

HOUSE No. 1762

By Mr. Palmer of Somerville, petition of Harold A. Palmer for legislation to provide for the regulation of midget automobile racing. Legal Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE REGULATION OF MIDGET AUTOMOBILE RACING, SO CALLED.

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

1 Chapter 128A of the General Laws is hereby
2 amended by inserting after section 14A the follow-
3 ing sections: —

4 *Section 14B.* Any person desiring to hold or con-
5 duct a midget automobile racing meeting within the
6 commonwealth shall make an application to the state
7 racing commission, hereinafter called the commis-
8 sion, for a license so to do. Such application shall
9 state

10 (1) The name of the applicant.

11 (2) The post office address of the applicant, and
12 if a corporation, the name of the state under the
13 laws of which it is incorporated, the location of its
14 principal place of business and the names and ad-
15 dresses of its directors and stockholders.

16 (3) The location of the race track where it is pro-
17 posed to hold or conduct such meeting.

18 (4) The days on which it is intended to hold or
19 conduct such meeting, which days shall be successive
20 week days, Saturday and Monday being considered
21 successive week days.

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

26 (6) Answers to such other questions as the com-
27 mission may prescribe, and

28 (7) That the applicant will comply, in case such
29 license be issued, with all applicable laws and with
30 all applicable rules and regulations prescribed by the
31 commission.

32 Such application shall be filed with the commis-
33 sion at least ten days prior to the first day of the
34 racing meeting which the applicant proposes to hold
35 or conduct. Such application shall be signed and
36 sworn to, if made by an individual, by such indi-
37 vidual, if made by two or more individuals or a
38 partnership, by one of such individuals or by a
39 member of such partnership, as the case may be,
40 if made by a trust, by a trustee of such trust, and if
41 made by an association or corporation, by the
42 president or vice-president thereof. The commis-
43 sion may prescribe forms to be used in making such
44 application.

45 With such application there shall be delivered to
46 the commission a certified check or bank draft, pay-
47 able to the commission, weekly in advance for the
48 full amount of the license fee required by this chap-
49 ter.

50 *Section 14C.* If any application for a license, filed
51 as provided by section fourteen B, shall be in ac-
52 cordance with the provisions of this chapter, the
53 commission, after reasonable notice and a public
54 hearing in the city or town wherein the license is to
55 be exercised, may issue a license to the applicant to
56 conduct a racing meeting, in accordance with the
57 provisions of this chapter, at the race track specified
58 in such application; provided, that if the commis-
59 sion has already taken action on an application for
60 any calendar year, after such notice and public
61 hearing, no other public hearing need be granted on
62 any other application from the same applicant re-
63 lating to the same premises filed prior to the expira-
64 tion of said year; and, provided, further, that on an
65 application for a license to conduct a midget auto-
66 mobile racing meeting in connection with a state
67 or county fair no hearing need be held unless a re-
68 quest signed by at least one per cent of the registered
69 voters of the city or town in which the track is lo-
70 cated is filed with the commission at least thirty
71 days prior to the first day on which the racing meet-
72 ing requested is proposed to be held.

73 Such license shall state —

74 (1) The name of the person to whom the same is
75 issued.

76 (2) The location of the race track where the
77 racing meeting thereby authorized is to be held,

78 (3) The days on which such meeting may be held
79 or conducted,

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

82 (5) That the required license fee has been re-
83 ceived by the commission.

84 No license shall be issued which would permit a
85 racing meeting to be held or conducted except on a
86 week day or on successive days, Saturday and
87 Monday being considered successive week days.

88 The fee for the license provided for in section
89 fourteen C shall not exceed dollars for
90 each day of any midget automobile racing meeting;
91 provided, that the reduced fee, applicable to a license
92 to any person holding or conducting a midget auto-
93 mobile racing meeting in connection with a state or
94 county fair, or any exhibition for the encouragement
95 or extension of agriculture, shall not exceed
96 dollars for each day of such midget automobile rac-
97 ing meeting.

98 If for any reason or cause, beyond the control of
99 and through no fault or neglect of any licensee and
100 while such licensee is not in default, it should become
101 impossible or impracticable to conduct racing upon
102 any day or successive days specified in a license is-
103 sued by the commission, the commission at the
104 request of the licensee may, and upon proper show-
105 ing shall, request the state treasurer to refund to the
106 licensee an amount equal to the license fees paid for
107 days on which such licensee does not hold or con-
108 duct a racing meeting under the terms of the license
109 issued for such purpose. Upon receipt of such re-
110 quest, the state treasurer shall forthwith pay such
111 amount to such licensee.

112 No license fee for the privilege of holding or con-
113 ducting a midget automobile racing meeting, or for
114 any other purpose peculiarly incidental to the hold-
115 ing or conducting of such a meeting, shall be im-
116 posed upon or collected from such a licensee by any
117 city or town.

118 *Section 14E.* The commissioner shall make rules
119 and regulations governing midget automobile racing
120 and shall have full discretion to refuse to grant a
121 license to any applicant for a license or to suspend or
122 revoke the license of any licensee.

123 Any person violating any such rule or regulation
124 shall, upon a complaint brought by the commission,
125 be punished by a fine not exceeding dol-
126 lars or by imprisonment not exceeding one year, or
127 by both.

128 Nothing in this chapter shall authorize wagering
129 on midget automobile racing under the pari-mutuel
130 system or other methods of wagering.

131 The powers and duties of said racing commis-
132 sion applicable to horse and dog racing meetings
133 shall, so far as applicable, apply to midget automobile
134 racing.

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