

SENATE No. 569

[Senate, No. 569. — Substituted by amendment (Ormsbee) for the Senate Report of the committee on Legal Affairs, "reference to the next annual session", on the petition of Willard A. Ormsbee, accompanied by bill, Senate, No. 25.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT PROVIDING FOR THE REGULATION OF MIDGET AUTOMOBILE RACING.

1 *Whereas*, The deferred operation of this act
2 would tend to defeat its purpose, which is to provide
3 forthwith for the proper regulation of midget auto-
4 mobile racing, therefore it is hereby declared to be
5 an emergency law, necessary for the immediate
6 preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. Chapter 22 of the General Laws is
2 hereby amended by inserting after section 14,
3 inserted by section 1 of chapter 710 of the acts of
4 1945, the following section:—

5 *Section 15.* The regulation, supervision and con-
6 trol of midget automobile racing meetings shall be
7 vested in the department under the direction of the

8 commissioner, who shall have authority to issue
9 licenses for the conduct of such meetings.

1 SECTION 2. Chapter 147 of the General Laws
2 is hereby amended by inserting after section 51
3 the five following sections, under the heading MIDGET
4 AUTOMOBILE RACING:—

5 *Section 52.* No person shall conduct a midget
6 automobile racing meeting for a prize or a purse,
7 or at which an admission fee is charged, either
8 directly or indirectly, unless he has a license granted
9 as hereinafter provided.

10 *Section 53.* Any person desiring to hold or conduct
11 a midget automobile racing meeting shall make an
12 application to the commissioner for a license therefor.
13 Such application shall state

14 (1) The name of the applicant.

15 (2) The postoffice address of the applicant, and if
16 a corporation, the name of the state under the laws
17 of which it is incorporated, the location of its principal
18 place of business and the names and addresses of its
19 directors and stockholders.

20 (3) The location of the race track or premises
21 where it is proposed to hold or conduct such meeting.

22 (4) The days on which it is intended to hold or
23 conduct such meeting, which days shall be week days.

24 (5) The hours of each day between which it is
25 intended to hold or conduct racing at such meeting,
26 which hours shall be not before twelve o'clock noon
27 nor later than twelve o'clock midnight.

28 (6) Answers to such other questions as the com-
29 missioner may prescribe, and

30 (7) That the applicant will comply, in case such
31 license is issued, with all applicable laws and with

32 all applicable rules and regulations prescribed by the
33 commissioner.

34 Such application shall be filed with the commis-
35 sioner at least thirty days prior to the first day of
36 the racing meeting which the applicant proposes to
37 hold or conduct. Such application shall be signed
38 and sworn to, if made by an individual, by such
39 individual, if made by two or more individuals or a
40 partnership, by one of such individuals or by a
41 member of such partnership, as the case may be, if
42 made by a trust, by a trustee of such trust, and if
43 made by an association or corporation, by the
44 president or vice-president thereof. The commis-
45 sioner may prescribe forms to be used in making such
46 application. With such application there shall be
47 delivered to the commissioner a certified check or
48 bank draft, payable to the commissioner, weekly in
49 advance for the full amount of the license fee re-
50 quired by the commissioner under the provisions of
51 sections fifty-two to fifty-six, inclusive.

52 *Section 54.* If any application for a license, filed
53 as provided by section fifty-three, shall be in ac-
54 cordance with the provisions of sections fifty-two
55 to fifty-six, inclusive, the commissioner, after reason-
56 able notice and a public hearing in the city or town
57 wherein the license is to be exercised, providing a
58 permit has previously been obtained in the city or
59 town in which the racing meeting is to be held or
60 conducted, with the approval of the local licensing
61 authority, may issue a license to the applicant to
62 conduct a midget automobile racing meeting, in
63 accordance with the provisions of sections fifty-two
64 to fifty-six, inclusive, at the race track specified in
65 such application; provided, that if the commissioner
66 has already taken action on an application for any

67 calendar year, after such notice and public hearing,
68 no other public hearing need be granted on any
69 other application from the same applicant relating
70 to the same premises filed prior to the expiration
71 of said year; and, provided, further, that on an
72 application for a license to conduct a midget automo-
73 bile racing meeting in connection with a state or
74 county fair no hearing need be held unless a request
75 signed by at least one per cent of the registered
76 voters of the city or town in which the track is
77 located is filed with the commissioner at least thirty
78 days prior to the first day on which the racing meeting
79 requested is proposed to be held. Such license shall
80 state

81 (1) The name of the person to whom the same is
82 issued.

83 (2) The location of the race track where the
84 racing meeting thereby authorized is to be held.

85 (3) The days on which such meeting may be
86 held or conducted.

87 (4) The hours of each day between which racing
88 may take place at such meeting, and

89 (5) That the required license fee has been received
90 by the commissioner.

91 No license shall be issued which would permit a
92 midget automobile racing meeting to be held or
93 conducted except on week days.

94 No license shall be issued unless the person apply-
95 ing therefor shall have executed and delivered to
96 the commissioner a bond payable to the common-
97 wealth in such amount as the commissioner may
98 determine with a surety or sureties approved by the
99 commissioner conditional upon the payment of all
100 sums which may become payable to the commissioner

101 under the provisions of sections fifty-two to fifty-
102 six, inclusive.

103 Every license shall be recorded in the office of the
104 clerk of the city or town in which such racing meet-
105 ing is held or conducted at a time not less than five
106 days before the first day of such meeting or forth-
107 with upon the issuance of such license if the same
108 shall be issued after such time. After such license is
109 so recorded a duly certified copy thereof, certified
110 by such city or town clerk, shall forthwith be con-
111 spicuously displayed and shall be kept so displayed
112 continuously during said midget automobile racing
113 meeting in the principal office at the race track
114 where such meeting is held and at all reasonable
115 times shall be exhibited to any person requesting to
116 see the same.

117 *Section 55.* The fee for the license provided for
118 in section fifty-four shall not exceed two hundred
119 dollars for each day of any midget automobile racing
120 meeting, provided, that in the case of a license to
121 any person holding or conducting midget automobile
122 racing meetings in connection with a state or county
123 fair, or any exhibition for the encouragement or
124 extension of agriculture, the fee shall not exceed
125 one hundred dollars for each day of such midget
126 automobile racing meeting.

127 If for any reason or cause, beyond the control of
128 and through no fault or neglect of any licensee and
129 while such licensee is not in default, it should become
130 impossible or impracticable to conduct racing upon
131 any day or days specified in a license issued by the
132 commissioner, the commissioner at the request of
133 the licensee may, and upon proper proof shall,
134 request the state treasurer to refund to the licensee

135 an amount equal to the license fees paid for days
136 on which such licensee does not hold or conduct a
137 racing meeting under the terms of the license issued
138 for such purpose. Upon receipt of such request, the
139 state treasurer shall forthwith pay such amount to
140 such licensee.

141 *Section 56.* The commissioner shall have full
142 power to prescribe rules, regulations and conditions
143 under which all midget automobile racing meetings
144 shall be conducted in the commonwealth. The com-
145 missioner shall have power to prescribe special rules,
146 regulations and conditions applicable to midget
147 automobile racing meetings held under a license
148 granted hereunder in connection with a state or
149 county fair or any exhibition for the encouragement
150 or extension of agriculture. Rules and regulations
151 so prescribed shall be printed by the commissioner
152 and furnished in reasonable numbers to anyone who
153 may request them. Any person violating any such
154 rule or regulation shall, upon a complaint brought
155 by the commissioner, be punished by a fine not
156 exceeding five hundred dollars or by imprisonment
157 not exceeding six months, or both.

158 Nothing in sections fifty-two to fifty-six, inclusive,
159 shall authorize wagering on midget automobile
160 racing under the pari-mutuel system or any other
161 method of wagering. The commissioner may assign
162 such number of state police officers and inspectors
163 to be on duty at any midget automobile racing meet-
164 ing permitted by sections fifty-two to fifty-six,
165 inclusive, as the commissioner may deem proper.

166 The powers and duties of the commissioner and
167 department shall so far as applicable apply to midget
168 automobile racing and midget automobile racing
169 meetings.

