

7870.0440 DELAY IN COMPLETION OF RACETRACK FACILITY.

Failure of a Class A licensee to complete substantially the construction of its racetrack facility and installation of equipment within 30 days, as computed pursuant to Minnesota Statutes, section 645.15, after the completion date stated in its license application is cause for revocation or suspension of the license, and the commission may impose a penalty of \$1,000 on the licensee for each day of delay. The penalty does not apply if and to the extent the licensee proves that the delay arose out of causes beyond the control and without the fault or negligence of the licensee, its contractors and subcontractors. Such causes may include, but are not restricted to, acts of God or enemies of the United States, acts of government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the delay must be beyond the control and without fault or negligence of the licensee, its contractors and subcontractors. If the cause of delay is the default of a contractor or subcontractor and if the licensee proves the default arose out of causes beyond the control of the licensee, its contractors and subcontractors, the above penalty may not be imposed for the delay unless the supplies or services to be furnished by contractor or subcontractor were obtainable from other sources in sufficient time to permit the licensee to meet the completion date.

Statutory Authority: *MS s 240.23*

History: *8 SR 1823*

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