

13:71-14.33 Optional claiming races

Optional claiming races shall not be used unless limited to horses three years old and up.

13:71-14.34 Separation of horses

Whenever possible, claiming races shall be written to separate horses, five years old and up, from young horses and to separate males from females. If sexes are mixed, mares shall be given a price allowance. Spayed mares shall not receive a price allowance allotted to other mares.

13:71-14.35 Mares in foal

Mares known to be in foal shall not be entered or started (raced) in claiming races.

13:71-14.36 Open claiming

(a) This subchapter is not applicable to any licensed owner that has claiming privileges pursuant to N.J.A.C. 13:71-14.1.

(b) Any individual or entity may claim a horse by obtaining an open claiming license pursuant to (c) below.

(c) An applicant may obtain an open claiming license by complying with the following procedures:

1. The applicant shall file a completed license application on the form prescribed by the New Jersey Racing Commission and will be required to be fingerprinted and photographed at the discretion of the Commission. The applicant must pay for the cost of the fingerprint card checks consistent with the charge set by the reviewing agency which provides the fingerprint card checks, according to the type of investigation requested.

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus sales tax and any other application charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. The applicant shall declare a trainer, currently licensed by the New Jersey Racing Commission, who will represent the new owner once a claim is made.

(d) Claiming privileges executed under this section shall be limited to one time during a race meet.

(e) Unless approval has been granted by the judges to the contrary, the claimed horse must race back at that race meet.

New Rule, R.1987 d.421, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(b), 19 N.J.R. 1911(b).

Amended by R.1991 d.314, effective June 17, 1991.

See: 23 N.J.R. 1068(b), 23 N.J.R. 1960(c).

Added new (a).

Reconstructed existing (a) by deleting "A new owner who does not have claiming privileges pursuant to N.J.A.C. 13:71-14.1" and adding "Any individual or entity" for a redesignated (b).

Deleted (a)1.

Reconstructed existing (b) by deleting "A new owner" and adding "An applicant" for a redesignated (c). Recodified existing (c) and (d) as (d) and (e).

SUBCHAPTER 15. STAKES AND FUTURITIES**13:71-15.1 Filing conditions**

Annually file a copy of their conditions for approval with the commission. A copy shall also be filed with the United States Trotting Association.

13:17-15.2 Bonds

Maintain a performance bond in the amount of the fund until such time as the race is contested. A copy of said bond shall be furnished to the commission and the United States Trotting Association.

13:71-15.3 Nomination list

Mail a list of the nominations within 30 days after the closing to the commission and the United States Trotting Association.

13:71-15.4 Financial statement

Furnish to the commission and to the United States Trotting Association an annual financial statement of each stake and futurity, and within 30 days following the day of the race submit to the commission and the United States Trotting Association a final financial statement.

13:71-15.5 Entry list

Mail within 20 days the complete list of all horses remaining eligible to the owners of all eligibles, the commission and the United States Trotting Association, together with a list of any nominations transferred or substituted if such is permitted by the conditions.

13:71-15.6 Nominations and payments

Set the nominating date and dates for all sustaining payments except the starting fee on the 15th day of the month. No sustaining payment for two-year-old races shall fall prior to January 15 of the year to be raced.

13:71-15.7 Date and place of event

Announce the date and place of any event as soon as racing dates for the year are allocated by this Commission and before taking sustaining payments.

13:71-15.8 Forms

All nominations and entry forms, list of nominators and lists of eligibles shall be on a standard 8½" x 11" paper. Such lists shall designate the owners alphabetically.

13:71-15.9 Estimated purse

No estimated purse shall be advertised or published which is in excess of the actual purse paid or distributed during the previous year unless increased by guaranteed added money.

13:71-15.10 Approval for extended pari-mutuel meetings

Effective with stakes and futurities opened in 1965 and thereafter, no stake or futurity shall be approved for extended pari-mutuel meetings if the added money is not at least 20 per cent of the purse and for all other meetings at least ten per cent of the purse shall be added.

13:71-15.11 Failure to make payments

Failure to make any payment required by the conditions shall constitute an automatic withdrawal from the event.

13:71-15.12 Where stake or futurity does not fill

All stake and futurity sponsors of presentors shall notify all nominators, the Commission and the United States Trotting Association within 20 days if the stake or futurity does not fill.

13:71-15.13 Barren mares

In the event that a mare nominated to a futurity proves to be barren, the nominator may receive a return of his payment, proving such return is called for in the conditions of the futurity.

13:71-15.14 Entries; form of entry

(a) All entries must:

1. Be made in writing on forms approved by the Commission;
2. Be signed by the owner or his authorized agent in writing, except as provided in the rules of racing;
3. State the name, license number and address of both the owner and the agent of the registered stable of the lessee;
4. State name, color, sex, age, sire and dam of the horse;
5. Name the event or events in which the horse is to be entered;
6. Comply with the provisions of the rules regarding declaration where entries are in overnight events;
7. State the name, license number and registered racing colors of the driver;
8. State the name and license number of the trainer;
9. State if pacer is racing free legged or in hobbles.

13:71-15.15 Entries and sustaining payments in early closing events, stakes and futurities

All entries or payments except in overnight events not actually received at the hour of closing shall be ineligible, except entries and payments by letter bearing a postmark not later than the following day (omitting Sunday) or entries notified by telegraph. Where a telegram is used, it must actually be received at the office of sending at or before the hour of closing. Such telegrams must, furthermore, state the color, sex and name of the horse, the class to be entered, name and residence of the owner and the party making the entry. Whenever any entry or payment in a stake, futurity or early closing race becomes payable on a Sunday or a legal holiday that falls on Saturday, such payment is to be due on the following Monday and if made by mail the envelope must be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, such payment is due on Tuesday, and if made by mail must be postmarked on or before the following Wednesday.

13:71-15.16 Void entries

All entries and payments not governed by published conditions shall be void. Proposed deviation from such published conditions is prohibited. No nominator shall be allowed privileges not in accordance with the published conditions of the race or which are in conflict with these rules.

13:71-15.17 Nominator's guaranty

A nominator is required to guaranty the identity and eligibility of his entries and declarations and if given incorrectly he shall be deemed guilty of a violation of these rules. A person obtaining a purse or money through fraud or error shall surrender or pay the same to the association conducting the meeting and such purse or money shall be awarded to the party justly entitled to the same. Where, however, any horse is ineligible as a result of an error of the race secretary, the association shall reimburse the owner for the resultant loss of winnings.

13:71-15.18 Transfer to eligible event

A horse entered in an event to which it is ineligible may be transferred to any event to which it is eligible at the same gait.

13:71-15.19 Withholding of purse

An association shall be warranted in withholding the premium or purse of any horse without a formal protest if it shall receive information that the entry or declaration of any horse was fraudulent or that the horse was ineligible. Such premium shall be withheld by the association pending a decision of the Commission concerning such fraud or ineligibility.

13:71-15.20 Death

All engagements shall be void upon the deceased or either party or horse, prior to the starting of the race, so far as they shall affect the deceased party or horse, except when assumed by the estate or where the proprietorship is in more than one person, and any survive.