reported by the committee, Senate Bill, No. 1786, is identical to Assembly Bill, No. 626(1R) which also was reported by the committee on this date.