

CHAPTER 70

HORSE RACING

Authority

N.J.S.A. 5:5-30

Source and Effective Date

R.1995 d.102, effective January 25, 1995.
See: 26 N.J.R. 4742(a), 27 N.J.R. 733(a).

Executive Order No. 66(1978) Expiration Date

Chapter 70, Horse Racing, expires on January 25, 2000.

Chapter Historical Note

All provisions of this chapter became effective prior to September 1, 1969.

1975 Revisions: Amendments became effective February 21, 1975 as R.1975 d.37. See: 7 N.J.R. 11(a), 7 N.J.R. 170(b).

1976 Revisions: Amendments became effective April 22, 1976 as R.1976 d.125. See: 8 N.J.R. 47(b), 8 N.J.R. 308(a). Further amendments and Subchapter 31 became effective September 16, 1976 as R.1976 d.292. See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

1977 Revisions: Amendments became effective January 17, 1977 as R.1977 d.8. See: 8 N.J.R. 531(c), 9 N.J.R. 94(d). Further amendments became effective August 29, 1977 as R.1977 d.331. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

1978 Revisions: Amendments became effective April 19, 1978 as R.1978 d.132. See: 9 N.J.R. 540(a), 10 N.J.R. 295(b). Further amendments became effective August 1, 1978 as R.1978 d.269. See: 10 N.J.R. 259(a), 10 N.J.R. 403(c). Amendments became effective August 9, 1977 as R.1978 d.275. See: 10 N.J.R. 169(b), 10 N.J.R. 404(b). Further amendments became effective August 29, 1977 as R.1977 d.331. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a). October 2, 1978 as R.1978 d.353. See: 10 N.J.R. 349(b), 10 N.J.R. 510(b).

1979 Revisions: Amendments became effective April 12, 1979 as R.1979 d.144. See: 11 N.J.R. 21(b), 11 N.J.R. 258(a). Further amendments became effective June 20, 1979 as R.1979 d.250. See: 10 N.J.R. 509(a), 11 N.J.R. 400(a). Further amendments became effective July 18, 1979 as R.1979 d.274. See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

1980 Revisions: Subchapter 14A Stimulation and Test and amendments became effective January 1, 1980 as R.1979 d.497. See: 11 N.J.R. 579(a), 12 N.J.R. 91(b). Further amendments became effective February 27, 1980 as R.1980 d.95. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c). Further amendments became effective July 8, 1980 as R.1980 d.286. See: 12 N.J.R. 494(a).

1981 Revisions: Amendments became effective February 2, 1981 as R.1981 d.32. See: 13 N.J.R. 150(f). Amendments became effective December 21, 1981 as R.1981 d.489. See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).

1982 Revisions: Amendments substantially revised this chapter effective June 21, 1982 as R.1982 d.183. See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

1983 Revisions: Amendments became effective February 7, 1983 as R.1983 d.14. See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b). Further amendments became effective April 4, 1983 (operative January 1, 1984) as R.1983 d.639. See: 14 N.J.R. 1444(a), 15 N.J.R. 553(b). Subchapters 3, 14, 15, 19 and 29 were readopted in compliance with Executive Order 66(1978), effective July 8, 1983 as R.1983 d.295. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a). Further amendments became effective

November 7, 1983 (operative January 2, 1984) as R.1983 d.512. See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).

1984 Revisions: Amendments became effective February 21, 1984 as R.1984 d.43. See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a). Subchapter 4 was readopted pursuant to Executive Order 66(1978) effective March 19, 1984 as R.1984 d.103. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a). Subchapter 6 was readopted pursuant to Executive Order 66(1978) effective May 18, 1984 as R.1984 d.213. See: 16 N.J.R. 690(a), 16 N.J.R. 1361(a). Further amendments became effective July 16, 1984 as R.1984 d.308. See: 16 N.J.R. 845(a), 16 N.J.R. 2005(a). Further amendments became effective October 1, 1984 as R.1984 d.444. See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a). Further amendments became effective November 19, 1984 (operative January 1, 1985) as R.1984 d.524. See: 16 N.J.R. 2348(a), 16 N.J.R. 3215(a). Subchapters 2 and 14A expired December 19, 1984 in accordance with Executive Order 66(1978). A readoption was filed December 24, 1984 as R.1984 d.621. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

1985 Revisions: Subchapter 14A was readopted with amendments pursuant to Executive Order 66(1978) effective February 19, 1985 (operative April 1, 1985) as R.1985 d.59. See: 16 N.J.R. 3180(a), 17 N.J.R. 468(a). New rules (sections 10 and 11) became effective February 19, 1985 (operative April 1, 1985) as R.1985 d.57. See: 16 N.J.R. 1457(a), 17 N.J.R. 470(a). Subchapter 12 was readopted pursuant to Executive Order 66(1978) effective February 25, 1985 as R.1985 d.137. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c). Amendments became effective May 6, 1985 as R.1985 d.204. See: 17 N.J.R. 173(a), 17 N.J.R. 1135(a). Further amendments became effective December 2, 1985 (operative January 1, 1986) as R.1985 d.602. See: 17 N.J.R. 1640(a), 17 N.J.R. 2912(a). Further amendments became effective December 16, 1985 (operative January 1, 1986) as R.1985 d.639. See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

1986 Revisions: Amendments became effective January 6, 1986 as R.1985 d.663. See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b). Further amendments became effective May 19, 1986 as R.1986 d.171. See: 18 N.J.R. 402(a), 18 N.J.R. 1104(c). Further amendments became effective June 16, 1986 as R.1986 d.215. See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a). An emergency adoption to N.J.A.C. 13:70-29.56 became effective July 17, 1986 (expires September 15, 1986) as R.1986 d.334. See: 18 N.J.R. 1619(a) and was readopted as R.1986 d.411, effective September 15, 1986. See: 2054(b). Further amendments became effective October 6, 1986 as R.1986 d.416. See: 18 N.J.R. 401(a), 18 N.J.R. 1448(b), 18 N.J.R. 2054(a).

1987 Revisions: Amendments became effective January 5, 1987 as R.1987 d.42. See: 18 N.J.R. 2116(b), 19 N.J.R. 138(a). Further amendments became effective March 2, 1987 as R.1987 d.120. See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d). Further amendments became effective October 19, 1987 (operative December 26, 1987) as R.1987 d.420. See: 19 N.J.R. 1419(a), 19 N.J.R. 1911(a). A new rule became effective February 16, 1988 as R.1988 d.75. See: 19 N.J.R. 1418(a), 20 N.J.R. 404(b). Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.1990 d.127, effective January 25, 1990. See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Pursuant to Executive Order No. 66(1978), Chapter 70 was readopted as R.1995 d.102. See: Source and Effective Date.

Law Review and Journal Commentaries

Horse Drugging—The New Jersey Trainer Absolute Insurer Law. Luke P. Iovine, III, John E. Keefe, Jr., 1 Seton Hall J. Sport L. 61 (1991).

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SUBCHAPTER 1. GENERAL RULES

13:70-1.1 Applicability

These rules are to apply to all tracks, all race meetings and to all persons and all matters within the jurisdiction of the New Jersey Racing Commission.

Case Notes

Suspension of wife's license due to husband's criminal conviction upheld; rule not assailable on equal protection grounds; full constitutional safeguards observed in suspension. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

13:70-1.2 Gender

The definitions and interpretations of racing terms, as well as the Foreword, are to be considered in connection with the rules and as part of them. Wherever "he" is used, it shall be construed to mean "he" or "she".

13:70-1.3 Scope; authority of Executive Director

(a) The rules, regulations and conditions under which all horse racing shall be conducted in the State of New Jersey are prescribed by the racing law (N.J.S.A. 5:5-22 et seq.) and by the New Jersey Racing Commission.

(b) The Executive Director or his or her designee shall possess the same authority of the Racing Commission stewards and judges with respect to all provisions contained in the Administrative Code governing racing in New Jersey.

Amended by R.1992 d.87, effective February 18, 1992.
See: 23 N.J.R. 3431(a), 24 N.J.R. 646(a).
Revised section.

13:70-1.4 Owners and trainers

All owners and trainers of horses and their stable employees are subject to the laws of the State of New Jersey and the rules of the Racing Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners, trainers and stable employees shall abide by the laws and rules and accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the Racing Commission.

13:70-1.5 Race participants and patrons

Every person participating in and every patron of a licensed race meeting shall abide by the said laws and rules, and accept the steward's decision on any and all questions to which their authority extends, subject to the right of appeal to the Racing Commission.

13:70-1.6 Discharge of groom or attendant; notice

When an owner or trainer discharges a groom or other attendant, or when a groom or other attendant voluntarily leaves the employ of an owner or trainer, the said owner or trainer shall immediately notify the track security of such discharge or resignation by such employee. Failure to so notify the track security shall subject the owner or trainer to disciplinary action.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Track "police" changed to track "security".

13:70-1.7 Language

No person shall use improper, profane or indecent language to a racing official.

13:70-1.8 Disturbing the peace

No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

13:70-1.9 Handbooks

No person shall make a handbook on the grounds of an association. No person shall solicit for or bet with a handbook on the grounds of an association.

13:70-1.10 Suspended person or horse

No person or horse ruled off by, or under suspension by, any recognized turf authority shall be admitted to the grounds of any association; except that the stewards may permit a jockey under suspension for routine riding offenses to gallop horses during training hours, and to lodge on the grounds of an association.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Reference to trotting association deleted.

13:70-1.11 Narcotic or drug convictions

No person who has been convicted of illegal possession, sale or distribution of narcotic or hallucinogenic drugs or other "controlled dangerous substance" as defined by Title 24 of the New Jersey Statutes shall be permitted on the grounds of any association.

13:70-1.12 Crimes regarding moral turpitude

No person shall be employed in any capacity whatsoever at any place, track or enclosure where a horse race meeting is permitted who has been convicted of a crime involving moral turpitude.

13:70-1.13 Reinstatement of horses

When a person is ruled off a course or suspended, every horse owned in whole or in part by such person, or under the care, management, training or supervision of such person shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty, or by the transfer through bona fide sale to an owner acceptable to the stewards, or the placement of the horse in the hands of a licensed trainer approved by the stewards.

13:70-1.14 Rescission of penalties

When a person is ruled off a course or suspended, such person shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in his or her own name or in that of any other person until the rescinding of his or her penalty.

13:70-1.15 Penalties; acts detrimental to racing

The stewards may fine, suspend or rule off any person who in their opinion has acted to the detriment of racing or violated the rules.

13:70-1.16 Complaints in writing

Complaints against a racing official or his assistant shall be made to the stewards in writing and be signed by the complainant; a complaint against the stewards shall be made to the Racing Commission in writing, signed by the complainant.

13:70-1.17 Policing requirements

(a) An association conducting race meetings under license from the Racing Commission shall properly police its grounds, including the stable area and paddock, and shall eject therefrom all unauthorized persons, known undesirable, touts, persons believed to be bookmakers or connected with bookmakers, persons under suspension or ruled off, persons of lewd or immoral character, and persons guilty of boisterous or disorderly conduct or other conduct detrimental to racing or the public welfare.

(b) When the State Police in the normal performance of their duties at an association meeting observe an individual deemed to be undesirable within the meaning of this rule, they will so advise the director of security and the Executive Director of the Racing Commission. The director of security shall, in writing, advise the Racing Commission and State Police within 48 hours of the action taken thereon.

As amended, R.1977 d.331, eff. August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).
Amended by R.1986 d.359, effective September 8, 1986.
See: 18 N.J.R. 819(a), 18 N.J.R. 1829(a).

Deleted sentence "Where practical, a
of such persons."

Case Notes

Duty imposed on racing association to eject persons guilty of conduct detrimental to racing or the public welfare. *Marzocca v. Ferone*, 93 N.J. 509, 461 A.2d 1133 (1983).

Commission's action in denying admission to racetrack of person convicted in Maryland race-fixing scheme proper as person was guilty of conduct detrimental to racing or the public welfare; regulation valid; Commission actions reviewable only by the Appellate Division of Superior Court. *Bishop v. New Jersey Sports & Exhibition Authority*, 168 N.J.Super. 533, 403 A.2d 934 (App.Div.1979).

13:70-1.18 Police reports

The track security police and any other law enforcement agency acting in, or on or about the licensed premises of any race track, or any approved farms or stabling facilities, shall furnish two copies of their daily police report to the State Police Racetrack Unit, together with any additional pertinent information available to the said police agency, obtained either orally or in writing. The two copies shall be delivered to the New Jersey State Police detail assigned to the race track at the close of each racing day. One copy, with evaluation, comments and further action by the said State Police shall be delivered to the New Jersey Racing Commission.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Reference to State Police Racetrack Unit added.

13:70-1.19 Persons ejected; reports

Each association shall furnish to the commission and to the stewards the names and addresses of all persons ejected by the association from its grounds, together with the offense or offenses alleged against them, and any other material information relating thereto.

13:70-1.20 Attendance reports

Each association shall make daily reports to the commission of the total attendance showing number of paid admissions, established price of each class of admission together with number of free passes.

13:70-1.21 Badges of admission

No badge of admission shall be issued to any owner, trainer, assistant trainer, jockey, jockey agent, authorized agent, groom, exercise boy, stable employee, valet, vendor or plater, or other employees, unless such person has applied for and paid to the Racing Commission the license fee required by law. Applications for such licenses shall be made on forms supplied by the Racing Commission.

13:70-1.22 Offices and parking; Racing Commission use

Each association shall provide within its grounds, approved adequate offices and parking areas as required for use and to be at the disposal of the Racing Commission and all of its representatives. The commission shall have such employees or inspectors as provided by law, who shall perform such duties as may be assigned to them by the commission, such employees to have free access to all parts of the grounds while on duty.

13:70-1.23 Restrictions on transmittal of information

(a) All radios, receivers and transmitters on the licensed premises of any race track shall be operated, monitored or tape recorded under the supervision of the security director. A complete list of operating and maintenance personnel shall be submitted to the track security, the State Police and the New Jersey Racing Commission.

(b) Instant dismissal and further appropriate action shall be taken for the transmittal of information either in vernacular or code, regarding performances of horses, races, race-results, mutuel odds, payoff prices or any other pertinent information.

(c) Final approval shall rest with the New Jersey Racing Commission before the sets become operational.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Track "police" changed to track "security".

13:70-1.24 Public broadcasts

Approval of the New Jersey Racing Commission must be obtained before any race may be broadcast or televised from a race track in New Jersey. Only applications by radio or television stations authorized by the Federal Communication Commission will be considered for approval by the commission.

13:70-1.25 Violations by track associations and penalties

Notwithstanding any provision of subchapter 16, 23 and 31 of this chapter, any track association, licensed by the New Jersey Racing Commission, that violates a law, rule or regulation or directive of this commission and continues in deliberate violation for a period of 72 hours following notification from the commission office that such violation exists, shall be subject to a fine of not more than \$5,000 per day for each and every day said track association remains in violation of the law, rule or regulation or directive of this commission. Any association fined pursuant to this rule may, within three days after service of such notice of the imposition of a fine or fines, request a hearing by petition in writing, which hearing shall be held within four days after the petition has been served upon the chairman or executive director of the Racing Commission.

R.1976 d.292, effective September 16, 1976.
See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

13:70-1.26 Designation of commission agents

In enforcing the racing laws and the rules and regulations of the commission, the commission may designate enforcement personnel assigned to it by the New Jersey Department of Law and Public Safety. Such personnel, while so acting shall be designated as agents of the commission.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-1.27 State Police; reports

When the State Police in the normal performance of their duties at an association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing Commission with a copy to the State Police, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

Case Notes

Cited in examination of extent of State regulation of private trade activity. *Marzocca v. Ferone*, 186 N.J.Super. 483, 453 A.2d 228 (App. Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1983).

13:70-1.28 Modification of penalties

The Commission may modify on its own motion any penalty or decision imposed by a racing official pursuant to the rules and regulations as herein contained.

R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-1.29 Reciprocity

Full force and effect shall be given to the denial, revocation or suspension of any license by any other racing commission or turf governing body.

R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-1.30 Horsemen associations

(a) It shall be the intent of this rule to establish guidelines that ensure that funds allocated to the horsemen's organizations by statute (N.J.S.A. 5:5-66) are used to finance programs to benefit all New Jersey horsemen and that administrative and overhead costs are reasonably related to such programs.

(b) Funds allocated to the horsemen's organizations by statute must be used to benefit all New Jersey horsemen. Membership in the horsemen's organizations shall not be a condition for receiving benefits.

(c) Amounts collected as voluntary dues from members are excluded from this rule. However, funds acquired from sources other than the statutory allocation must be kept separate and apart from funds obtained from the statutory allocation.

(d) The horsemen's organizations shall maintain adequate records concerning receipt of and distribution of funds allocated to them by statute. The New Jersey Racing Commission shall have access to all records maintained by the horsemen's organizations which relate directly or indirectly to funds allocated by statute.

(e) The horsemen's organizations shall submit detailed budgets to the Racing Commission by December 15 of each year, identifying the source and use of funds, as well as any surplus or deficit that may result. The budget must also include the actual prior year's expenses in each category for comparison purposes. In addition, quarterly budget reports must be filed with the Commission 45 days after the close of each quarter. These reports must reflect actual income and expenses to date, as well as projected income and expenses for the remainder of the year. Prior approval must be obtained from the Commission for all expenditures that exceed the approved budget levels.

(f) The horsemen's organizations Audited financial statements, including balance sheet, income statement and source and use of funds, prepared by a certified public accountant of New Jersey, must be filed with the Commission by February 28 for the preceding calendar year.

(g) Funding for benevolent programs, including but not limited to pension plans, health and life insurance plans, etc. will be considered reasonable if such program funding on an annual basis is at least 70 percent of the total statutory allocation. Whether or not a program will be considered a "benevolent program" will be decided upon application to

the Racing Commission. Annual benevolence program funding below 70 percent of the total statutory allocation requires justification satisfactory to the Commission. The administrative costs and overhead expenses of administering the horsemen's organizations including benevolent programs may not exceed 30 percent of the total allocated by statute unless and to the extent specifically authorized in advance by the Racing Commission.

(h) General administration and overhead expenses are considered reasonable if they are less than 30 percent of the statutory allocation. Funding above 30 percent of the total statutory allocation requires justification satisfactory to the Commission. Within this category, expenses for travel, entertainment, meals and lodging are considered reasonable if they conform to the horsemen's organizations' travel and expense reimbursement guidelines on file and approved by the Commission. For expenses in excess of amounts allowed under these guidelines, the Racing Commission may require special justification and/or prior approval.

(i) Payments to national programs are allowed only to the extent that the horsemen's organizations can clearly show that the payments benefit all New Jersey horsemen, not just members of these organizations.

(j) If the accumulated surplus exceeds \$250,000 at the end of a calendar year, horsemen's organizations are required to utilize the amount in excess of the \$250,000 for new or expanded benevolent programs or justify to the Racing Commission why they do not intend to utilize the excess funds.

(k) Violation of this rule may subject the organization to a fine not to exceed \$1,000 per violation.

New Rule, R.1988 d.75, effective February 16, 1988.

See: 19 N.J.R. 1418(a), 20 N.J.R. 404(b).

Amended by R.1988 d.400, effective August 15, 1988.

See: 20 N.J.R. 1172(a), 20 N.J.R. 2070(a).

Substantially amended.

Amended by R.1989 d.106, effective February 21, 1989.

See: 20 N.J.R. 2995(c), 21 N.J.R. 451(a).

Old (j) deleted and new (j) added.

Case Notes

Racing Commission does not have exclusive jurisdiction to adjudicate all legal and factual disputes involving control and disposition of fund allocated for horsemen's benevolence programs. *New Jersey Div., Horsemen's Benev. Protective Ass'n v. New Jersey Racing Com'n*, 251 N.J.Super. 589, 598 A.2d 1243 (A.D.1991).

13:70-1.31 Commission employees/appointees; prohibited affiliations with permitted racetracks

No employee or appointee of the New Jersey Racing Commission shall provide any services to a permitted race-track facility in this State, whether or not for compensation, where those services are outside the scope of his or her duties on behalf of the Commission.

New Rule, R.1993 d.684, effective December 20, 1993.

See: 25 N.J.R. 4458(b), 25 N.J.R. 5938(b).

SUBCHAPTER 2. DEFINITIONS

13:70-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Added money" means the money which in a stake race an association adds to the purse, the nominating and starting fees.

"Advance wagers" means any wager placed at least one race in advance of the current race.

"Age" of a horse means the time reckoned as beginning on the first of January in the year after the horse is foaled.

"Apprentice" means a jockey apprentice.

"Arrears" includes all money due for entrance forfeits, fees (including jockey fees), fines, subscriptions, purchase money in a claiming race and also any default in money incident to the rules.

"Authorized agent" means a person appointed by a written instrument signed by the owner and filed in accordance with the rules.

"Association" means a person or persons, partnerships or corporate body licensed by the commission to conduct a meeting where horse racing shall be permitted for any stake, purse or reward.

"Breeder" of a horse means the owner of its dam at the time of foaling.

"Breeding place" means the place of a horse's birth.

"Calendar day" means 24 hours ending at midnight.

"Clocker" means a person charged with the responsibility of timing horses at a morning workout.

"Corrupt" or "fraudulent practice" means any attempt to enrich oneself or associates, or gain any advantage, through unfair, unlawful or dishonest behavior in connection with the racing of horses.

"Declaration" means the act of withdrawing an entered horse from a race before the closing of overnight entries.

“Delay period” means the set period of time between the sounding of the bell to signal the end of wagering in each race and the time mutuel machines will not accept cancellations and are completely deactivated for the current race. This delay period can be adjusted at the discretion of the Commission from zero to 20 seconds and is available only for the protection of the mutuel clerks by permitting them to cancel wagers that patrons place and refuse to accept immediately before the beginning of the delay period.

“Disciplinary action” means revocation of a license, suspension, ruling off, fine or reprimand or any combination thereof.

“Drug” means:

1. Articles recognized in the official U.S. Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and
2. Articles intended for use in the diagnosis, cure mitigation, treatment, or prevention of disease in man or other animals; and
3. Articles (other than food) intended to affect the structure or any function of the body or other animals; and
4. Articles intended for use as a component of any article specified in paragraphs 1, 2, or 3 but does not include devices or their components, parts or accessories.

“Early bird wagering” means wagering that occurs on races in advance of the normal time racetracks open mutuel machines for their live racing program.

“Entry” means:

1. According to the requirement of the text, a horse made eligible to run in a race; or
2. Two or more horses which are entered or run in a race and are coupled because of common ties.

“Equipment”, as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots, plates and so forth.

“Field” (or mutuel field) means the individual horses competing in a race exceed the numbering capacity of the tote; the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together for wagering purposes and called the “field” and a bet on one is a bet on all.

“Forensic analysis” means when samples are analyzed by scientifically qualified personnel within the Forensic Science Bureau of the Division of State Police.

“Forfeit” means money due because of an error, fault, neglect of duty, breach of contract or a penalty.

“Foul or careless riding” means any and all acts of a jockey committed in the running of a race designed to gain unfair or unsportsmanlike advantage, to the end of improving his own chance or position in a race or of lessening the chance or position of another in the race.

“Horse” means filly, mare, colt, horse and gelding.

“Jockey” means a race rider, whether jockey or apprentice.

“Law” or “Laws” means chapter 17 of the General Laws of New Jersey, 1940, N.J.S.A. 5:5-22 et seq. (being the general laws pertaining to horse racing), as further amended and supplemented.

“Licensee” means any association receiving a license from the commission to conduct horse racing; and, in context, any person licensed by the commission to participate in horse racing in any capacity.

“Locked in the gate” means that a horse is prevented from leaving the post at off-time because of the failure of the front door of the gate to open simultaneously with the other doors, thus preventing said horse from starting when the other horses officially start.

“Maiden” means a horse which at the time of starting has never won a race on the flat in any country.

“Maiden jumper” means a horse which has never won a race over hurdles or fences in any country. A maiden which has been disqualified after finishing first is still a maiden.

“Month” means a calendar month.

“Nominator” means the person in whose name a horse is entered for a race.

“Off-time” means the moment at which, on signal of the starter, the horses break and start to run.

“Owner” means sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

“Place” in racing means first, second, third, fourth or fifth and in that order called “Win”, “Place”, “Show”, “Fourth” and “Fifth”.

“Positive analysis” means when the analyst has accumulated sufficient scientific data to specifically identify the suspected drug(s) or foreign substance(s) present in the biological test sample.

“Post position” means the position assigned to the horse at the starting line of the race.

“Post time” means the time set for the arrival at the starting point of the horses in a race and must be prominently displayed at a reasonable time prior to the race.

“Race” means a contest for purse, stakes, premium or wager. It includes among others all races defined in the following paragraphs:

1. “Claiming race” means a race in which any horse entered therein may be claimed in conformity to the rules.

2. “Free” or “overnight handicap” means a handicap in which no liability for entrances money is incurred.

3. “Guaranteed race” means a race for which an association guarantees by its conditions a specified purse which shall be the limit of its liability. However, if in any such case there should be any surplus from entries and subscriptions over the sum guaranteed, it shall also be paid to the winner, unless by the conditions it is to be paid to other horses in the race.

4. “Handicap” means a race in which the weights to be carried by the entered horses are adjusted by the racing secretary for the purpose of equalizing their respective chances of winning.

5. “Highweight handicap” means a handicap in which the weight assigned to the top horse in the handicap is not less than 140 pounds.

6. “Match” means a private sweepstakes between two horses which are the property of two different owners; if either of the horses entered in the match dies, or if either owner dies the match is void. It remains a match even if money or another award is added to the stakes.

7. “Optional claiming race” means a race restricted to horses entered to be claimed for a stated price and those entered not to be claimed by the option designated in the conditions of the race. In case of horses which are entered to be claimed, the race shall be considered a claiming race for the purpose of determining future penalties and allowances, and for horses entered not to be claimed, the race shall be considered an allowance or purse race.

8. “Overnight race” means any race other than a stake or added money race.

9. “Produce race” or “furity” means a race to be contested by the produce of horses which are named or identified before the closing of the entries.

10. “Purse race” means a race for money or any other prize to which the owners of the horses engaged do not contribute.

11. “Stake race” or “sweepstakes” means a race to which nominators of the engaged entries contribute to a purse; to which money, or any other award, may be added; but no overnight race, regardless of its conditions, shall be deemed a stake race.

12. “Starter race” means an overnight race under allowance or handicap conditions, restricted to horses which have previously started for a designated claiming price or less, as stated in the conditions of the race.

13. “Walkover” means when one and only one of the owners who has nominated for a race qualifies a horse or horses to start. Where only one horse or interest has qualified to start in a race, that horse shall be ridden past the judge’s stand and go to the post and shall then be deemed the winner. It shall receive all entrance fees, forfeit, but no portion of any purse, stake or added money or any other prize.

14. “Weight for age race” means a race in which weights are assigned in keeping with the scale of weights adopted by these rules.

“Race meeting” means a group of days, Sunday excepted, on which horse racing is conducted for any stake, purse or reward, at a race track.

“Race day” means a day in which a numerical majority of scheduled races is conducted and shall be a part of the permit holder’s allocated racing days.

“Recognized meeting” means any meeting wherever held under the sanction of a turf authority having reciprocal relations with the New Jersey Racing Commission and other turf authorities, for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

“Respiratory bleeder” means a horse that shows evidence of hemorrhaging from the blood vessels of the nose, accessory nasal cavities, the pharynx, larynx and/or lung.

“Rule off” means the act of debarring from the grounds of an association and denying all racing privileges.

“Rules” means the rules and regulations therein prescribed and any amendments or additions thereto.

“Running meeting” means a meeting at which all horses entered to run in flat races must be registered in the American Stud Book maintained by the Jockey Club of New York, and all horses entered to be run in steeplechases must be registered in the Jockey Club or with the National Steeplechase and Hunt Association.

“Scratch” means the act of withdrawing an entered horse from a race after the closing of overnight entries.

“Scratch time” means the time set by any association for the closing of application for permission to withdraw from race of that day.

“Starter” means a horse becomes a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

“Stewards” means the steward of the meeting or their duly appointed deputies.

“Subscription” means the act of nominating a horse for a stake race.

“Suspicious analysis” means when the biological sample being tested is suspected of containing any drug(s) or foreign chemical substance(s), however the presence of other foreign substance(s) interferes with the isolation, detection and identity of the suspected substance(s).

“Tote” or “tote board” means the totalizer.

“Untried horse” means one whose produce are maidens.

“Year” means a calendar year.

Amended by R.1976 d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Amended by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Corrections and stylistic changes.

Amended by R.1991 d.546, effective November 4, 1991.

See: 23 N.J.R. 2266(a), 23 N.J.R. 3340(a).

Added definitions for “Advance wagers”, “Delay period”, “Early bird wagering”.

(b) All racing officials must be fingerprinted prior to the submission of their names by the track association.

(c) In the event of incapacitation of any such approved racing official, the stewards may appoint a substitute temporarily, pending the approval of the Racing Commission.

(d) Prior to the commencement of any construction, alteration, change or improvement by a permit holder of any building, structure or physical layout at, about or within its licensed premises or track enclosure by a permit holder, plans and specifications regarding such construction, alteration, change or improvement must be reviewed and approved by the Racing Commission. All costs and expenses incurred for the study and approval of plans and specifications and inspection of the construction, by a commission-appointed engineering firm, shall be borne by the permit holder (track association).

(e) All annual applications for renewal of racing permits shall include the name and resume of the experience and background of the general manager or chief operating officer of the applicant for the approval of the commission.

Amended by R.1976 d.125, effective April 22, 1976.

See: 8 N.J.R. 46(b), 8 N.J.R. 308(a).

13:70-3.4 Photographic system

The Racing Commission shall require an association to install and maintain in good service a photographic system, approved by the commission, to record the complete finish of each and every race.

13:70-3.5 Ownership approval

No person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership comprising a five percent or greater interest in any association or corporation which has been or shall be granted a permit to hold or conduct a horse race meeting without first obtaining the approval of the New Jersey Racing Commission pursuant to these rules and regulations. For purposes of this section “person” shall be construed to include the spouse and/or children or any such applicant and compliance with this section shall be required of all such persons holding any interest whatsoever whenever the total interest held by such persons as an aggregate exceeds the five percent requirement. Failure to comply with this regulation shall subject the applicant to disqualification and the permit holder to the penalties and sanctions provided by law.

As amended, R.1984 d.43, effective February 21, 1984.

See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a).

Substantially amended.

13:70-3.6 Annual listing of shareholders

Racing associations shall file on an annual basis with the Commission a list of all person possessing directly or indirectly any shares of stock or certificates or other evidence of

SUBCHAPTER 3. RACING ASSOCIATIONS

13:70-3.1 Racing Days

No meeting shall race on days other than stipulated by the Racing Commission.

Case Notes

Cited in examination of extent of State regulation of private trade activity. *Marzocca v. Ferone*, 186 N.J.Super. 483, 453 A.2d 228 (App. Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1983).

13:70-3.2 License for running meeting

A license for a running meeting will be granted by the Racing Commission only for racing grounds affording a course of one mile or more in circumference.

13:70-3.3 Names of officials; fingerprints; structure changes

(a) At least 30 days prior to the first day of a race meeting, the association shall submit in writing to the Racing Commission the names of all racing officials and department heads engaged for the meeting and all contractors working within the enclosure, and no racing official, department head or contractor shall be qualified to act until he shall have been approved by the Racing Commission.

ownership of any interest in any association or corporation. Said filing shall take place prior to June 1 of each calendar year.

As amended R.1984 d.43, effective February 21, 1984.
See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a).
Substantially amended.

13:70-3.7 Application forms; approval

Approval may only be given to such persons who make application therefor on the form prescribed by the New Jersey Racing Commission and only when such application is filed with the Executive Director of the Racing Commission properly completed and executed in all respects.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Reference to "secretary" changed to "Executive Director".

13:70-3.8 Investigation

The commission may investigate the applicant or any person named in the application, with respect to such person's criminal record, subversive activities record and any other reports concerning such persons, in order to determine whether the applicant or a person for whom ownership is indirectly or beneficially to be held has not been convicted of a crime or moral turpitude, has not violated any rules and regulations previously or presently prescribed by the New Jersey Racing Commission, and who possesses sufficient moral responsibility so as not to be detrimental to the best interests of racing in New Jersey.

13:70-3.9 Review of application approval

Applications may be approved, after due consideration by the Executive Director of the Racing Commission to whom such power is delegated, but the New Jersey Racing Commission may, in its discretion, review any such findings made by the Executive Director to determine whether any applicant merits approval.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"secretary" changed to "Executive Director".
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Reference to "secretary" changed to "Executive Director".

13:70-3.10 Application denials; notice

When an applicant, after due consideration, cannot be approved for reasons expressed in N.J.S.A. 5:5-22 et seq., as amended and supplemented, or if, in the opinion of the New Jersey Racing Commission, approval of such person will be detrimental to the best interests of racing in New Jersey, or if an applicant will hold ownership for another whose interest is beneficial, indirect or otherwise and the indirect or beneficial owner could not qualify to hold direct ownership for reasons expressed herein, the commission may disapprove such applicant by notifying the secretary of the association or corporation licensed to conduct a horse race meeting by registered mail. Such disapproved person may request, and the commission shall hold, a hearing, which request and hearing shall be made and had as provided for in N.J.S.A. 5:5-22, et seq.

13:70-3.11 Video tape system

An association shall install and be responsible for the proper operation of an accurate video tape system. The original tapes produced by this system shall be stored in a safe place for a period of at least one year from the date of the race.

13:70-3.12 Starting gates

An association shall provide and maintain in good working order two starting gates.

13:70-3.13 Maintenance of grounds and facilities

An association shall at all times maintain its grounds and facilities so as to be neat and clean, painted in good repair, with special consideration for the comfort and safety of patrons, employees and other persons whose business requires their attendance; and with special consideration for the health and safety of horses stabled, exercising or entered to race; and shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

13:70-3.14 Barns and stalls

An association shall be responsible for providing and maintaining fire-resistant barns and stalls in good repair, in a clean and sanitary condition; each barn and each stall shall be numbered or lettered for identification; adequate drainage, sufficiently manned fire-fighting equipment, and the manure removal from the stable area shall be provided and maintained.

13:70-3.15 Fire inspection stable area

(a) The Racing Commission shall appoint annually a qualified engineer to inspect the stable area at all tracks licensed by the Commission to insure that said stable areas are adequately guarded against the hazards of fire.

(b) The engineer so appointed shall be paid by the track associations in an amount established by the Commission and shall conduct two such inspections of each stable area during the racing season and report thereon to the Commission.

(c) All recommendations of the engineer relating to fire conditions in the stable area shall be acted upon immediately by the permit holder.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Old text deleted and new text substituted therefor.
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Engineering firm changed to engineer.

13:70-3.16 Smoking prohibited

Smoking is prohibited under the shed row of any barn. Persons found violating this rule will be reported to the stewards and shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the second offense and to suspension for the third or subsequent violation.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

"an indefinite" changed to "suspension".

13:70-3.17 Storage of hay, straw or feed

The storage of hay, straw or feed in the stall of any barn located on the premises licensed by this Commission will be allowed only with the express permission of the Racing Commission. Each track association shall be required to provide adequately protected detached sheds for the storage of hay, straw, feed and any other material that may be considered of a flammable nature, when the Commission deems it necessary. Any person or permit holder violating this rule shall be reported to the stewards and subject to a fine or to an indefinite suspension.

13:70-3.18 Stable employees' facilities

An association shall provide and maintain in good repair, adequate living quarters and conveniently located sanitary facilities, such as showers, toilets and wash basins for stable employees.

13:70-3.19 Ambulances

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds during the operation of its race meeting.

13:70-3.20 First aid facilities

An association shall equip and maintain adequate first aid facilities with not less than two beds and attendance of a competent physician and a registered nurse during racing hours.

13:70-3.21 Betting prohibited outside grounds

No association shall permit bets to be made on the grounds on any race run outside said grounds.

13:70-3.22 Handbooking prohibited on grounds

Handbooking shall be prohibited on the grounds and its operator shall be excluded therefrom.

13:70-3.23 Gambling devices

No gambling device, other than permitted by law, shall be permitted on the grounds.

13:70-3.24 Petty games of chance

Petty games of chance are prohibited.

13:70-3.25 Communication system

An association shall install and maintain in good service, a communication system between the stewards stand, pari-mutuel department, starting gate, clerk of scales, patrol judges and the State veterinarian.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(d).

"and the State veterinarian" added.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Punctuation.

13:70-3.26 Disqualified personnel kept off grounds

During the term of disqualification of any participant in racing, it shall be the duty of the association to see to it that the privileges of his admission badge are revoked, and that he is kept out of the grounds, unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in these rules.

13:70-3.27 Ejected personnel; readmission; notice

Any persons ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the official issuing the ejection order. Notification of such permission for reentry shall be filed with the Racing Commission.

13:70-3.28 Availability of purse money to winners

All portions of purse money shall be made available to the winners thereof 72 hours (Sundays excluded) following their winning.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

48 changed to 72 hours.

13:70-3.29 Deductions from winnings

No percentage of winnings shall be deducted by an association for itself or for another person, club or body, unless at the request of the person to whom such winnings are payable and except that an association may withhold from winnings any money due it.

Case Notes

Regulation does not apply to a racetrack when deducting statutorily authorized payments from purse winnings for the New Jersey Horsemen's Benevolent and Protective Association. *Horsemen's Benevolent and Protective Ass'n, New Jersey Div. v. Atlantic City Racing Ass'n*, 98 N.J. 445, 487 A.2d 707 (1985).

13:70-3.30 Unredeemed mutuel tickets

(a) Every association shall carry on its books, an account which shows the total amount due on outstanding unredeemed mutuel tickets not presented for payment.

(b) All sums held by an association for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within six months from the time

such tickets are issued shall be paid to the Commission upon the expiration of such six month holding period.

13:70-3.31 Financial statements

Each association shall file a complete financial statement with the Commission on or before February 15 of the calendar year following the association's last race meeting.

13:70-3.32 Employment application blank

(a) Every person employed by any race track association or by any concessionaire must fill out an employment application blank thereof, which must contain a statement of permanent residence and the following question: Have you ever been convicted of a crime, ruled off, set down, suspended or otherwise debarred from participating in racing by any racing organization, commission or other recognized turf authority in the United States or elsewhere, or has an indictment or information been returned or complaint made against you by the United States or any state, charging sale, use or possession of narcotics. State full details.

(b) All such employment application records must be kept by any race association or by any concessionaire for a period of two years, and must be made available for inspection by the New Jersey Commission, if so requested.

13:70-3.33 Weekly reports on employees

Each race track association and each concessionaire shall make weekly detailed reports and deliver such reports to the Racing Commission of all employees actually engaged during the past week, stating the name, department, license number (if license is required) and position therein, and YES and NO to indicate whether a resident of New Jersey, under columns so entitled. Such lists shall be compiled by departments, and, if any employee is engaged in two departments, a notation opposite his name shall so state.

13:70-3.34 Weekly report endorsement

(a) The weekly reports of each department shall have the following endorsement signed by the department manager:

1. The above list of employees and information contained therein is a complete report of all employees engaged in my department for the week ending, 19.... None of the above names appears on the Security Guide list for the year 19....

As indicated on the above list, the number of employees is as follows:

| | |
|-------------------------------|---------|
| Percent of residents | percent |
| Percent of nonresidents | percent |
| Total Employees | |
| Residents | |
| Nonresidents | |
| Exemptions requested | |
| Department Manager | |

13:70-3.35 Division of departments

(a) The departments shall be divided and designated as follows:

1. General manager and office department (including office help, auditing and bookkeeping department employees);
2. Racing secretary's office (including all employees under the control of the racing secretary and including jockey room employees and valets);
3. Mutuel department (including manager of the mutuel department and all employees under his control including calculators, sheet writers, supervisors, money room, messengers and runners, outbook clerks, program clerks, porters, information and change clerks, approximate odds board calculator clerks and boardmen, miscellaneous assistants, cashiers and sellers);
 - i. All of the individuals mentioned in (a)3 above, when assigned to work shall be prohibited from wagering. Violation of the above may subject the individual to a fine, suspension or both, or to revocation of his or her license;
4. Track superintendent's office (including all track workers, mechanics, porters, janitors, gardeners, watchmen and employees who are under the control of the track superintendent);
5. Admissions department (including sellers, collectors, stile men, ushers and miscellaneous employees under the control of the manager of said department);
6. Concessions (including all employees engaged in the auto parking lots if the concession of parking is contracted to concessionaires and all employees of all concessions, whether operated by association or contracted to concessionaires);
7. Parking lot employees if not contracted to concessionaires;
8. Department of Security (including detectives, policemen watchmen and fire protection and miscellaneous employees under the control of the chief of security of the race track);
9. Publicity department;
10. Printing (including all printers and other employees employed on programs, turf sheets and other publications);
11. All independent contractors and their employees working within the licensed premises;
12. Miscellaneous employees department (including all employees not designated in any other department).

As amended, R.1982 d.183, effective June 21, 1982. See: 14 N.J.R. 91(a), 14 N.J.R. 661(a). (a)3 "ticket checkers, ticket room" deleted. (a)3i inserted. Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
 "Police" changed to "security".

13:70-3.36 Nonresident defined

Any person who has voted within two years in any state other than New Jersey since casting his last vote in New Jersey, or who has made representation within two years that he is a citizen or resident of a state other than New Jersey shall be considered not a resident of New Jersey.

13:70-3.37 Decisions on citizenship and residence

The Commission shall make decision of the citizenship and residence of each employee under the laws of the State of New Jersey and the rules, regulations and conditions of the Commission which shall be binding upon the employees and the race track association.

13:70-3.38 False or misleading statements

Any employee making any false, untrue or misleading statement with reference to his citizenship or residence in his application or additional written or oral examination may be suspended by the Racing Commission and may be ruled off the turf for life by the Racing Commission and may be refused all privileges of the race track under the jurisdiction of the Commission.

13:70-3.39 Compensation insurance

Associations are required to carry adequate compensation insurance covering all persons in their employ.

13:70-3.40 Admission; age

(a) Any child under 18 years of age must be accompanied by an adult, parent or guardian to be admitted to any racetrack enclosure as a spectator during the hours when the running of races is being conducted.

(b) No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Amended by R.1978 d.353, effective October 2, 1978.

See: 10 N.J.R. 349(b), 10 N.J.R. 510(b).

Amended by R.1989 d.547, effective November 6, 1989.

See: 21 N.J.R. 1972(a), 21 N.J.R. 3475(c).

Deleted old (b) regarding requirement that children (12-16) be accompanied by adult during nighttime races.

Relettered (c) as (b).

Amended by R.1993 d.483, effective October 4, 1993.

See: 25 N.J.R. 2647(a), 25 N.J.R. 4600(b).

13:70-3.41 Employee compensation insurance

(a) All owners and trainers shall carry compensation insurance covering all their employees. This paragraph is intended to include all individuals employed by owners and trainers in the training and racing of horses. All concessionaires shall carry compensation insurance covering all their employees.

(b) An individual or entity shall provide adequate proof of compliance with (a) above before he or she will be licensed as an owner, trainer, and/or concessionaire by the New Jersey Racing Commission. Such proof shall be in the form of:

1. A certificate of insurance, valid for the year through December 31 (for which licensing is sought), issued by an insurance company authorized to do business in the State of New Jersey; or

i. A certificate, if offered and found not to be valid, may result in penalties provided in N.J.A.C. 13:70-23 up to and including revocation of license of the person who submitted the certificate; or

2. Proof of payment of the required premium entitling an individual or entity to participate in a workmen's compensation insurance group program.

i. Any group or organization sponsoring such a program shall guarantee worker's compensation coverage for those eligible individuals or entities which pay the required premium. A copy of the worker's compensation insurance group program and eligibility requirements shall be filed by the sponsoring group or organization with the New Jersey Racing Commission each year.

Amended by R.1990 d.574, effective November 19, 1990.

See: 22 N.J.R. 1716(a), 22 N.J.R. 3499(c).

New (b) added provision requiring proof of compliance with worker compensation rules.

13:70-3.42 Certificate of compliance on file

Effective January 1, 1969, a certificate of compliance with section N.J.A.C. 13:70-3.41, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the racing secretary.

Amended by R.1987 d.42, effective January 5, 1987.

See: 18 N.J.R. 2116(b), 19 N.J.R. 138(a).

Cross reference changed from section 43 to 41.

13:70-3.43 Certificate of veterinary examination

(a) All horses, including ponies, entering the grounds of any race track in New Jersey, must be accompanied by a current, valid certificate of veterinary examination.

(b) A current certificate is one which has been issued within a ten-day period immediately preceding date of entry.

(c) To be considered valid, the certificate must contain:

1. Adequate identification and/or description of the subject animal;

2. A declaration that said animal is free of apparent symptoms of an infectious or communicable disease;

3. A record of the horse's body temperature at the time that the examination is conducted;

4. The signature of an accredited, licensed veterinarian who has conducted the examination.

(d) Any horse accompanied by a current certificate of examination which records a body temperature reading of more than 102 degrees Fahrenheit will be denied access to the grounds of the racing association. The racing association will be responsible for compliance with this rule, and will determine that each horse entering the grounds is properly certified in accordance with the provisions of this rule. The racing secretary will maintain adequate records to substantiate the certification of all horses on the grounds.

(e) Nothing herein contained is to be construed as a limitation on the movement of horses from one New Jersey race track to another.

13:70-3.44 Telephone

All public telephones at the race track may remain open during the race day, with the approval of the Commission.

Repeal and New Rule, R.1990 d.533, effective November 5, 1990. See: 22 N.J.R. 2402(a), 22 N.J.R. 3385(a).

Former rule closed telephones and telegraphs with the opening of the pari-mutuel window for the first race of the day.

13:70-3.45 (Reserved)

As amended, R.1982 d.183, eff. June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

Repealed.

13:70-3.46 Horsemen's bookkeeper account

(a) Each track association shall establish a horsemen's bookkeeper account to hold moneys deposited by thoroughbred owners. The horsemen's bookkeeper shall maintain a record of each owner's account crediting such account with all earnings, awards, or deposits and deducting all payments as directed by each owner or authorized agent.

(b) All thoroughbred track associations shall be required to invest in either New Jersey business savings accounts, bank certificates of deposit or United States Treasury notes, the sums deposited by the owners of thoroughbred horses with the horsemen's bookkeeper. Such investments are to be held in the name of the track association's horsemen's bookkeeper account. No more than 80 percent of said funds shall be invested at any time. No less than 20 percent of all the funds shall, at all times, be available for use by the track association's horsemen's bookkeeper. The funds not invested shall be deposited in a separate trust account and shall, at no time, be commingled with any other funds of the track association.

(c) The income realized from the invested funds shall be used firstly, to reimburse the track association for one-half of the cost and expense of operating the horsemen's bookkeeper's account, with the remainder of the income being used for programs managed by the Horsemen's Benevolent and Protective Association, and designed to benefit the racing industry.

(d) The specific programs and anticipated budget for the Horsemen's Benevolent and Protective Association for any calendar year shall be submitted to the New Jersey Racing Commission for its approval no later than December 1 of the preceding calendar year. The programs and budget may be amended during said calendar year with prior approval of the New Jersey Racing Commission.

R.1976 d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Amended by R.1985 d.204, effective May 6, 1985.

See: 17 N.J.R. 173(a), 17 N.J.R. 1135(a).

(c) deleted text: "with the remainder . . . of thoroughbred horses" and substituted "with the remainder . . . New Jersey Racing Commission."

13:70-3.47 Track entrance; Coggins test requirements for horses, ponies or equine mascot

(a) No horse shall enter the grounds of any track association absent presentation of a valid certificate of a negative Coggins test. Said certificate shall:

1. Identify the horse by tattoo number;
2. Indicate said test was performed within one year prior to the date of presentation to the racing secretary;
3. Indicate said test was conducted by a laboratory approved by the United States Department of Agriculture; and
4. Be attached to the appropriate foal certificate.

(b) In the event that a horse arrives at a track association without a valid certificate of a negative Coggins test, the horse will be permitted to be stabled in an area designated by the State Veterinarian. A certificate must be presented to the Racing Secretary within 12 hours or a new certificate must be obtained as soon as possible. The State Veterinarian shall be notified immediately if any horse enters the grounds under these conditions.

(c) In the case of any pony or equine mascot, evidence of a negative Coggins test, together with a photograph of the animal, must be filed with the Racing Secretary.

(d) The Racing Secretary shall be responsible for ensuring compliance with this rule. Violation of this rule may subject the Racing Secretary and/or track association to penalties, provided for in these rules.

(e) This rule does not affect eligibility to race or claims. However, the trainer of a horse which races in violation of this rule without evidence of a negative Coggins test and/or a vaccination for equine encephalitis, is subject to penalties provided for in these rules.

R.1976 d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Amended by R.1983 d.14, effective February 7, 1983.

See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

Deleted old text and added new text.

Amended by R.1986 d.416, effective October 6, 1986.

See: 18 N.J.R. 401(a), 18 N.J.R. 1448(b), 18 N.J.R. 2054(a).

This New Rule was proposed at 18 N.J.R. 401(a). Amendments to the rule were proposed at 18 N.J.R. 1448(b) and adopted at 18 N.J.R. 2054(a).

13:70-3.48 Violations by track associations and penalties

Notwithstanding any provisions of subchapters 16, 23 and 31 of this chapter, any track association, licensed by the New Jersey Racing Commission, that violates a law, rule or regulation or directive of this commission and continues in deliberate violation for a period of 72 hours following notification from the commission office that such violation exists shall be subject to a fine of not more than \$5,000 per day for each and every day said track association remains in violation of the law, rule or regulation or directive of this commission. Any association fined pursuant to this rule may, within three days after service of such notice of the imposition of a fine or fines, request a hearing by petition in writing, which hearing shall be held within four days after the petition has been served upon the chairman or executive director of the racing commission.

New Rule, R.1976 d.292, effective September 16, 1976.

See: 8 N.J.R. 250(c), 8 N.J.R. 438(a).

SUBCHAPTER 4. LICENSING

13:70-4.1 Persons required to have licenses

(a) The following persons are required to take out a license from the Racing Commission and the annual fee will be as follows:

| | |
|-----------------------------------|---------|
| 1. Assistant starter: | \$10.00 |
| 2. Assistant trainer: | \$30.00 |
| 3. Authorized agent: | \$50.00 |
| 4. Clocker: | \$10.00 |
| 5. Certificate of identification: | \$10.00 |
| 6. Jockey: | \$50.00 |
| 7. Jockey agent: | \$50.00 |
| 8. Jockey apprentice: | \$30.00 |
| 9. Owner: | \$50.00 |
| 10. Pari-mutuel employee: | \$25.00 |
| 11. Plater: | \$20.00 |
| 12. Stable employee: | \$ 5.00 |
| 13. Starter: | \$10.00 |
| 14. Trainer: | \$50.00 |
| 15. Valet: | \$20.00 |
| 16. Vendor: | \$50.00 |
| 17. Veterinarians: | \$50.00 |

(b) All persons licensed by the Commission and all employees of the racing associations and/or employees of contractors doing work for the track associations 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. The Commission will direct the fee, which will be consistent with the charge set by the reviewing agency for the type of inquiry requested; for

example, State, Federal or State and Federal, name check. Owners who, because of extenuating circumstances, cannot come into New Jersey to be fingerprinted and photographed during a racing year, will be issued conditional licenses only and will not be permitted access to the stable area or paddock at any New Jersey track until photographed and fingerprinted by the Racing Commission. Holders of a conditional license will not be eligible for passes at any of the tracks in New Jersey.

Amended by R.1977 d.8, effective January 17, 1977.

See: 8 N.J.R. 531(c), 9 N.J.R. 94(d).

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).

Amended by R.1983 d.103, effective April 4, 1983.

See: 14 N.J.R. 1444(a), 15 N.J.R. 553(b) (operative January 1, 1984).

Fees increased and (b) added.

Amended by R.1985 d.639, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

(a)17 added; (b) amended.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

At (a)5. Change to "certificate of identification"; stylistic corrections.

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Revised (a).

Case Notes

Cited in examination of extent of State regulation of private trade activity. *Marzocca v. Ferone*, 186 N.J.Super. 483, 453 A.2d 228 (App. Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1983).

"Disqualification" definition; suspension of wife's license due to husband's criminal conviction upheld; rule not assailable on equal protection grounds; full constitutional safeguards observed in suspension. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

13:70-4.2 Items requiring registration

(a) The following must be registered with the Racing Commission annually and the fee payable for such registration shall be as follows:

1. Stable name—\$50.00;
2. Corporate stable name—\$50.00;
3. Multiple ownership—\$50.00.
4. Partnership—\$25.00.

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).

Amended by R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

(a)3 and 4; added.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Established all fees payable annually.

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Added new (a)4.

13:70-4.3 Corporations

(a) No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless all

corporate officers, members of the Board of Directors, managers and stockholders owning directly or indirectly five percent or more of said corporation's issued stock have been licensed.

(b) Each such person must file an application for an owner's license.

(c) Any and all changes in either the corporate structure or the respective interest of stockholders as described in (a) above must be promptly filed with the Commission.

(d) All corporations shall race under a stable name approved by the Commission and shall be required to file application for same on a form prescribed by the Commission.

Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Section substantially amended.

13:70-4.4 Fees

The fee shall accompany each application for license or registration. All licenses and/or registrations expire December 31 of the year issued.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Stylistic changes only.

13:70-4.5 Registration of agreements

The Racing Commission requires the registration of any other agreements between participants in racing.

13:70-4.6 Examination of applications

(a) A board of examiners composed of the State Steward and two associate stewards shall examine each of the following applications for and on behalf of the New Jersey Racing Commission:

1. Assistant trainer;
2. Authorized agent;
3. Corporate stable name;
4. Jockey;
5. Jockey agent;
6. Jockey apprentice;
7. Multiple ownership;
8. Owner;
9. Plater;
10. Stable employee;
11. Stable name; and
12. Trainer.

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Rearranged and increased titles.

13:70-4.7 Qualifications

The stewards shall, during the course of examination of the applicants for a license, ascertain if the applicant is qualified as to ability, integrity, and financial responsibility, and shall report to the New Jersey Racing Commission their findings.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Board of examiners" changed to "stewards".

Case Notes

Commission concluded that jockey applicant lacked the degree of integrity necessary for licensure; finding of entrapment and dismissal of criminal proceedings against applicant did not prevent use of incriminating evidence at licensure hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

13:70-4.8 Burden of proving qualifications

(a) In considering each application for a license, the stewards may require the applicant, as well as the applicant's endorsers, to appear before them.

(b) The burden shall be upon the applicant to show that he, she or it is qualified in every respect to receive the license applied for.

(c) Ability as well as integrity must be clearly shown by the applicant in order to receive the stewards' recommendation to the New Jersey Racing Commission for the granting of the license.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Board of examiners" changed to "stewards".

13:70-4.9 Refusal to issue or renew license

The Commission may refuse to issue or renew a license or may suspend or revoke a license issued pursuant to this section if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with, or has consorted with bookmakers, touts or persons of similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the Commission, or shall have violated any rule of racing which shall have been approved or adopted by the Commission, or has been guilty of or engaged in similar related or like practices.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Administrative corrections.

Case Notes

General rules express concern for an affinity between any applicant for licensure and another person convicted of a crime, entirely apart from the person's marital relationship. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

13:70-4.10 Age requirement

No application for a license will be considered for or granted to a person under 16 years of age.

Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"boy" changed to "person".

13:70-4.11 False or misleading statements

Any person making any false, untrue or misleading statement on an application for license or registration or in a written or oral examination in connection with such an application may be disciplined as provided for in these rules and regulations.

Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Section substantially amended.
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"or" corrected to "on".

13:70-4.12 Financial irresponsibility

The Commission may refuse to issue or renew the license of any owner, trainer or other licensee, or may suspend or revoke such license if it shall find that the owner, trainer or other licensee has accumulated unpaid obligations relating to racing, or in connection therewith has issued drafts or checks which are dishonored, or payment refused, or otherwise displayed financial irresponsibility reflecting on the sport.

13:70-4.13 Disqualification of spouses; exception

Disqualification of either husband or wife applies equally to both, unless the spouse of the disqualified person shows to the satisfaction of the Commission that ownership and racing of his or her horses is independent of and not under the control or influence of the disqualified spouse.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Grammar correction.

Case Notes

Suspension of wife's license due to husband's criminal conviction upheld; rule not assailable on equal protection grounds; full constitutional safeguards observed in suspension. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

13:70-4.14 Temporary application

Where in the case of extenuating circumstances an owner may be unavailable to complete the license application, permission may be granted by the Racing Commission for the horses of said owner to start. The trainer or assistant trainer for the owner in question will be required to promptly complete a temporary application and pay all license fees.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"To be entered" changed to "to start" and assistant trainer added; "fill out" changed to "complete".

13:70-4.15 Requirements; farms or licensed tracks

(a) No horse may start in any race wherein pari-mutuel wagering is conducted unless stabled on the grounds of a racing association licensed by the Commission or at a farm or training facility licensed by the Commission. Nothing in this rule shall prohibit any horse stabled outside the State of New Jersey from vanning to any racing association to start.

(b) A license shall not be issued to any farm or training center not in compliance with the following requirements:

1. All box stalls shall be properly ventilated and measure approximately 10 feet by 10 feet or larger.
2. Arrangements for the disposal of manure and other refuse shall be made in compliance with appropriate State and municipal health codes and/or ordinances.
3. Adequate spraying and/or fogging equipment must be available.
4. Any farm or training center that is placed under quarantine by the New Jersey Department of Agriculture shall have their license immediately suspended. Any facility whose license is so suspended, shall be afforded the right of appeal as provided for in N.J.A.C. 13:70-13A.

(c) Any farm or training center making application for licensure as an off-track stabling facility shall pay a \$50.00 annual license fee and be liable to inspection by the employees of the Commission, and shall be required to provide unrestricted access to all stabling facilities to the employees and agent of the Commission upon demand.

(d) Any horse in training or entered to start stabled on such a farm or training center must be under the care and custody of a licensed trainer. It shall be the responsibility for the trainer to insure that only individuals licensed by the Commissioner are employed in any capacity of caretaker, groom or other attendant with respect to the care, custody and training of such a horse. Nothing in this section shall be deemed to apply to brood mares, foals, weanlings, yearlings, stallions or other horses not in training.

(e) It shall be the responsibility of the farm manager or training center manager to complete and file all reports required of him by the Commission. It shall similarly be the responsibility of the trainer to complete and file all

reports required of him by the Commission, including, but not limited to, the Equine Fatality Report (see: N.J.A.C. 13:70-14.16).

(f) Failure to comply with the requirements in this section shall subject the offending party to the penalties provided for in N.J.A.C. 13:70-23. Further, violation of this section may subject the offending party to suspension, revocation or denial of the farm license and/or declaration of ineligibility for stables or horses involved.

New Rule, R.1985 d.635, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1393(a), 17 N.J.R. 2995(a).

Old section "Specifications; forms or licensed tracks".

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Revised (c).

13:70-4.16 Certificate of compliance

Effective January 1, 1969, a certificate of compliance with N.J.A.C. 13:70-3.43, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the racing secretary before a license is issued.

13:70-4.17 (Reserved)

Repealed by R.1985 d.639, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

Section was "Fingerprinting."

13:70-4.18 Badges

(a) All licensed personnel who enter the stable area of any track under the jurisdiction of the New Jersey Racing Commission in any capacity whatsoever, shall wear upon their outside apparel, in a prominent position, the authorized badges containing picture identification supplied by the Commission. This rule shall also apply to State, track, veterinarian personnel, as well as the vendors and suppliers authorized in the stable area, and the badges shall be readily available and produced by such personnel upon request of track security, county and city police, State police, TRPB operatives, Commission inspectors, and stewards at said request. Failure to comply with this rule will result in a \$5.00 fine for the first offense; \$10.00 fine for the second; \$25.00 for the third and ejection from the grounds upon the fourth offense.

(b) Any person losing his identification license will be subject to a fine of not less than \$2.00 or more than \$10.00. The amount of the fine to be determined by the New Jersey Racing Commission.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Punctuation and "police" changed to "security".

13:70-4.19 (Reserved)

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).

Repealed by R.1985 d.639, effective December 16, 1985 (operative January 1, 1985).

See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

Section was "Fingerprinting and photographs of licensees and employees."

13:70-4.20 (Reserved)

Amended by R.1976 d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Repealed by R.1985 d.639, effective December 16, 1985 (operative January 1, 1985).

See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

13:70-4.21 (Reserved)

R.1976 d.125, eff. April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Repealed by R.1985 d.639, effective December 16, 1985 (operative January 1, 1985).

See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

Was "Licenses required."

13:70-4.22 Collection and dissemination of Social Security numbers

(a) The Racing Commission may request Social Security numbers to be furnished for use in determining an applicant's eligibility for licensure especially as it relates to credit checks, background checks or other such investigations, including those relative to open claiming. No application shall be denied for failure to comply with such request provided that a person may be required to submit such other information as the Commission may require in order to determine an applicant's eligibility for licensure.

(b) Any form used by the Commission to request submission of a Social Security number shall include the following:

1. A statement as to whether provision of a Social Security number is mandatory or voluntary;
2. A citation of the rule (which in the case of a request for voluntary submission shall be this section) that authorizes the Commission to request the Social Security number; and
3. A statement that the Commission will use Social Security numbers as a secondary internal identifier for the following purposes: Credit checks, background checks and other such investigations.

(c) Any Social Security number submitted to the Commission shall be concealed or removed from the document before it is made available to any agency or person outside the Racing Commission. No Social Security number shall be disclosed to any outside party, orally or in writing, except as provided by law.

New Rule, R.1995 d.163, effective March 20, 1995.

See: 27 N.J.R. 44(a), 27 N.J.R. 1192(b).

SUBCHAPTER 5. STABLE NAMES,
CORPORATIONS AND MULTIPLE
OWNERSHIPS

13:70-5.1 (Reserved)

Repealed by R.1989 d.74, effective February 6, 1989.
See: 20 N.J.R. 2536(a), 21 N.J.R. 344(a).
Section was "registering racing colors".

13:70-5.2 Disputes concerning colors

Any dispute between persons to the right of particular racing colors shall be decided by the stewards.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Claimants" changed to "persons".

13:70-5.3 Temporary changes in colors

No person shall start a horse in racing colors other than those registered in his or her own stable name, but a temporary change from the recorded racing colors may be approved by the stewards.

13:70-5.4 Improper colors

The Racing Commission will not permit the use of colors which in its opinion are not neat and clean and proper in all other respects.

13:70-5.5 Registering stable name; fee

Each stable name must be registered with the Commission; the fee shall be \$50.00 annually.

13:70-5.6 Identities

In applying to race under a stable name, the applicant must disclose the identity or identities behind the name. If a partnership is involved, the rules covering partnerships must be complied with and the usual fees paid therefor, in addition to the fee for a registration of the stable name.

13:70-5.7 (Reserved)

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Repealed.

13:70-5.8 Existing stable name

A person cannot register as his stable name, one which has been registered by any other person with any racing commission or turf authority.

13:70-5.9 Names; limitation

A person may not register as a stable name one which is the real name of any owner of race horses, nor one which is the name of any prominent person not owning race horses.

13:70-5.10 Distinguishable name

A stable name shall be plainly distinguishable from that of another duly registered stable name.

13:70-5.11 Prohibition on advertising names

No stable name shall be used, if in the judgment of the stewards, it is being used for advertising purposes.

13:70-5.12 Changes in identities

Changes in identities of partners or shareholders in a stable name must be reported immediately to, and approval obtained from, the Commission.

13:70-5.13 Cancelling name

Any person who has registered under a stable name may at any time cancel it after giving notice to the Commission.

13:70-5.14 Registering new name

A stable name may be changed at any time by registering a new name and by paying the fee required as above.

13:70-5.15 Transfer of name

With the consent of the Commission, a stable name may be transferred. The fee shall be \$50.00 and a new application must be made.

13:70-5.16 Corporate name

A corporate name shall be considered a stable name for the purpose of these rules, but the Commission reserves the right to refuse any corporation the right of registering a stable name.

13:70-5.17 Deviation from legal name of licensee

For the purpose of these rules, any deviation from the proper legal name of the licensee (for example, a married woman wishing to race under her maiden name) shall be considered as a stable name, and the proper registration and fee shall be forthcoming.

13:70-5.18 Name used by trainer

A trainer who is a licensed owner, may use a stable name as owner or part owner. However, no trainer may be licensed as a trainer other than in his legal name.

13:70-5.19 Multiple ownership

Each and every multiple ownership must be registered with the Commission. All multiple ownerships with the exception of partnerships wherein no more than two persons are involved shall race in a multiple ownership stable name. No license shall be granted to any partnership, syndicate or other form of multiple ownership or to the lessee of any such entity excluding corporations wherein the number of persons having a beneficial interest therein exceeds 35.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Section substantially amended.

13:70-5.20 Contents of multiple ownership papers

(a) Multiple ownership papers shall, among other things, set forth the following:

1. The name and address of each and every person having any interest in the horse or horses involved;
2. The relative proportions of such interests;
3. To whom the winnings are payable;
4. In whose name the horse or horses shall run;
5. With whom the power of entry and declaration rests;
6. The terms of any contingency, lease or any other arrangement;
7. The names of the horse or horses involved.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
(a) Substantially amended.

13:70-5.21 Partner ownership

Any partner transacting business on behalf of a partnership must own an interest in the partnership at least equal to that of any other partner; and when authorizing any person to act as agent for a partnership, an interest of at least 50 percent must be represented.

13:70-5.22 Partnership papers; signatures

All partnership papers must be signed by all of the parties or by their authorized agent.

13:70-5.23 Alterations in recorded partnership

Any alteration in a recorded partnership, to be effective, must be reported in writing to the Commission and signed by all the partners, or their authorized agents.

13:70-5.24 Liability

All the parties in any multiple ownership and each of them shall be jointly and severally liable for all stakes, forfeits and other obligations.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"a partnership" deleted and "any multiple ownership" substituted.

SUBCHAPTER 6. ENTRIES AND SUBSCRIPTIONS

13:70-6.1 Qualified to start

A horse shall not be qualified to start in any race unless it has been and continues properly entered therein.

Case Notes

Racing Commission has not regulated the right of a licensed horse owner to race his horse at a given track; Commission not proper forum for owner's dispute with racetrack for barring his horse, as the action was not taken under color of State law or regulation. *Marzocca v. Ferone*, 186 N.J.Super. 483, 453 A.2d 228 (App.Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1985).

13:70-6.2 Application for license

No horse shall be qualified in any race unless its owner, trainer and jockey have submitted application for license to the Racing Commission except as heretofore stated in N.J.A.C. 13:70-4.14.

13:70-6.3 Racing secretary

For all races, the racing secretary is the person authorized to receive entries and declarations.

13:70-6.4 Written entries and declarations

Entries and declarations shall be made in writing, and signed by the owner of the horse, or by his authorized agent or some person deputed by him, and each association shall provide blank forms on which entries and declarations are to be made.

13:70-6.5 Coupled horses

All horses owned wholly or in part by the same owner or the spouse of any such owner, or trained by the same trainer, must be coupled and run as an entry. For purpose of this section "ownership" shall be construed to mean any person required to be licensed as an owner pursuant to these rules and in the instance of multiple ownerships, persons possessing at least a five percent commonality of interest in each of the respective horses. Provided however that when a trainer enters two or more horses in a stake, handicap, futurity or other special event under bona fide separate ownerships, the horse may, at the request of the association and with the approval of the Commission, be permitted to race as separate wagering entities. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible but the divisions in which they compete and their post positions shall be drawn by lot.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Section substantially amended.

13:70-6.6 Entries or scratches

(a) Entries or scratches may be made by telephone, but must be confirmed promptly in writing should the stewards, racing secretary, or his assistants so request.

(b) Entries made by telegraph must be confirmed in writing.

(c) In case of omission, through error, of the name or weight of a horse entered, the omission shall be rectified by the racing secretary.

13:70-6.7 Persons with recorded interest

Any person having a recorded interest in a horse may enter that horse, unless prohibited by the terms of partnership papers registered with the Commission.

13:70-6.8 Joint subscriptions and entries

Joint subscription and entries may be made by any one or more of the owners; however all partners and each of them shall be jointly and severally liable for all fees and forfeits.

13:70-6.9 Horse entered for first time

If entered for the first time at a meeting, a horse shall be identified by stating its name, color, sex, age and the name of its sire and dam, as registered.

13:70-6.10 Unreported racing starts

A horse during the past calendar year that has started in a race which is not reported in the daily racing form monthly chart books, or a maiden which at any time has started in such a race, shall not be entered at a New Jersey track until all pertinent data relating to such race is available to the racing secretary.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Grammar and punctuation.

13:70-6.11 Denial of nominations or entries

The nominations or entries of any person, or the transfer of any nomination or entry, may be cancelled or refused provided that notice and reason therefore is given to any affected person or persons.

As amended, R.1979 d.250, effective June 20, 1979.
See: 10 N.J.R. 509(a), 11 N.J.R. 400(a).

13:70-6.12 Registered horses

No horse shall be allowed to enter or start in any flat race unless duly registered and named at the registry office of the New York Jockey Club; and no horse shall be allowed to enter or start in a steeplechase unless duly registered and named at the Jockey Club, or with the National Steeplechase and Hunt Association.

13:70-6.13 Certificate and tattooing requirements

No horse shall be allowed to start unless a Jockey Club registration certificate is on file with the horse identifier, and unless it has been lipped tattooed, with the exception that the stewards may, in their discretion and for good cause, waive these requirements if the horse is otherwise properly identified. However, said horse shall be tattooed thereafter within a period of time that is reasonably practical.

13:70-6.14 Licensed trainer

No horse shall be permitted to enter or start unless it is in the care of and is saddled by a licensed trainer.

13:70-6.15 Horse to be fully identified

No horse shall be permitted to start that has not been fully identified.

13:70-6.16 Maiden horses; six years or older

No maiden over six years of age shall be permitted to enter a race at any thoroughbred track in the State of New Jersey without the express approval of the stewards, except in steeplechase or hunt races.

As amended, R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
As amended, R.1981 d.489, effective December 21, 1981.
See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).
Added "without . . . stewards,".

13:70-6.17 Person attempting establishment of horse's identity

Any person attempting to establish the identity of a horse or its ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Grammar.

13:70-6.18 Stabling

No horse shall be permitted to enter or start unless stabled on the grounds of the association or at a farm approved by the Commission, except with the permission of the racing secretary.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"or at . . . Commission" added, "in stabling . . . association" deleted.

13:70-6.19 Ownership registered; true ownership

No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary; and the entry of a horse must be in the name of its true ownership.

13:70-6.20 Filing of interests or changes in interests

All interests in a horse, except a trainer's percentage of its winnings, shall be filed with the racing secretary before the horse shall start, as also shall every change in interest thereafter during the meeting.

13:70-6.21 Limit on number of races per day

No horse may be entered for two races on a single day.

13:70-6.22 Partnerships

No horse involved in a partnership shall be permitted to enter or to start until the rules for the registration of partnerships have been complied with.

13:70-6.23 Eligibility

To compete in a race, a horse must be eligible at the time of starting that race.

13:70-6.24 Disqualified persons

A horse shall not be qualified to be entered, or to start in any race, if owned in whole or part, or if under the management, directly or indirectly, of a disqualified person.

13:70-6.25 Return of money; disqualified persons

If any entry from any disqualified person or of a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed 45 minutes before post time for the race. Otherwise, any such money shall be paid to the winner.

13:70-6.26 Entering or starting disqualified horse

No horse, disqualified in any jurisdiction, shall be allowed to be entered or to start in any race without permission of the stewards.

13:70-6.27 Spouses

No entry shall be accepted from husband or wife, while either is disqualified; however, if a jockey is under suspension for a routine riding offense, his or her spouse may be permitted to continue to exercise the functions of whatever type of license he or she may have been granted.

13:70-6.28 Horses on starters, veterinarians or stewards lists

No horse on the starters, veterinarians, or stewards list in any racing jurisdiction shall be qualified to be entered or to start.

13:70-6.29 Sale of horse to disqualified person

If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of the sale.

13:70-6.30 Owner in arrears

No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the racing secretary.

13:70-6.31 Limitation on double entries; same owner

Not more than two horses of the same ownership or interest shall start in any race (except stakes). When making a double entry in the same ownership the owner or trainer must express a preference; and in no case may two horses start in the same ownership to the exclusion of a single entry.

13:70-6.32 Divided races

In divided races, the starters in the separate divisions shall be determined by lot; except that stable couplings may be separated, at the discretion of the racing secretary.

13:70-6.33 Unclosed races

The association shall have the right to withdraw or change any unclosed race.

13:70-6.34 Insufficient entries

If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post position.

13:70-6.35 Sweepstakes entries

An entry in a sweepstakes is a subscription, and cannot be withdrawn.

13:70-6.36 Return of fees

If a horse is excused from the race before the off-time, the starting fees shall be refunded; if a horse is locked in the gate, any fees of any kind, including jockey fees, shall be returned to the owner.

13:70-6.37 Nominator liability

The nominator is liable for the entrance money or stake, and the death of an entered horse or a mistake in its entry shall not release the nominator or transferees from such liability; nor shall the entrance money or stake of an eligible horse to any race which is run off be returnable for the entry's failure to start, for any cause.

13:70-6.38 Death of nominator

Except in a match race, no entry or subscription shall become void on the death of the nominator.

13:70-6.39 Closing of entries

Entries shall be closed at the advertised time, and no entry accepted thereafter. The racing secretary, however, may postpone closing of overnight races.

13:70-6.40 Overnight race entries

In the absence of conditions or notice to the contrary, entries to overnight races shall be considered closed not later than 10:30 A.M. on the day preceding that on which the race is to be run.

13:70-6.41 Closing places for entries

In the absence of notice to the contrary, entrances and declarations for sweepstakes which close during or on the eve of a race meeting, close at the office of the racing secretary. Closing at all other times for sweepstakes shall be at the office of the association.

13:70-6.42 Closing time implied

Except in overnight races, if the hour of closing of entries or for declarations is not stated, it is understood to be midnight at the close of the day specified.

13:70-6.43 Nomination for stake races

Nomination for stake races received and post-marked before midnight of the day of closing shall be valid if received 24 hours in advance of the publication of the weights, if a handicap; or 24 hours in advance of the closing of overnight entries, if any other type of race.

13:70-6.44 Miscarriage of stake race nomination or declaration

If a miscarriage of any nomination or declaration in a stake race is claimed, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or such evidence will not be considered.

13:70-6.45 Posting of closed entries

Entries which have closed shall be compiled without delay by the racing secretary, and conspicuously posted.

13:70-6.46 Number of horses; stake races

In a stake race, the number of horses to compete will be limited only by the number of horses duly nominated and entered.

13:70-6.47 Number of starters; overnight race

The number of starters in any overnight race shall be limited by the width of the track at the starting post, the maximum number to be determined by the stewards.

13:70-6.48 Alteration in entry after closing

No alteration shall be made in any entry after the closing of entries, but an error may be corrected.

13:70-6.49 Naming of jockey; changes

Jockeys shall be named at time of entry. Any subsequent change of a jockey must be sanctioned by the stewards and must be promptly and publicly posted and announced.

13:70-6.50 Postponement and cancellation of races

If the whole, or part of a racing program is abandoned, any purse race involved must be declared off.

13:70-6.51 Closed entries; declared off

No race, which has closed with sufficient entries, shall be declared off except by the stewards.

13:70-6.52 Post position

Post positions shall be determined publicly by lot in the presence of the racing secretary or his deputy, one or more

stewards or their deputies, and at least one trainer licensed by the Racing Commission.

13:70-6.53 Eligibility; registration required

(a) In order to be eligible to enter and start in races exclusively for New Jersey bred foals, each horse must be registered with the Thoroughbred Breeders' Association of New Jersey.

(b) To qualify for such registration the said horse must have been foaled in the State of New Jersey and;

1. The breeder must be a resident of New Jersey or an individual or entity that maintains a breeding farm in New Jersey or;

2. If the breeder is a non-resident or an entity not owned entirely by New Jersey residents, the foal must meet one of the following conditions:

i. Be the produce of a mare conceived in New Jersey the previous season or;

ii. If conceived outside of New Jersey, the mare must be bred to a registered New Jersey stallion the season of the birth of said foal or;

iii. If conceived outside of New Jersey by a resident mare which leaves New Jersey for breeding purposes, the resident mare must return by September 1 of that year, and the non-resident breeder must immediately notify the Thoroughbred Breeders' Association the mare has returned, where the mare is domiciled, where the mare will foal and certify that a copy of the mare's Jockey Club Foal papers is at the farm where the mare is.

(c) A horse is bred where it is foaled. The breeder is the owner of the dam at the time of foaling.

(d) The breeder is responsible for the registering of the foal as a New Jersey bred thoroughbred.

(e) A breeder who registers or attempts to register a foal based upon false or fraudulent information may be subject to any or all of the following sanctions by the Thoroughbred Breeders' Association:

1. The horse may no longer be considered a New Jersey bred;

2. Any New Jersey breeder awards earned by an ineligible horse shall be forfeited to the State;

3. The breeder may be denied the privilege of registering any horses as a New Jersey bred for a time period determined by the Thoroughbred Breeders' Association;

4. The breeder may be denied the benefit of any and all breeder awards in New Jersey for a time period determined by the Thoroughbred Breeders' Association.

(f) Any owner or breeder may appeal the decision of the Thoroughbred Breeders' Association of New Jersey concerning the registration of a horse under this rule to the New Jersey Racing Commission.

(g) To be considered a New Jersey stallion, it is required that the stallion stand in the State of New Jersey the full breeding season, commonly understood to be the period from February 1 through July 1 of any year, and remain in the State, or if the stallion is brought in subsequent to the start of the breeding season, he must be approved as a New Jersey stallion by the New Jersey Racing Commission upon recommendation of the Board of Trustees of the Thoroughbred Breeders' Association of New Jersey and the appropriate annual fee paid to the Association prior to serving the first mare in the State of New Jersey and annually thereafter prior to February 1.

1. Should any stallion die in New Jersey prior to completion of one full breeding season he may also be considered a New Jersey stallion upon approval of the New Jersey Racing Commission upon recommendation of the Board of Trustees of the Thoroughbred Breeders' Association of New Jersey.

2. A copy of the Stallion Report of Mares Bred as filed with the Jockey Club must be provided to the Thoroughbred Breeders' Association of New Jersey no later than September 1.

(h) All fees for registration of foals, horses of racing age and stallions as established by the Thoroughbred Breeders' Association of New Jersey shall be subject to the approval of the Commission, which approval shall be based upon the Commission's review of a full accounting of fees received and the disposition and purposes for which the revenue collected by the Association is utilized in order to comply with the rules of racing and the terms of New Jersey statutes, the purposes of which are to improve and develop the thoroughbred breeding industry in the State.

R.1976 d.125, eff. April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
As amended, R.1984 d.45, eff. February 21, 1984.
See: 15 N.J.R. 2147(a), N.J.R. 378(a).
(a)3. changed July to July 1st, (a)3. i and ii added.
New Rule R.1985 d.203, effective May 6, 1985.
See: 17 N.J.R. 271(a), 17 N.J.R. 1135(b).
Repealed old rule and adopted this new rule.

13:70-6.54 First time starters

(a) No first time starters will be allowed to enter without a published workout.

(b) It shall be the trainers responsibility to see that all first time starters in their care have a published workout.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-6.55 (Reserved)

R.1976 d.125, eff. April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
As amended, R.1982 d.183, eff. June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
As amended, R.1983 d.14, eff. February 7, 1983.
See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

Decreased non-racing period from 25 to 14 days for first time bleeders and added three month prohibition for second time bleeders. Also added last sentence.

Repealed by R.1988 d.245, effective June 6, 1988.
See: 20 N.J.R. 506(a), 20 N.J.R. 1207(a).

This rule appears at N.J.A.C. 13:70-14A.9(d).

13:70-6.56 Starters; published workouts

A horse which has not started for 30 days or more shall be ineligible to race unless it has a published timed workout at a racetrack within 30 days prior to entry. Workouts following the entry of a horse shall appear on the official daily program.

R.1983 d.14, eff. February 7, 1983.
See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

13:70-6.57 Workout program

(a) Each track association shall establish and maintain a workout program meeting the following requirements, as well as such other requirements and conditions as established from time to time by the Commission.

1. Training and workout hours for the main track and/or training track shall be designated by the racing association.

2. No horse shall be permitted onto either track for training or a workout except during the designated hours unless with the express permission of the Racing Secretary and Board of Stewards.

3. Access to the training track and/or main track during such hours shall be limited to such gaps as directed by the Board of Stewards where the association shall have at least one workout coordinator per gap.

4. The workout coordinator shall obtain the identity of all horses to workout at the time the horse enters through the appropriate gap. The workout coordinator shall also obtain from the trainer, custodian or rider of any such horse, the distance which the horse will workout and at what point on the track the workout is intended to begin. All such information shall then be promptly transmitted to the clockers who are responsible for timing and reporting all workouts.

5. The racing association shall maintain a communication system between the workout coordinators and clockers.

6. The trainer shall be responsible for insuring that horses in his care and custody comply with all provisions of this workout program.

7. The Board of Stewards shall have overall jurisdiction of this program, and may fine and/or suspend any persons who violate or attempt to violate the workout program requirements. The stewards may also fine and/or suspend any person who reports or submits inaccurate or false information concerning the identity of any horse and the particulars of any workout.

New Rule, R.1985 d.663, effective January 6, 1986.
See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b).

SUBCHAPTER 7. DECLARATIONS AND SCRATCHES

13:70-7.1 Purse races

Declaration and scratches from purse races shall be made to the racing secretary by the owner, his authorized agent, or some person deputed by him, at a time which shall be set by the racing secretary and so posted conspicuously.

13:70-7.2 Notice of declarations and scratches

No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent, or some person deputed by him shall have given due notice in writing to the racing secretary.

13:70-7.3 Scratches from overnight races

No horse shall be scratched from an overnight race without the approval of the stewards.

13:70-7.4 Irrevocability

The declaration or scratch of a horse out of an engagement is irrevocable.

13:70-7.5 Stakes Races

For stakes races, if a horse is not named through the entry box at the time appointed by the racing secretary, the horse is automatically out.

13:70-7.6 Time for scratches; stakes races

Scratches from stakes races will close 45 minutes before post time.

13:70-7.7 Miscarriage of declaration

If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be

required of the complainant; otherwise, the declaration shall not be accepted as of the time alleged.

SUBCHAPTER 8. WEIGHTS

13:70-8.1 Obligatory penalties

Weight penalties are obligatory.

13:70-8.2 Weight allowances

Weight allowances must be claimed at time of entry, and shall not be abandoned after the posting of entries except by consent of the stewards.

13:70-8.3 Noncumulative penalties and allowances

Penalties and allowance of weight are not cumulative, unless so declared by the conditions of a race.

13:70-8.4 Entitled allowance of weight

A horse shall start with only the allowance of weight to which it is entitled at the time of starting, regardless of its allowance at the time of entry.

13:70-8.5 Weight penalties; effect on allowances

Horses incurring weight penalties for a race shall not be entitled to any of the weight allowances for that race.

13:70-8.6 Subsequent weight allowances

Horses not entitled to the first weight allowance in a race shall not be entitled to the second, and so on.

13:70-8.7 Claim of unentitled weight allowance

Claim of weight allowance to which a horse is not entitled shall not disqualify unless protest is made in writing and lodged with the stewards at least 60 minutes before post time.

13:70-8.8 Placing second or lower

No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

13:70-8.9 Failure to finish second or lower

No horse shall be given a weight allowance for failure to finish second or any lower place in any race.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"In" to "or".

13:70-8.10 Steeplechase or hurdle race penalties

Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat or vice versa.

13:70-8.11 Horses beaten in one or more races

No horse shall receive allowance of weight, or be relieved of extra weight, for having been beaten in one or more races, provided this rule shall not prohibit maiden allowances or allowances to a horse which has not won within a specified period or which has not won a race of specified value.

13:70-8.12 Decision in dispute

When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winning of that race until a winner has been adjusted.

13:70-8.13 Disqualification penalties

No horse shall incur a weight penalty for a placement from which it is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement.

13:70-8.14 Dead heats

A horse involved in a dead heat for first place shall be liable to the weight penalty for the amount received.

13:70-8.15 Determine eligibility, penalties and allowances

(a) Eligibility, penalties and allowance of weight for all races will be determined after considering the reports, records and statistics published by the daily racing form.

(b) A race not reported in the daily racing form will not be considered unless otherwise stated in the conditions of the race, except that, in the case of an imported horse, the racing record of such horse must be available to the racing secretary prior to the time entry is made to qualify for eligibility. (This rule shall not apply in the classification of maidens.)

13:70-8.16 Weights, scale of

(a) The following is the scale of weights for age, and shall be carried when not otherwise specified in the condition of the race:

WEIGHTS

| Distance | Age | Weights by Month | | | | | | | | | | | |
|------------------------|----------|----------------------|-----------------|-----|------|------|--------|-----------|---------|-----------------------|--|--|--|
| | | January and February | March and April | May | June | July | August | September | October | November and December | | | |
| One-half Mile | 2 | — | — | — | — | — | 105 | 108 | 111 | 114 | | | |
| | 3 | 117 | 119 | 121 | 123 | 125 | 126 | 127 | 128 | 129 | | | |
| | 4 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | | | |
| | 5 and up | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | | | |
| Six Furlongs | 2 | — | — | — | — | — | 102 | 105 | 108 | 111 | | | |
| | 3 | 114 | 117 | 119 | 121 | 123 | 125 | 126 | 127 | 128 | | | |
| | 4 | 129 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | | | |
| | 5 and up | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | 130 | | | |
| One Mile | 2 | — | — | — | — | — | — | 96 | 99 | 102 | | | |
| | 3 | 107 | 111 | 113 | 115 | 117 | 119 | 121 | 122 | 123 | | | |
| | 4 | 127 | 128 | 127 | 126 | 126 | 126 | 126 | 126 | 126 | | | |
| | 5 and up | 128 | 128 | 127 | 126 | 126 | 126 | 126 | 126 | 126 | | | |
| One Mile and a Quarter | 2 | — | — | — | — | — | — | — | — | — | | | |
| | 3 | 101 | 107 | 111 | 113 | 116 | 118 | 120 | 121 | 122 | | | |
| | 4 | 125 | 127 | 127 | 126 | 126 | 126 | 126 | 126 | 126 | | | |
| | 5 and up | 127 | 127 | 127 | 126 | 126 | 126 | 126 | 126 | 126 | | | |
| One Mile and a Half | 2 | — | — | — | — | — | — | — | — | — | | | |
| | 3 | 98 | 104 | 108 | 111 | 114 | 117 | 119 | 121 | 122 | | | |
| | 4 | 124 | 126 | 126 | 126 | 126 | 126 | 126 | 126 | 126 | | | |
| | 5 and up | 126 | 126 | 126 | 126 | 126 | 126 | 126 | 126 | 126 | | | |
| Two Miles | 3 | 96 | 102 | 106 | 109 | 112 | 114 | 117 | 119 | 120 | | | |
| | 4 | 124 | 126 | 126 | 126 | 126 | 125 | 125 | 124 | 124 | | | |
| | 5 and up | 126 | 126 | 126 | 126 | 126 | 125 | 125 | 124 | 124 | | | |

Footnotes:

- a. In races of intermediate distances the weights for the shorter distance are carried.
- b. In races exclusively for three-year olds or four-year olds the weight is 126 lbs., and in races exclusively for two-year olds, it is 122 lbs.
- c. In all races except handicaps and races where the conditions expressly state to the contrary, the scale of weights is less by the following: for fillies two years old, 3 lbs.; for mares three years old and upwards, 5 lbs. before September 1st and 3 lbs. thereafter.
- d. Welter weights are 28 lbs. added to the weight for age.
- e. In all overnight races except handicaps, not more than six pounds may be deducted from the scale of weights for age, except for allowances, but in no case shall the total allowances of any type reduce the lowest weight below 101 lbs., except that this minimum weight need not apply to two-year olds or three-year olds when racing older horses.
- f. In all overnight handicaps and in all claiming handicaps, the top weight shall not be less than 122 lbs.

13:70-8.17 Weighing of jockeys

Jockeys shall be weighed out for their respective mounts by the clerk of the scales not less than 20 minutes before the time fixed for the race.

13:70-8.18 Items included in jockey's weight; safety vest requirement

(a) A jockey's weight shall include his or her clothing, boots, saddle and its attachments, or any other equipment, except as specified. None of the following items shall be included in a jockey's weight:

- 1. Whip;
- 2. Bridle;
- 3. Bit or reins;

- 4. Safety helmet;
- 5. Blinkers;
- 6. Goggles;
- 7. Number cloth; and
- 8. Safety vest.

(b) A safety vest shall be worn by all jockeys competing in race events. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

(c) A safety vest shall be worn by all exercise riders, pony people, and outriders during the performance of their duties

of working out or otherwise training a horse while on the racetrack, training track or general stable area. The vest shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

Amended by R.1994 d.554, effective November 7, 1994.
See: 26 N.J.R. 3130(a), 26 N.J.R. 4420(a).

13:70-8.19 Weight of bridle or whip

No bridle shall exceed two pounds in weight, and no whip shall exceed one pound in weight. No whip shall be longer than 30 inches, including the "popper".

13:70-8.20 Overweight limit

Five pounds is the limit of the overweight any horse is permitted to carry.

13:70-8.21 Attendants for jockeys

(a) The association shall provide the only attendants who will be permitted to assist jockeys in weighing out.

(b) Such attendants shall be paid for their services by the association.

(c) A system of rotation of attendants shall be maintained.

13:70-8.22 Weighing after race

After a race has been run, the jockey shall ride promptly to the proper designated area and there dismount and present himself to the clerk of the scales to be weighed in.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"Finish line" changed to "proper designated area".

13:70-8.23 Assistance after race

If a jockey is prevented from riding his mount to the proper designated area because of an accident or illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the stewards from weighing in.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"Finish line" changed to "proper designated area".

13:70-8.24 Touching horse after race

Except by permission of the stewards, every jockey must, on returning to the proper designated area, unsaddle the horse he has ridden and no person shall touch said horse except by its bridle.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"Finish line" changed to "proper designated area".

13:70-8.25 Removal of equipment from horse

No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey's weight, except by permission of the stewards; and no person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his weight.

13:70-8.26 Jockey carries equipment to scales

Each jockey shall, in weighing in, carry over to the scales all pieces of equipment with which he weighed out.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Over "to" scale ... added to.

13:70-8.27 Weight of jockey after race; short weight

Each jockey shall weigh in at the same weight as that at which he weighed out, and if short of it by more than two pounds his mount shall be disqualified.

13:70-8.28 Overweight of jockey after race

No jockey shall weigh in at more than four pounds over the weight at which he or she weighed out, except insofar as said weight may have been affected by the elements.

Amended by R.1994 d.555, effective November 7, 1994.
See: 26 N.J.R. 3130(b), 26 N.J.R. 4420(b).

SUBCHAPTER 9. JOCKEYS, JOCKEY APPRENTICES AND JOCKEY AGENTS

13:70-9.1 Jockey license

Each jockey must obtain a license from the Racing Commission.

Case Notes

Cited in examination of extent of State regulation of private trade activity. *Marzocca v. Ferone*, 186 N.J.Super. 483, 453 A.2d 228 (App. Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1983).

13:70-9.2 Jockey's name

Every Jockey shall ride under his or her legal name.

13:70-9.3 Age of jockey

No person under 16 years of age shall be granted a jockey's license.

13:70-9.4 New riders

Persons never having ridden in a race may be allowed to ride twice before applying for a license, but licenses shall not be granted to persons who have never ridden in a race.

13:70-9.5 Pending application

The stewards may permit a jockey to ride pending action on his or her application.

13:70-9.6 Jockey's interest in horses

If a jockey owns wholly or in part a race horse in training at a meeting or has an interest in the winnings of such a horse, he or she shall not be permitted to ride any other horse at the meeting.

13:70-9.7 Owner or trainer consent to ride

A jockey shall not ride or agree to ride in any race without the consent of an owner or trainer to whom he or she is under contract.

13:70-9.8 Jockey under contract

No jockey under contract of employment shall ride against his or her contract employer.

13:70-9.9 Jockey's appearance

In riding, a jockey must be neat in appearance. He or she must wear conventional attire and the racing colors of the owner for whom he or she is riding.

13:70-9.10 Smoking

A jockey shall not be allowed to smoke in public while wearing racing colors.

13:70-9.11 Protective skull cap

A jockey must wear a suitable reinforced protective skull cap.

13:70-9.12 Safety helmet

(a) All jockeys, whether riding in a race or exercising horses, or any person exercising horses, shall wear a safety helmet of a type approved, in writing, by the stewards; and no change shall be made in any such helmet without the written approval of the stewards.

(b) It shall be the joint responsibility of the trainer, jockey or any person exercising horses to comply with his rule.

13:70-9.13 Jockey's number

A jockey shall wear on his or her right arm a number corresponding to the number of the horse in the official program.

13:70-9.14 Reporting to jockey room

Every jockey who is engaged to ride in a race shall report to the jockey room at the time required by the clerk of the scales. He or she shall then report any over-weight to the clerk of the scales and thereafter shall not leave the jockey

room until all his or her engagements have been fulfilled, except with the permission of the stewards.

13:70-9.15 Reporting to jockey room; stake race

Every jockey who has an engagement in a stake race must report to the jockey room not later than one hour before post time of that race, unless obtaining specific permission from the stewards to the contrary.

13:70-9.16 Betting by jockeys

No jockey shall bet on any race except through the owner of and on the horse which he rides.

13:70-9.17 Touting information; jockey

A jockey shall not give to anyone directly or indirectly any information or advice, or engaged in the practice commonly known as "touting", for the purpose of influencing any person in the making of a wager on any race.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"On" corrected to "in".

13:70-9.18 Jockey fees

Jockey's fees in the absence of a contract shall be as follows:

| Purse | Winning Mount | Second Mount | Third Mount | Losing Mount |
|----------------|------------------|-------------------|------------------|--------------|
| \$ 2,000-3,400 | 10% of Win Purse | \$45.00 | \$35.00 | \$33.00 |
| 3,500-4,900 | 10% of Win Purse | 55.00 | 45.00 | 35.00 |
| 5,000-9,900 | 10% of Win Purse | 65.00 | 50.00 | 40.00 |
| 10,000-14,900 | 10% of Win Purse | 75.00 | 60.00 | 45.00 |
| 15,000-24,900 | 10% of Win Purse | 5% of Place Purse | 5% of Show Purse | 50.00 |
| 25,000-49,900 | 10% of Win Purse | 5% of Place Purse | 5% of Show Purse | 60.00 |
| 50,000 & Up | 10% of Win Purse | 5% of Place Purse | 5% of Show Purse | 75.00 |

As amended, R.1983 d.512, effective November 7, 1983, operative January 2, 1984.
See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).
Deleted old fee schedule and added new fee schedule.
As amended, R.1984 d.444, effective October 1, 1984.
See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a).

13:70-9.19 Dead heats

In a dead heat for first place, the jockeys involved shall each receive 10 percent of the purse money awarded to the owner by whom he is engaged. In all other dead heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other.

As amended, R.1978 d.132, effective April 19, 1978.
See: 9 N.J.R. 540(a), 10 N.J.R. 295(b).

13:70-9.20 Forfeiture of winning purse; jockey's fees

In the event that a winning purse is forfeited through subsequent ruling of the stewards and/or Racing Commission, after the result has originally been made official, the winning fee shall be paid to the jockey whose mount is ultimately adjudged the winner, and the original winner shall be credited only with a losing mount.

13:70-9.21 Proof of physical and mental capacity

A jockey may be required to submit adequate proof, in the form of a medical affidavit, that he or she is physically and mentally capable of performing the duties of a jockey.

13:70-9.22 Start of suspension

The suspension of a jockey for an offense not involving fraud shall begin on the second day after imposition of the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately on imposition of the ruling.

13:70-9.23 Fines

A fine must be paid by the jockey, him or herself. Any other person paying it shall be subject to disciplinary action.

13:70-9.24 Agents

Every jockey may have one agent, and no more. All engagements to ride, other than those for a contract employer, shall be made by the jockey, his or her agent or employer, or by the clerk of the scales.

13:70-9.25 Jockey's attendants; restriction

No jockey shall have an attendant other than those provided by the association.

13:70-9.26 Jockey apprentices; rules

Jockey apprentices shall be bound by all the rules for jockeys.

13:70-9.27 Application for apprentice license

An application for a license as apprentice jockey shall be accompanied by proof of at least one year's service with a racing stable; and, if the apprentice has not previously ridden in races, by a certificate of proficiency from the starter. A birth certificate or satisfactory evidence of date of birth may be required if deemed necessary.

13:70-9.28 Riding pending application decision

The stewards may permit an applicant to ride pending decision on his application.

13:70-9.29 Claims

(a) Any person who has never previously been licensed as a jockey in any country, and who has complied with the conditions set forth in N.J.A.C. 13:70-9.27, may claim in all overnight races except handicaps the following allowances:

1. An apprentice jockey shall ride with a five pound weight allowance beginning with his or her first mount and for one full year from the date of his or her fifth winning mount.

2. If, after riding one full year from the date of his or her fifth winning mount, the apprentice jockey has failed to ride a total of 40 winners from the date of his or her first winning mount, he or she shall continue to ride with a five pound weight allowance for one more year from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first.

Amended by R.1989 d.108, effective February 21, 1989.

See: 20 N.J.R. 2996(a), 21 N.J.R. 451(b).

Substantially amended.

13:70-9.30 Apprentice contracts

(a) An apprentice jockey must be at least 16 years of age to enter into a contract with a racing stable for a period not to exceed three years. Such contracts must be filed with the Racing Commission, and submitted to the stewards for their approval, and are binding in all respects on the signatories thereof.

(b) In lieu of a contract, an apprentice jockey certificate may be issued by the stewards and must be filed with the Racing Commission. The certificate shall terminate three years from date of issuance, except as set forth in N.J.A.C. 13:70-9.32.

Amended by R.1989 d.107, effective February 21, 1989.

See: 20 N.J.R. 2996(b), 21 N.J.R. 451(c).

Substantially amended.

13:70-9.31 Allowances for contracted apprentices

In addition to the weight allowances specified in Section 28 of this Subchapter, a contracted apprentice may claim an allowance of three pounds for an additional year when riding horses owned or trained by the original contract employer, provided that his or her contract has not been permanently transferred, since his or her fifth winner. The holder of the contract at the time the apprentice rides his or her fifth winner shall be considered the original contract holder.

13:70-9.32 Extension of time period

Under exceptional circumstances which would prevent an apprentice jockey from riding during the full periods specified above, such as service in the armed forces of the United States; personal injuries suffered in the course of his or her occupation or otherwise; a disabling illness; restrictions on racing; or any other valid reason, the Commission may extend such period to compensate therefor.

13:70-9.33 Earnings

No contract employer shall have any interest in the earnings of a jockey.

13:70-9.34 Filing of jockey contracts

All contracts, or a copy of the same, between jockeys and their employers shall be filed with the Racing Commission.

13:70-9.35 Written contracts required

An owner or trainer employing a jockey for a period of more than 31 days shall make a contract in writing with such jockey.

13:70-9.36 Weighing out

The specified jockeys shall be weighed out for their respective mounts in each race by the clerk of the scales not less than 20 minutes before the time fixed for the race. In case of a substitution of riders after the original rider has been weighed out, the substitute rider shall be weighed out as promptly as possible and the name of the substitute and his weight publicly announced and posted.

13:70-9.37 Jockey agent license

Each jockey agent must obtain a license from the Racing Commission, which entitles him to represent not more than two jockeys.

13:70-9.38 Engagements

No jockey agent shall make or assist in making of any engagement for any rider other than those he is licensed to represent.

13:70-9.39 Dismissed agent; transfer of license

(a) An agent who is dismissed by his employer must make available a complete list of the engagements he has contracted for.

(b) With the permission of the stewards, he may transfer his license in order to represent a different jockey.

13:70-9.40 Agent's records

An agent shall maintain separate and accurate records of all engagements contracted for riders he represents, and at all times have such records available for examination by the stewards. Failure to maintain such records constitutes neglect, and is subject to disciplinary action.

13:70-9.41 Jockey agent license fee

Each jockey agent must obtain a license from the Racing Commission, and the fee therefor shall be \$50.00.

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Revised fee.

13:70-9.42 Actions pending application decision

The stewards may permit an applicant to act pending decision on his application for a license.

13:70-9.43 Engagements for other jockeys

If, for good reason, a jockey agent is short of his permissible quota of jockeys and wishes to take on the task of making engagements for a rider not named in his license he must obtain permission from the stewards and the Racing Commission before making any such engagements.

13:70-9.44 Termination of contract; notice

If any jockey agent gives up the making of engagements for any rider, he shall immediately notify the stewards, the Racing Commission and the clerk of the scales; and he shall also turn over to the stewards a list of any unfilled engagements he may have made for that rider.

13:70-9.45 Agent's fees

A jockey agent may charge a jockey or apprentice \$2.00 for each winning mount obtained by him and \$1.00 for each other mount obtained by him, but shall receive no recompense for engagements made by the rider himself or by his contract employer, or clerk of the scales.

13:70-9.46 Record of engagements

(a) Each jockey agent shall keep, on a form provided by the association, a record by races of all engagements made by him, for the jockeys he is handling.

(b) This record shall include the day and the hour of making each engagement and the calls shall be numbered in the order of their priority whenever more than one is given for any rider in any race.

(c) This record must be kept up to date and held ready at all times for inspection by the stewards or the clerk of the scales.

13:70-9.47 Rival claims for rider's services

All rival claims for the services of a rider will be adjudged by the stewards in the light of the records submitted by the jockey agents.

13:70-9.48 Touting information; agent

A jockey agent shall not give to anyone, directly or indirectly, any information or advice, or engage in the practice commonly known as "touting" for the purpose of influencing any person, or that would tend so to do, in the making of a wager on the result of any race.

13:70-9.49 Falsification of records

Any agent who falsifies his record shall be penalized by the revocation of his license and any agent so penalized

shall be ineligible for another license for a term of 12 months from the day of the revocation.

13:70-9.50 Agent's assistance; rival claims

Jockey agents will be called to explain rival claims for any amount or for any rider and inability to satisfy the stewards that the rival claims arose through honest *bona fide* error shall be considered a falsification of records, and his license revoked.

SUBCHAPTER 10. PADDOCK TO POST

13:70-10.1 Saddled horses in paddock

Every horse must be saddled in the paddock.

13:70-10.2 Time schedule

Horses must be in the paddock 20 minutes before post time, time schedule permitting.

13:70-10.3 Saddle number

In a race, each horse shall carry a conspicuous saddle cloth number, corresponding with its number on the official program. Each horse making up an entry shall carry the same number, with distinguishing letter; for example, 1, 1A; 2, 2X and so forth. In the case of a mutuel field, horses comprising the field shall carry an individual number; for example, 12, 13, 14 and so on.

13:70-10.4 Full parade

All horses shall make a full parade, unless excused from doing so by the stewards.

13:70-10.5 Weights

All horses shall carry their respective weights from paddock to post. If a jockey is thrown in the parade, the horse must be returned to be remounted at the point where the jockey was thrown, and must complete its parade with its assigned weight up.

13:70-10.6 Time period

After entering the track, not more than 12 minutes shall be consumed in the parade to the post, except in cases of unavoidable delay. After passing the stands once, the horses will be allowed to canter, warmup or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Pluralized "horses".

13:70-10.7 Equipment changes

Permission for any change of equipment from that which a horse carried in his last previous race can be obtained only from the stewards and must be obtained before scratch time on the day when the horse is to run with changed equipment.

13:70-10.8 Blinkers

Permission for a horse to add blinkers to his equipment or to discontinue the use of them must be approved by the starter before being granted by the stewards.

SUBCHAPTER 11. POST TO FINISH

13:70-11.1 Crossing or weaving

When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation.

13:70-11.2 Jostling

No horse or jockey shall willfully jostle another horse.

13:70-11.3 Touching or striking

No jockey shall willfully strike or touch another jockey's horse or equipment for the purpose of interfering with that horse or jockey.

13:70-11.4 Shortening stride

No jockey shall unnecessarily cause his horse to shorten its stride with a view to complaint.

13:70-11.5 Frivolous complaints

No owner, trainer or jockey shall complain frivolously that his horse was crossed or jostled.

13:70-11.6 Complaints

The stewards shall take cognizance of foul or careless riding and may entertain reports from other racing officials of the meeting whether or not formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, owner or trainer of the horse alleged to have been interfered with.

13:70-11.7 Disqualifications; fouls

If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest, or coupled in the betting through a mutuality of interest, may also be disqualified.

13:70-11.8 Extent of disqualification

The stewards are vested with power to determine the extent of disqualification in cases of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

13:70-11.9 Horses' best effort

(a) All horses shall be ridden out in every race.

(b) If two or more horses run in one interest in any race, each shall give its best effort.

(c) The practice of declaring to win with one of the other of such horses will not be allowed.

13:70-11.10 Jockey's best effort

A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of the race, such jockey shall be penalized by the stewards according to the gravity of the offense.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Administrative correction.

13:70-11.11 Automatic disqualification; purse

A horse which leaves the course or loses its jockey during the running of a race is automatically disqualified and placed last. Any portion of a purse that would normally accrue to such horse shall revert to the association.

13:70-11.12 Abusive whipping by a jockey

Every jockey shall be responsible for the proper use of his or her whip during the running of a race. Whips may be used for the purpose of encouraging a horse to give forth its best effort during the running of a race, but shall not be used in an abusive or reckless manner. The stewards shall take cognizance of the manner in which a whip is used during the riding of a race and at all times thereafter and shall make such determinations as they deem appropriate with respect to whether or not there has been an abusive use of a whip and/or reckless use of a whip. If, in the opinion of the stewards, an abuse of the whip or a reckless use of the whip has been committed, the offending jockey shall be fined and/or suspended by the stewards.

New rule, R.1988 d.559, effective December 5, 1988.

See: 20 N.J.R. 2038(a), 20 N.J.R. 3025(a).

SUBCHAPTER 12. CLAIMING**13:70-12.1 Claiming races on the flat**

In claiming races on the flat, other than open claiming pursuant to N.J.A.C. 13:71-14.36, any horse is subject to

claim for its entered price by any owner who has started a horse on the flat at the meeting at which the claim is made and who also has been assigned stalls on a permanent basis on the premises of a licensed New Jersey racetrack, or who has been assigned stabling at an approved farm in the State of New Jersey.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

"Any licensed . . . individually" added.

Amended by R.1986 d.215, effective June 16, 1986.

See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a).

Deleted text "Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually." Added text "and who also . . . of New Jersey."

Amended by R.1987 d.420, effective October 19, 1987 (operative December 26, 1987).

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

Added text "other than open claiming pursuant to N.J.A.C. 13:71-14.36".

13:70-12.2 Restrictions; claiming privileges

The stewards at their discretion may permit an owner racing from out-of-state to replace a horse claimed from him even though the owner does not meet the stabling requirements of N.J.A.C. 13:70-12.1.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1986 d.215, effective June 16, 1986.

See: 18 N.J.R. 546(a), 18 N.J.R. 1308(c).

Added text "even though the . . . N.J.A.C. 13:70-12.1."

13:70-12.3 Claiming races over jumps or hurdles

In claiming races over jumps or hurdles any horse is subject to claim for its entered price by any owner who has started a horse in a steeplechase or hurdle race at the meeting at which the claim is made.

13:70-12.4 Claimed horse

A claimed horse may start in a race following said horse being claimed, subject to compliance with this chapter, with no restriction imposed as to that horse's ability to compete by virtue of its having been claimed.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1984 d.524, effective November 19, 1984 (operative January 1, 1985).

See: 16 N.J.R. 2348(a), 16 N.J.R. 3215(a).

(b): Delete "in which the weight to be carried is assigned by the handicapper".

Amended by R.1994 d.134, effective March 21, 1994.

See: 25 N.J.R. 1059(a), 26 N.J.R. 1354(b).

13:70-12.5 Claimed horse racing elsewhere

A claimed horse shall not race elsewhere until after the close of the meeting at which it was claimed. Nothing in this rule shall preclude any claimed horse from entering any stake race.

Amended by R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.6 Agents

A claim may be made by a licensed authorized agent, but an agent may claim only for the account of those for whom he is licensed as agent.

Amended by R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.7 Claiming own horse

No person shall claim his own horse, or cause his own horse to be claimed, directly or indirectly, for his own account.

13:70-12.8 Claimed horse; stabled

No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

13:70-12.9 Number of claims

No person shall claim more than one horse in any one race. No authorized agent, although representing several owners, shall submit more than one claim in any one race. No person shall place or cause to be placed more than one claim form in the claim box under any circumstances.

Amended by R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.10 Stable claims

When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

13:70-12.11 Agreements

No person shall offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race; and no owner or trainer shall make any agreement for the protection of each other's horses in a claiming race.

13:70-12.12 Intimidation

No person shall attempt by intimidation or threat of bodily harm to prevent anyone from racing a horse in any claiming race for which it is entered.

As amended, R.1980 d.95, eff. February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.13 Affidavits

The Stewards may, at any time, at their discretion, require any person who has filed a claim to make affidavit in writing that he is claiming in accordance with the rules; and claims which are not made in keeping with the rules shall be void.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 436(a), 12 N.J.R. 208(c).

13:70-12.14 Form of claims

All claims must be made in writing, on forms and in envelopes furnished by the association. Both forms and envelopes must be filled out completely, and must be accurate in every detail, otherwise, the claim shall be void. For purpose of compliance with this rule, the name of the horse as appearing in the program and/or Daily Racing Form shall govern.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.15 No money in claim box

No money or its equivalent shall be put in the claim box. For a claim to be valid the claimant must have a credit balance in his account with the association's horsemen's accountant of not less than the amount of the claim, plus New Jersey sales tax. No claimant shall deplete his account after entering a claim for any horse for a period of two hours from the time the said claim was entered.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.16 Time; claims

Claims must be deposited in the claim box at least 10 minutes before post time of each race.

Amended by R.1986 d.171, effective May 19, 1986.
See: 18 N.J.R. 402(a), 18 N.J.R. 1104(c).
Claims deposited changed from 15 to 10 minutes.

13:70-12.17 Irrevocability

Claims are irrevocable.

13:70-12.18 Opening claim envelopes

Prior to off-time, the stewards, or their appointed deputy, shall open the claim envelopes for each race, and thereafter check with the horsemen's accountant to ascertain whether the proper credit balance has been established with the association. The association shall provide an agent who shall deliver the claim box to the Steward's stand.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.19 Title in claimed horse

Title in a claimed horse shall be vested in a successful claimant from the time said horse is a starter, and said claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

13:70-12.20 Void claims

If a claimed horse is excused by the stewards before it is a starter, any claim or claims for such horse shall be void.

13:70-12.21 Delivery to claimant

Any horse that has been claimed shall, after the race has been run, be taken to the detention barn for delivery to the claimant.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 298(c).

13:70-12.22 Delivery; written authorization

A claimed horse shall not be delivered to the successful claimant until written authorization is given by the racing secretary, or his deputy.

13:70-12.23 Cooling the horse

A trainer whose horse has been claimed is responsible for cooling his horse out until after the collection of any blood and/or urine specimen and he shall sign for the witnessing thereof. Failure to comply shall be subject to penalty.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.24 Required delivery

No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question is disqualified until delivery is made.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.25 Title; more than one claim

If more than one claim is filed for the same horse, title to the horse shall be determined by lot under the direction or supervision of the stewards, or their appointed deputy.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.26 Engagements

When a horse is claimed, the horse's engagements are included.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.27 Liens

No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder of the claim shall be filed with the racing secretary of the association conducting such claiming race.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.28 Eliminated stables

Should any stable registered at a meeting be eliminated by sale or removal from the grounds, the right to claim is void.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.29 Right to claim

(a) An owner whose stable has been eliminated by claiming shall have the right to claim during the remainder of the meeting at which his stable was eliminated, or for 30 New Jersey racing days, whichever period is longer.

(b) If the 30 day period should extend into the next succeeding meeting, the owner must obtain a certificate from the stewards of the meeting at which his last horse was claimed, and must present this certificate when filing a claim at the next meeting.

(c) Stables eliminated by fire or other hazards may also be permitted to claim under this rule at the discretion of the stewards.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.30 Claiming price

The claiming price of each horse in a claiming race shall be printed in the official program, and all claims for said horse shall be for the amount so designated.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.31 Sale of claimed horse

No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to any one within 30 days after the day he was claimed except in another claiming race.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.32 Conflict of rules

A horse claimed at a recognized meeting under rules at variance with those contained in this subchapter, shall while racing in New Jersey, serve any additional penalty imposed by the rules of the state wherein claimed.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.33 Circumvention of rules

If an owner ships away only part of his horses, the Stewards shall be free to decide whether or not a part was left behind merely to circumvent the claiming rules. If they should decide an attempt was made at circumvention of the rule, the claim shall be void and the owner or stable considered an eliminated stable under section 29 of this subchapter.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.34 Sex of horse claimed

Notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.35 Protests

A protest to the claim of a horse must be filed with the stewards within 48 hours of the claim. No protest will be accepted after that time.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.36 Testing

A post race urine test shall be taken in full compliance with subchapter 14 of this chapter from any horse claimed in a race. The claimant shall have the right to void said claim should the forensic analysis of the sample so taken be positive for any drug.

New Rule, R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.37 Open claiming

(a) This section is not applicable to any licensed owner that has claiming privileges pursuant to N.J.A.C. 13:70-12.1.

(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 stewards to the contrary, the claimed horse must race back at that race meet.

New Rule, R.1987 d.420, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(a), 19 N.J.R. 1411(a).
Amended by R.1991 d.313, effective June 17, 1991.
See: 23 N.J.R. 1068(a), 23 N.J.R. 1960(b).

Added new (a).

Reconstructed existing (a) by deleting "A new owner who does not have claiming privileges pursuant to N.J.A.C. 13:70-12.37" 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 13. OBJECTIONS AND PROTESTS

13:70-13.1 Who can protest; generally

A protest, except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer or jockey of a horse engaged in the race over which the protest is made, or by a racing official of the meeting.

13:70-13.2 Protest involving fraud

A protest involving fraud may be made by any person.

13:70-13.3 Protest procedure

A protest, except a claim growing out of happenings in a race, must be made in writing, signed by the complainant, and filed with the stewards at least 60 minutes before post time of the race in question.

13:70-13.4 Protest; maiden status

To merit consideration, a protest over the status of an alleged maiden must be made in writing, signed by the complainant and filed with the stewards at least two hours before the programmed post time of the race in which the protested maiden is scheduled to run.

Case Notes

Hearing procedure under jockey breathalyzer and urine test regulations; regulations valid. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.1985), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

13:70-13.5 Immediate consideration; disqualification

A protest against a horse engaged in a race, and filed with the stewards not less than 60 minutes before post time, shall receive immediate consideration; and in default of proof within 30 minutes of post time that the horse is qualified to start, the horse may be disqualified from starting.

13:70-13.6 Protest; programmed distance

To merit consideration, a protest against the programmed distance of a race must be made at least 15 minutes before post time for that race.

13:70-13.7 Happening in race

To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the race has been made official.

13:70-13.8 Protest by jockey

If a jockey wishes to protest a happening in a race, he or she must so notify an outrider that is equipped with a two-way radio for communication with the stewards. The jockey shall then proceed to the clerk of scales and contact the stewards upon dismounting.

Repeal and New Rule, R.1990 d.532, effective November 5, 1990. See: 22 N.J.R. 2402(b), 22 N.J.R. 3385(b).

Former rule had no provision for "fast official".

13:70-13.9 Costs

A person lodging a protest must pay all the costs and expenses incurred in determining the objection, unless his objection is upheld.

13:70-13.10 Disposition of moneys

Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be paid to and held by the racing secretary until the protest is determined.

13:70-13.11 Weight penalties

When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winning of that race until a winner has been adjudged.

13:70-13.12 Records of protest

The stewards shall keep a record of all protests and complaints, and of any action taken thereon; and shall report both promptly to the Racing Commission.

13:70-13.13 Frivolous protests

No person shall make frivolous protests.

13:70-13.14 Withdrawing protests

A protest may not be withdrawn without permission of the stewards.

13:70-13.15 through 13:70-13.20 (Reserved)

As amended, R.1982 d.183, effective June 21, 1982. See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

SUBCHAPTER 13A. APPEALS

13:70-13A.1 Right of Appeal

Any person disciplined by the stewards or any official representing the Commission pursuant to the laws of New Jersey or rules of the Commission may appeal said penalty to the Commission and request a hearing.

Amended by R.1991 d.379, effective August 5, 1991. See: 23 N.J.R. 1281(a), 23 N.J.R. 2318(a). Stylistic revisions.

13:70-13A.2 Imposition of penalty; Commission

The Commission may directly impose any disciplinary action provided for in its rules.

Amended by R.1991 d.379, effective August 5, 1991. See: 23 N.J.R. 1281(a), 23 N.J.R. 2318(a). Deleted "and regulations".

13:70-13A.3 Nature of proceedings

All hearings before the Stewards will be de novo proceedings and shall be accompanied by notice and an opportunity to be heard.

Amended by R.1991 d.379, effective August 5, 1991. See: 23 N.J.R. 1281(a), 23 N.J.R. 2318(a). Deleted "and Commission".

13:70-13A.4 Appeal procedure

In the event that an appeal is taken to the Commission, said appeal must be filed in writing at the office of the Commission within three days of the date of imposition of the penalty by the Commission or the Stewards.

13:70-13A.5 Hearings

(a) Hearings in any appeal to the Commission shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B and 52:14F, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) If a license has been suspended pending hearing, the hearing shall be expedited.

Repeal and New Rule, R.1991 d.379, effective August 5, 1991.
See: 23 N.J.R. 1281(a), 23 N.J.R. 2318(a).
Former section "Acting on appeals".

13:70-13A.6 Frivolous appeals

Withdrawal by the appellant of a notice of appeal filed with the Commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the Commission shall be deemed a frivolous appeal and referred to the Stewards for further disciplinary action in the event the appellant fails to show good cause to the Stewards why such withdrawal should not be deemed frivolous.

13:70-13A.7 Hearing; costs

The applicant shall be responsible for any costs incurred in connection with any hearing held pursuant to this subchapter.

Amended by R.1991 d.379, effective August 5, 1991.
See: 23 N.J.R. 1281(a), 23 N.J.R. 2318(a).

Deleted "the right of appeal contained in" and "and the laws of the State of New Jersey".

13:70-13A.8 Stay pending appeal

(a) A notice of appeal filed with the Commission pursuant to this subchapter may be accompanied by a request for a stay pending a final decision by the Commission. Such a request for a stay shall be made on a form prescribed by the Commission. The Executive Director of the Commission may approve such stay requests in matters involving:

1. The loss of an owner of purse money of \$500.00 or more;
2. A fine of \$200.00 or more;
3. Suspension from one or more racing activities for seven days or more.

(b) Such a request for stay may be denied by the Executive Director of the Commission where to grant the same would be adverse to the best interests of racing or inimical to the integrity of the sport.

Amended by R.1992 d.265, effective July 6, 1992.
See: 24 N.J.R. 555(a), 24 N.J.R. 2461(a).
Revised (a).

SUBCHAPTER 14. ILLEGAL PRACTICES

13:70-14.1 Bribes, gifts and gratuities

No person shall give, offer or promise directly or indirectly, either in his own behalf or in behalf of another, any bribe, gift or gratuity in any form, for the purpose of influencing the result of a race, or which would tend to do so, to any person.

13:70-14.2 Offers of bribes

No person shall accept, or offer to accept on his own behalf or on behalf of another a bribe, gift or gratuity in any form, to influence the result of a race or which would tend to do so. Failure to report such offer of a bribe is a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment for three years, or both.

Case Notes

Commission concluded jockey applicant had accepted a bribe to influence a race result; finding of entrapment and dismissal of criminal proceedings against applicant did not prevent use of incriminating evidence at licensing hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

13:70-14.3 Knowledge of violations

Any person employed or engaged in racing who shall come into possession of knowledge concerning any violation of the rules of racing or any violation of law in connection with the running of a race shall immediately report the information to the stewards of the meeting for investigation and such action as the case may warrant.

13:70-14.4 False or misleading statements

No person shall make false or misleading statements to the stewards, in the course of an investigation.

13:70-14.5 Illegal devices

(a) No electrical, mechanical, or other appliance or device, other than the ordinary whip, shall be applied to a horse at any time, anywhere on the grounds of any licensed racetrack. Any person so offending shall be suspended by the stewards and referred to the Commission for license revocation. Possession of any such device at any time, anywhere on the grounds of any licensed racetrack, may be punished by fine and/or suspension.

(b) Any licensee at any licensed racetrack may be subjected to a non-invasive test for illegal electrical, mechanical, or other appliances or devices through the use of a metal detector. Any person who refuses to submit to a metal detection test when requested to do so by the New Jersey Racing Commission, a steward or both may be subject to the penalties provided in N.J.A.C. 13:70-31.

(c) If the metal detector records a positive reading on a person, that individual will be asked to remove the metal object which caused the positive reading and then be retested in the manner described in (b) above. Any licensee who refuses to remove a metallic object causing a positive reading may be subject to the penalties provided in N.J.A.C. 13:70-31.

(d) Should any licensee be found to be in possession of illegal electrical, mechanical, or other appliances or devices, or should a licensee refuse to submit to a test for such devices as outlined in (b) and (c) above, he or she will be requested to appear before the stewards on the following day for a hearing on the matter.

(e) Should any jockey be found to be in possession of illegal electrical, mechanical, or other appliances or devices, or should a jockey refuse to submit to a test for such devices as outlined in (b) and (c) above, that jockey will be taken off of any remaining mounts and he or she will be requested to appear before the stewards on the following day for a hearing on the matter.

As amended, R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).
Amended by R.1989 d.155, effective March 20, 1989.
See: 20 N.J.R. 3114(b), 21 N.J.R. 774(a).

(b)-(e) added, allowing non-invasive testing for illegal devices and imposition of penalties.

13:70-14.6 Tampering

No person shall tamper or attempt to tamper with any horse in such a way as to affect its speed in a race, nor shall he counsel or in any way aid or abet any such tampering. Should the stewards have reason to believe any horse entered to start has been tampered with, the horse may be ordered scratched and a special test conducted. The stewards may fine and/or suspend any person for tampering or attempting to tamper with any horse on the grounds of any racetrack enclosure and may recommend license denial or revocation for such person to the Commission.

As amended, R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

13:70-14.7 Disqualified persons or horses

If any person willfully enters or causes to be entered or to start for any race, a horse which he knows to be disqualified; or if any person fraudulently offers or receives any amount of money for declaring an entry out of a purse or stakes race; or if any person, without making it known to the officials, is a part owner or acts as trainer of any horse in which a jockey possesses any interest, or makes any bet with or on behalf of any jockey, unless on a horse he is riding; or offers or gives, except through his employers, or the owner or trainer of the horse ridden, a jockey any present, money or other reward in connection with his riding of any race; or if any person be guilty of any other corrupt or fraudulent practices on the turf, in this or any other country, then such person shall be ruled off the course.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Stakes" changed to stakes "race".

13:70-14.8 Conspiracies

No person shall conspire with any other person for the Commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing, nor shall he commit such an act on his own behalf.

Case Notes

Commission concluded that jockey applicant had conspired to commit a fraudulent practice in relation to racing; finding of entrapment and dismissal of criminal proceedings against applicant did not prevent

use of incriminating evidence at licensing hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

13:70-14.9 Soliciting bets

No person shall solicit bets on the grounds of an association.

13:70-14.10 Betting; jockey's attendant

No jockey's attendant shall make a bet on any race nor shall he place a bet for anyone else.

13:70-14.11 Betting own horse

No owner, trainer or jockey of a horse entered in a race shall bet or cause any person to bet on his behalf on any horse other than his own horse. In the case of exotic pools, all tickets purchased either directly or indirectly by an owner, trainer or jockey must include his horse entered to race.

As amended, R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

13:70-14.12 Narcotics conviction; denial of license

Any person who has been convicted of possession or use of narcotics by any court in the land may be denied a license or ruled off or both as the Commission may decide.

Amended by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

13:70-14.13 Cooperation with other agencies; violations of law

Every association, all officials and employees thereof, and all persons licensed in any capacity by the Commission shall give every possible cooperation, aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government, or with the State of New Jersey, who may be investigating or prosecuting any matter involving a violation of any law, or any rules or regulations of the Commission. Failure to cooperate will subject the person or persons involved to a fine, suspension or both.

Amended by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

13:70-14.14 Fraud; disqualification

When a horse is disqualified and there is evidence of fraud or attempted fraud, any other horse in the race owned or controlled by the same interest or trained by the same trainer also may be disqualified.

Amended by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

13:70-14.15 State Police; responsibilities

The enforcement of N.J.S.A. 5:5-71 and other criminal laws of the State of New Jersey shall be the responsibility of

the State Police. Investigations pursuant to the enforcement of N.J.S.A. 5:5-71 or other criminal laws of the State shall take precedence over any action taken by the association or the Racing Commission concerning an incident arising from an alleged violation of the provisions of subchapter 14A of this chapter. Every association and Racing Commission official and employee shall render full cooperation, aid and assistance in any investigation undertaken for a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal statutes of the State. Further, every association and Racing Commission official and employee, on becoming aware of a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal laws of the State of New Jersey, shall communicate in writing the circumstances of such immediately to the New Jersey Racing Commission and the State Police who shall evaluate same and take whatever further action is deemed necessary.

Amended by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

13:70-14.16 Equine fatality report

(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.

(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.

(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration of medication or drugs to said animal within the 96 hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-31.3.

(e) An equine fatality report shall not be required in connection with any pony or mascot.

Adopted R.1984 d.104, effective April 2, 1984.

See: 16 N.J.R. 222(a), 16 N.J.R. 743(a).

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Corrected N.J.A.C. cite in (d)1.

13:70-14.17 Suspension pending outcome of indictment

(a) A licensee may be suspended immediately when the licensee is indicted in this State for a crime of the first, second, third or fourth degree or is indicted for a similar crime under Federal law or the law of another state, or Province of Canada law if:

1. The charge or charges arise from activity or activities occurring on the grounds of a race association or a licensed farm or;
2. The charge or charges are directly related to the racing industry whether in this State or another jurisdiction.

(b) Prior to a suspension under (a) above becoming effective, the licensee must first be apprised in writing of why an immediate suspension is sought, the charges and the general evidence in support of the charges. This notice may be given by personal service or by regular mail or by certified mail, return receipt requested, to the last address for the licensee on record with the Commission.

(c) The licensee may request a hearing with a representative of the Commission within 10 days of the date of the written notice of suspension. If no request is made within this time, or such additional time as agreed to by a representative of the Commission or as provided in a negotiated agreement, the suspension issued pursuant to this section shall continue until disposition of the criminal indictment.

(d) A suspension pursuant to this section shall not extend beyond the disposition of the criminal complaint or indictment; provided, that where a licensee is convicted of a charge described in (a) above, such suspension shall remain in effect pending further disciplinary action by the Commission.

(e) Where any licensee is suspended pursuant to this section, said penalty may be appealed to the Commission and a hearing requested.

(f) The hearings before both the Commission's representative and the Commission itself shall be *de novo* proceedings.

(g) Where the suspension is immediate under (a) above, the licensee may seek a stay of said suspension pending a resolution of the charge or charges and/or the Final Decision of the Commission. Any such request shall be in writing and shall be addressed to the Executive Director (or his or her designee) and the Commission.

1. Such a request may be denied by the Commission, Executive Director, or his or her designee, where to grant the same would be adverse to the best interests of racing or inimical to the public in preserving the integrity of the sport and in preserving public confidence in the sport.

Amended by R.1978 d.275, effective August 9, 1978.
See: 10 N.J.R. 169(b), 10 N.J.R. 404(b).

Added text concerning the administration of medication to control bleeding for thoroughbred and harness racing.

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Administering medication" recodified to N.J.A.C. 13:70-14A.2.

New Rule, R.1991 d.266, effective May 20, 1991.
See: 23 N.J.R. 673(a), 23 N.J.R. 1683(c).

13:70-14.18 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Medication; specimens" recodified to N.J.A.C. 13:70-14A.6.

13:70-14.19 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Protecting horses against drug administering" recodified to N.J.A.C. 13:70-14A.7.

13:70-14.20 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section recodified to N.J.A.C. 13:70-14A.3.

13:70-14.21 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Procedure following positive chemical analysis" recodified to N.J.A.C. 13:70-14A.12.

13:70-14.22 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Second offense" recodified to N.J.A.C. 13:70-14A.8.

13:70-14.23 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Suspensions; eligibility of horses" recodified to N.J.A.C. 13:70-14A.9.

13:70-14.24 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section was "Suspension; personnel."

13:70-14.25 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Narcotics conviction; denial of license" recodified to N.J.A.C. 13:70-14.26.

13:70-14.26 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Cooperation with other agencies; violation of law" recodified to N.J.A.C. 13:70-14.13.

13:70-14.27 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Fraud; disqualification" recodified to N.J.A.C. 13:70-14.14.

13:70-14.28 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Post-race blood tests" recodified to N.J.A.C. 13:70-14.11.

13:70-14.29 (Reserved)

Repealed by R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

Section "State Police; responsibilities" recodified to N.J.A.C. 13:71-23.21.

SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

13:70-14A.1 Intent of medication rules; general provisions

(a) It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and racing participants through the prohibition and/or control of all drugs and/or substances foreign to the natural horse. For the purpose of these rules, a drug and/or substance administered to a horse is foreign to the natural horse irrespective of whether the said drug and/or substance is also naturally occurring to the horse.

(b) On the day of the race, irrespective of the date, time and method of administration, no horse entered to start in or participating in any race shall carry in its body any drug and/or substance foreign to the natural horse, excepting external rubs and innocuous compounds as defined in this section and as otherwise provided for in these rules. Examples of drugs and/or substances foreign to the natural horse, and thus prohibited pursuant to this section, are as follows:

1. Articles meeting the definition of drug as set forth in N.J.A.C. 13:70-2.1;
2. Chemical substances;
3. Stimulants;

4. Depressants;
5. Anesthetics;
6. Tranquilizers;
7. Anti-inflammatories;
8. Erythropietin (epogen, EPO);
9. Pain killers;
10. Sodium bicarbonate (baking soda);
11. Confectionery sugar;
12. Stamina builders; and
13. Mixtures, compounds or solutions commonly referred to as "milkshakes" which contain any prohibited drug and/or substance.

(c) Nothing contained in this section, however, shall be construed to prohibit the horse from carrying in its body on the day of the race food products resulting from the normal and proper diet of a horse not containing prohibited drugs and/or substances.

(d) On the day of the race, except as otherwise provided for in these rules, no horse entered to start in or participating in any race shall have administered to it any such drug and/or substance foreign to the natural horse, including as a result of administration of an otherwise permissible external rub or what would otherwise constitute an innocuous compound. In no event, except for the intravenous administration of furosemide (Lasix) pursuant to N.J.A.C. 13:70-14A.9, the intravenous or oral administration of phenylbutazone pursuant to N.J.A.C. 13:70-14A.9, or as may otherwise specifically be authorized by or pursuant to these rules, shall the administration of said excepted items be accomplished intravenously, by injection, by jugging or drenching, or through the use of a syringe or sharp, dose syringe, or tube apparatus. A non-prohibited external rub or innocuous compound as defined in this section shall on the day of the race be administered only by application on the exterior of the horse, except that food constituting the normal and proper diet of a horse not containing prohibited drugs and/or substances may be ingested by means limited to the natural intake of a horse without aid or the assistance of any device or apparatus.

(e) An external rub or innocuous compound is a single substance, mixture of substances or compound which does not contain any of the 13 examples of prohibited items as set forth in (b) above, or additionally, any other substance foreign to the natural horse which alters its normal physiological state.

Amended by R.1994 d.125, effective March 7, 1994.
See: 25 N.J.R. 3099(a), 26 N.J.R. 136(a).

Case Notes

Violation by presence of Butazolidin in blood noted (also cited as former N.J.A.C. 13:70-14.17). State v. Dolce, 178 N.J.Super. 275, 428 A.2d 947 (App.Div.1981).

13:70-14A.2 Testing

(a) Any horse entered to start at any licensed race meeting may be subjected to a pre-race and/or post-race blood, and/or urine test, at the direction of the State Veterinarian, and/or State Steward, in the manner prescribed by the New Jersey Racing Commission. The costs so incurred shall be borne by the track association. The cost to the track association for testing each sample shall be established by the New Jersey Racing Commission.

(b) Every owner, or his authorized agent, or trainer or any horse entered to race at any licensed racetrack shall immediately submit the said horse to any veterinarian designated by the Commission, for examination and/or testing whenever so requested by the Commission, Stewards, State Veterinarians, or Associate State Veterinarians.

13:70-14A.3 Pre-race testing program

(a) All horses entered to start in any race where parimutuel wagering is conducted shall be subject to a pre-race blood and/or urine test.

(b) Such horses shall be tested in their respective barn area on the grounds of the permitholder on the day of the race at such time as designated by the Commission and shall be under the care of a duly licensed attendant designated by the trainer of the horse.

(c) A licensed veterinarian approved by the Commission shall be the only person allowed to draw blood for testing. A quantity of 20 cubic centimeters or such amount as the veterinarian may designate shall be extracted from each horse for testing purposes.

(d) Should the forensic analysis of such sample be classified as suspicious for any drug, or substance foreign to the natural horse except as expressly permitted by these rules and regulations, the horse shall be scratched.

(e) Should the forensic analysis of such sample be classified as positive for any drug, or substance foreign to the natural horse, the horse shall be scratched and placed on the Steward's list for seven days.

(f) The entry of a horse shall constitute permission for a veterinarian appointed by the New Jersey Racing Commission to obtain biological samples, and consent to the scratching of the horse from the race in the event such test is positive or suspicious.

(g) A trainer shall receive a warning for the first time a horse in his charge shall show a positive pre-race test. If the same horse shall again be positive on a pre-race test, then the trainer may be fined, suspended or both.

13:70-14A.4 Post-race testing program

(a) No drug shall be administered or applied, internally or externally, to any horse that is to be sampled after a race until the blood and/or urine samples have been obtained unless permission from the State Veterinarian is obtained.

(b) Every horse to be tested shall be taken to a detention barn, to be supplied by the association in accordance with specifications set forth by the Commission. All blood samples shall be taken by a State Veterinarian while urine samples shall be secured by the State Veterinarian or a chemical inspector of the Commission at the direction of the State Veterinarian.

(c) During the taking of any blood and/or urine sample by the veterinarian representing the Commission, from the horse entered to race, the owner, trainer or their designated representative shall be present and witness the procedure. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission and the evidence of such sealing shall be indicated by the signature of such owner, trainer or representative. It shall be the obligation of the owner, trainer or representative to cooperate fully with the State Veterinarian in obtaining any samples which may be required and to attend and witness the taking and securing of such sample.

13:70-14A.5 Procedure following positive chemical analysis

(a) On receiving written notice from the official chemist that a post-race specimen has been found "positive" for any drug or substance foreign to the natural horse, the stewards shall proceed as follows:

1. They shall notify the State Police and authorize a search of the premises occupied by the stable involved.
2. They shall, as quickly as possible, notify the owner and trainer of the horse involved.
3. They shall, with the assistance of the State Police, conduct a thorough investigation, interviewing the trainer, assistant trainer and any other persons who may have pertinent knowledge of the circumstances involved.
4. During the progress of such investigation, the stable involved shall be permitted to race; save that the particular horse (or horses) involved shall not be entered or start until allowed to do so by the Stewards.

Case Notes

Rule permitting warrantless administrative search of premises after positive drug test valid as within warrant exception for industries subject to pervasive and long-standing government regulation; scope of search (cited as former N.J.A.C. 13:70-14A.12 and 13:70-14.21). *State v. Dolce*, 178 N.J.Super. 275, 428 A.2d 947 (App.Div.1981).

13:70-14A.6 Trainers

(a) A trainer shall be the absolute insurer of and is responsible for the condition of a horse within his care and custody.

(b) A trainer shall not enter or start a horse that has in its body any drug or substance foreign to the natural horse except as otherwise provided for in these rules and regulations.

(c) A trainer has the duty to be familiar with the medication rules of this Commission and with any drug or substances foreign to the natural horse administered to said horse at his direction or while in his care and custody.

(d) The trainer, owner, veterinarian, groom or other person charged with the custody, care and responsibility of a horse are all obligated to protect and guard the horse against administration of any drug or substance foreign to the natural horse except as otherwise provided for in these rules and regulations by any unauthorized individual, and the administration of any unauthorized drug or substance foreign to the natural horse by any person.

Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations in which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence (citing former N.J.A.C. 13:70-14.19). *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

13:70-14A.7 Penalties

(a) Should the stewards determine that any person or persons have violated any section of this subchapter, they may punish the offending party consistent with the penalties provided for in these rules and regulations.

(b) In addition thereto, the Stewards may penalize the owner of any horse, or any entry of which said horse is a part, that has started in any race with any drug or substance foreign in its body by disqualification and denial of any part of the purse with redistribution of purse moneys as in the case of a disqualification.

(c) Any individual suspended or disciplined in any fashion for a second or subsequent violation of N.J.A.C. 13:70-14A.6(a), (b), (d) or any comparable rule of any other racing commission or turf governing body may be deemed a repetitive offender. A second or subsequent violation of 13:70-14A.6 may constitute grounds for further disciplinary action by the Commission.

(d) Horses owned wholly or in part by persons suspended for violation of N.J.A.C. 13:70-14A.6(a), (b) or (d) are ineligible to start during the period of such suspension, unless sold to a bona fide purchaser. Horses trained by a person suspended for such a violation, wherein the trainer does not have an ownership interest, are automatically eligible to start when placed in the hands of a licensed trainer approved by the Stewards. (See N.J.A.C. 13:70-13A for rules concerning Appeals.)

13:70-14A.8 Possession of drugs or drug instruments

(a) No person aside from licensed veterinarians shall have in his possession anywhere within the grounds of any association conducting a race meeting, or anywhere within the confines of a racetrack enclosure, or anywhere within the grounds of any licensed off-track stabling facility, any drugs not possessed in accordance with the laws of the State of New Jersey, nor any contraband drug or unauthorized prescription legend drugs, nor any hypodermic syringes or needles, or any other instrument which may be used for injection, unless the injectable device is possessed for self-administration, and further provided that the individual possessing such device promptly notify the State Steward:

1. That he is in possession of such device; and
2. Of the chemical substance to be administered.

Amended by R.1993 d.262, effective June 7, 1993.
See: 24 N.J.R. 1060(a), 25 N.J.R. 2488(a).

13:70-14A.9 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone

(a) The stewards may permit the administration of medication to control respiratory bleeding in animals that:

1. At any time have been charted to have bled in the "Daily Racing Form"; or
2. At any time have received a comprehensive cardiopulmonary examination at an approved equine hospital or school of veterinary medicine and as a result thereof, are certified as bleeders and therefore are in need of medication in order to race; or
3. Are observed in New Jersey to bleed during the running or driving of a workout or race at a duly licensed New Jersey racetrack, or in the detention barn following such workout or race by the State or Associate State Veterinarian and have been placed on a veterinarian's list for at least 10 days; or
4. Have been certified as respiratory bleeders in other racing jurisdictions by a veterinarian employed by that jurisdiction's regulatory body or have been placed on another racing jurisdiction's respiratory bleeder's list.

(b) All horses that are placed on the veterinarian's list shall be required to be treated by a licensed practicing veterinarian in the stall assigned to that horse on the grounds of the Racing Association or in the receiving barn. During this period the horse shall be under the care and custody of a groom or caretaker appointed by the trainer. Furosemide, a diuretic medication that is intended to control respiratory bleeding, shall be administered by a licensed practicing veterinarian and shall be limited to an intravenous dose of 0.25 milligrams (mg) per pound of body weight (0.50 mg per kilogram) or 250 milligrams (five cubic centimeters (cc)) in a 1,000 pound horse at least four hours prior to race time. Said practicing veterinarian shall make daily reports of all said treatments and file said reports with the State Veterinarian each day.

(c) Post-race urine and blood samples may be taken by or under the supervision of the State Veterinarian from all horses treated with furosemide to control respiratory bleeding pursuant to the requirements set forth above. In the event a post-race analysis of a blood sample reveals that the concentration of furosemide exceeds a level of 50 nanograms per milliliter of plasma (50 ng/ml), the trainer and/or the practicing veterinarian shall be liable to the penalties as set forth in (e) below.

(d) A horse placed on the veterinarian's list for bleeding must remain on the list for 10 calendar days; a second time bleeder must remain on the respiratory list for 30 days; and a third time bleeder must remain on the respiratory list for 90 days. A bleeder in the above categories is automatically released from the veterinarian's list after these dates; however, a horse which evidences respiratory bleeding a fourth time is barred from further racing in New Jersey.

(e) Should the stewards determine that any person or persons have violated (c) above, they shall punish the offending party as follows:

1. A trainer and/or veterinarian shall receive a warning for the first time a horse in his or her care shall show a test result in excess of 50 nanograms per milliliter of plasma.
2. A trainer and/or veterinarian shall receive a fine not to exceed \$500.00 for a second time the same horse shows a test result in excess of 50 nanograms per milliliter of plasma.
3. Should the same horse show a test result in excess of 50 nanograms per milliliter of plasma for a third time the trainer and/or veterinarian shall be suspended, fined or both.
4. Repeated violations of (c) above by a trainer and/or veterinarian for any horse under their care may subject said trainer and/or veterinarian to fine and/or suspension regardless of whether or not the same horse is involved.

(f) Notwithstanding anything to the contrary herein or in N.J.A.C. 13:70-14A.1, on the day of the race a horse may carry in its body and have administered to it, intravenously or orally, phenylbutazone in a quantity of 2.5 micrograms per milliliter or less as determined by post-race testing.

(g) Should the judges or stewards, as appropriate, determine that any trainer or persons have violated (f) above, they shall punish the offending party as follows:

1. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity above 2.5 micrograms per milliliter up to and including 3.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:

- i. First violation of N.J.A.C. 13:70-14A.9(g)1—\$250.00 fine;
- ii. Second violation of N.J.A.C. 13:70-14A.9(g)1—\$500.00 fine and seven days suspension;
- iii. Third violation of N.J.A.C. 13:70-14A.9(g)1—\$500.00 fine, loss of any purse and suspension; and
- iv. Fourth or subsequent violation of N.J.A.C. 13:70-14A.9(g)1—such fines, suspensions and/or other penalties allowed by this chapter.

2. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity exceeding 3.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:

- i. First violation of N.J.A.C. 13:70-14A.9(g)2—\$500.00 fine and loss of any purse;
- ii. Second violation of N.J.A.C. 13:70-14A.9(g)2—\$500.00 fine, loss of any purse and 15 days suspension;
- iii. Third violation of N.J.A.C. 13:70-14A.9(g)2—\$500.00 fine, loss of any purse and suspension; and
- iv. Fourth or subsequent violation of N.J.A.C. 13:70-23.8(g)2—such fines, suspensions and/or other penalties allowed by this chapter.

Amended by R.1988 d.244, effective June 6, 1988.
See: 20 N.J.R. 506(b), 20 N.J.R. 1207(b).

A respiratory bleeder has an additional opportunity to participate and further allows a horse that is a third time bleeder to be suspended from racing for three months rather than being barred from racing.
Amended by R.1990 d.485, effective October 1, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1716(b), 22 N.J.R. 3154(a).

Authorizes the administration of medication in assigned stall instead of detention barns; dosage levels and time requirements adopted are those recommended by the Association of Racing Commissioners International and provides for disciplinary action in the event post-race tests show excessive levels in blood of horse.

Amended by R.1990 d.576, effective November 19, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1233(a), 22 N.J.R. 3499(d).

Provides for the acceptance of certification of respiratory bleeders from racing commissions in other jurisdictions.

Amended by R.1991 d.263, effective May 20, 1991.

See: 23 N.J.R. 674(a), 23 N.J.R. 1684(a).

Change in text from "14 calendar days" to "10 calendar days" and from "three months" to "90 days" in (d).

Amended by R.1992 d.19, effective January 6, 1992.

See: 23 N.J.R. 2919(c), 24 N.J.R. 108(b).

Revised (a)3.

Amended by R.1994 d.129, effective March 7, 1994.

See: 25 N.J.R. 3100(a), 26 N.J.R. 1237(a).

13:70-14A.10 Breathalyzer test

Officials, jockeys, trainers and grooms shall, when directed by the State Steward, submit to a breathalyzer test and if

the results thereof show a reading of more than .05 percent of alcohol in the blood, such person shall not be permitted to continue his duties. The stewards may fine or suspend any participant who records a blood alcohol reading of .05 percent or more. Any participant who records a reading above the prescribed level on more than one occasion shall be subject to expulsion, or such penalty as the stewards may deem appropriate.

Case Notes

Regulation valid as reasonable under the Fourth Amendment; drug disclosure form did not violate jockey's privacy interests; urinalysis test information use regulations must also be applied to breathalyzer test results; tests to be conducted privately. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

Preliminary injunction denied to jockeys who sought to halt implementation of Commission's breathalyzer and urine test regulations, as they did not establish a likelihood of success on the merits of their unconstitutionality claim; horse racing comes within a recognized "pervasively regulated business" exception to the administrative search warrant requirement. *Shoemaker v. Handel*, 608 F.Supp. 1151 (D.N.J. 1985).

13:70-14A.11 Urine test

(a) No licensee or official shall use any Controlled Dangerous Substance as defined in the "New Jersey Controlled Dangerous Substance Act", N.J.S.A. 24:21-1, et seq. or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or order from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the official, jockey, trainer and groom to give notice to the State Steward that he is using a Controlled Dangerous Substance or prescription legend drug pursuant to a valid prescription or order from a licensed practitioner when requested.

(b) Every official, jockey, trainer and groom for any race at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the direction of the State Steward in a manner prescribed by the New Jersey Racing Commission. Any official, jockey, trainer or groom who fails to submit to a urine test when requested to do so by the State Steward shall be liable to the penalties provided in N.J.A.C. 13:70-31.

(c) Any official, jockey, trainer and groom who is requested to submit to a urine test shall provide the urine sample, without undue delay, to a chemical inspector of the Commission. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission and the evidence of such sealing shall be indicated by the signature of the tested official, jockey, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, jockey, trainer or groom by name. It shall be the obligation of the official, jockey, trainer or groom to cooperate fully with the Chemical Inspector in obtaining any sample which may be required to witness the securing of such sample.

(d) A "positive" Controlled Dangerous Substance or prescription drug result shall be reported, in writing, to the Executive Director or his or her designee. On receiving written notice from the official chemist that a specimen has been found "positive" for controlled dangerous substances or prescription legend drugs, the Executive Director or his or her designees shall proceed as follows:

1. For a licensee's first violation, he or she shall not be allowed to participate in racing until such time as his or her condition has been professionally evaluated.

i. After such professional evaluation, if said licensee's condition proves non-addictive and not detrimental to the best interests of racing, said licensee shall not be allowed to participate in racing, until he or she can produce a negative test result performed at the Commission testing laboratory, which may be at the licensee's expense, and agrees to further testing at the direction of the Executive Director or his or her designee.

ii. After such professional evaluation in which said licensee's condition proves addictive or detrimental to the best interests of racing, said licensee shall not be allowed to participate in racing until he or she can produce a negative test result performed at the Commission testing laboratory, which may be at the licensee's expense, and show documented proof that he or she has successfully completed a certified rehabilitation program approved by the Department of Health or a similar agency in another jurisdiction. Inquiries as to whether a particular program meets the approval requirements of this rule shall be referred to the Executive Director or his or her designee for determination. In addition, said licensee shall agree to further mandatory testing at the direction of the Executive Director or his or her designee.

iii. In addition to other requirements specified in this subsection, the Racing Commission may require a licensee to submit additional proof of rehabilitation as may be required in view of the licensee's patient assessment; his or her medical, drug and/or alcoholism history including current physiological dependency on drugs and/or alcohol and the duration of the addiction or abuse; and the facts and circumstances surrounding the violation.

2. For a licensee's second violation, he or she shall be required to enroll in a certified drug rehabilitation program approved by the Department of Health or a similar agency in another jurisdiction. Inquiries as to whether a particular program meets the approval requirements of this rule shall be referred to the Executive Director or his or her designee for determination. In addition, said licensee shall agree to further mandatory testing at the direction of the Executive Director or his or her designee. Said licensee's license shall be suspended for six months or until the requirements are fulfilled, whichever is greater.

3. For a licensee's third violation, he or she shall be liable to the penalties provided in N.J.A.C. 13:70-31, including revocation of the individual's license. A licensee may apply for reinstatement after five years but such reinstatement shall be at the discretion of the Commission based upon a review of the licensee's entire record.

4. After a licensee's first violation, such additional drug tests, as are required by the Commission, may be at the licensee's expense. It shall be the licensee's responsibility to provide the Commission with such status reports as the Commission may require, including, but not limited to, written notice of enrollment, weekly status reports, and written notice of discharge and successful completion of the program.

(e) Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee, Counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the Executive Director or his designee.

(f) Information received and reports prepared pursuant to this rule shall be stored in a locked secure area in the office of the Executive Director for a period of one year, after which time, they shall be destroyed. However, the Commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

Amended by R.1985 d.602, effective December 2, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1640(a), 17 N.J.R. 2912(a).

Substantially amended.

Amended by R.1985 d.641, effective December 16, 1985.

See: 17 N.J.R. 2363(a), 17 N.J.R. 2996(a).

Amended by R.1991 d.75, effective February 19, 1991.

See: 22 N.J.R. 3451(a), 23 N.J.R. 611(a).

New (d)1.-4., added restrictions for individuals who have tested positive for a controlled dangerous substance or prescription medication without a valid prescription.

Case Notes

Regulation valid as reasonable under the Fourth Amendment; drug disclosure form did not violate jockeys' privacy interests; urinalysis test information use regulations must also be applied to breathalyzer test results; tests to be conducted privately. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

Preliminary injunction denied to jockeys who sought to halt implementation of Commission's breathalyzer and urine test regulations, as they did not establish a likelihood of success on the merits of their unconstitutionality claim; horse racing comes within a recognized "pervasively regulated business" exception to the administrative search warrant requirement. *Shoemaker v. Handel*, 608 F.Supp. 1151 (D.N.J. 1985).

SUBCHAPTER 15. RACING OFFICIALS

13:70-15.1 List of racing officials

(a) The racing officials shall include:

1. Three stewards, appointed by the Racing Commission and paid by the Association;
2. Three placing judges;
3. Clerk of the scales;
4. Three or more patrol judges;
5. Starter;
6. Paddock Judge;
7. Racing secretary, who may also be the handicapper;
8. Timer;
9. State Veterinarian and two or more Associate State Veterinarians;
10. A mutuel manager, general manager and all other managers and persons having administrative responsibility;
11. Chief State Veterinarian; and
12. Horse identifier.

As amended, R.1976 d.125, eff. April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

As amended, R.1978 d.133, eff. April 19, 1983.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.

See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

As amended, R.1982 d.183, eff. June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a)

(a)12 added.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Change from one to all three stewards to be appointed by Racing Commission.

Administrative Correction in (a)1.

See: 24 N.J.R. 2063(b).

13:70-15.2 Appointment

The stewards, a State Veterinarian and Associate State Veterinarians, and a supervisor of mutuels shall be appointed by the Racing Commission. One of the duly appointed State Veterinarians shall also be designated by the Racing Commission as the Chief State Veterinarian and shall so serve at the pleasure of the Racing Commission. All other racing officials listed in N.J.A.C. 13:70-15.1 shall be ap-

pointed by the association, subject to the approval of the Commission.

As amended, R.1978 d.133, eff. April 19, 1978.

See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.

See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Change from one to all three stewards to be appointed by Racing Commission.

13:70-15.3 Submission of names of officials

At least 30 days prior to the first day of a race meeting, the association must submit in writing to the Racing Commission the names of those officials listed in section 1 of this subchapter and must furnish a resume of their qualifications. No racing official shall be approved to act until he has been approved by the Racing Commission.

As amended, R.1976, d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-15.4 Certificates; vision

All persons approved in the capacity of steward, placing and/or patrol judge, starter and clerk of the scales must submit annually a certificate from a recognized oculist or optometrist to the effect that their vision in both eyes is 20/20 or corrected to that figure.

13:70-15.5 Weekly compensation

The compensation to be paid to those officials appointed by the Racing Commission shall be determined by the commission and shall be paid by the association on a weekly basis.

13:70-15.6 Horse ownership or interest; officials

No one interested in the result of a race, either because of ownership of any horse entered or of its sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race.

13:70-15.7 Restrictions

(a) No racing official or his assistants shall, at the meeting:

1. Wager money or any other chattel of value on any race;
2. Accept directly or indirectly any gratuity, reward or favor in connection with racing;
3. Sell or buy, for himself or another, any thoroughbred horse;
4. Write or solicit insurance on any horse;
5. Buy or sell any contract upon any jockey or jockey apprentice for himself or another.

13:70-15.8 Report of violations

Each racing official and his assistants shall report to the stewards all observed violations of the rules.

SUBCHAPTER 16. STEWARDS**13:70-16.1 Qualifications**

Before being appointed or approved by the Racing Commission to serve in the capacity of steward, an applicant shall have been employed as steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge or clerk of the scales at a recognized meet or meetings for a period of not less than 60 racing days per year, during at least three of the five preceding calendar years; provided however, that if no applicant possesses the foregoing qualifications, whenever possible, the person or persons appointed or approved as steward should have had prior experience in some other branch of racing, such as owner, trainer, jockey, breeder or such other related experience as the Commissioner may deem sufficient.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Deleted reference to racing board.

13:70-16.2 Powers of stewards

The stewards shall have the power to determine all questions arising with reference to racing; and shall decide, in conformity with fairness and the established usage of the turf, all questions not specifically covered by the rules.

13:70-16.3 Steward's orders

In matters pertaining to racing, the orders of the stewards supersede the orders of the officers and directors of the association.

13:70-16.4 Governing conduct

The stewards shall have the power and it shall be their duty to regulate and govern the conduct of all racing officials and of all owners, trainers, jockeys, grooms and all other persons attendant on horses during, before, and after races, unless the power and the duty is vested in the Racing Commission.

13:70-16.5 Entries and declarations

All entries and declarations shall be under the supervision of the stewards.

13:70-16.6 Authority; extent

All questions pertaining to which their authority extends shall be determined by the majority vote of the stewards.

13:70-16.7 Punishment for violations

The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions, or both, for infractions. The stewards may consider the prior record of any licensee for similar violations of the rules of this Commission or other racing commission or turf governing body in determining the extent of punishment to be imposed.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-16.8 Fines

The stewards may not impose a fine in excess of \$500.00. If it is deemed necessary that a larger fine be imposed, the stewards shall so recommend to the Racing Commission.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"\$500.00" was "\$250.00".

13:70-16.9 Suspensions and disqualifications

The stewards may suspend a person or disqualify a horse.

13:70-16.10 Exclusion of certain persons

The stewards shall have the power to exclude from all premises and enclosures of the association any person who is disqualified for corrupt practices on the turf in any country; or so exclude any other improper or objectionable persons.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Deleted reference to ejection.

13:70-16.11 Required proof

The stewards may demand proof that a horse neither is disqualified in any particular, nor entered or owned, wholly or in part, by a disqualified person. In default of proof satisfactory to them, the stewards may declare the horse disqualified.

13:70-16.12 Postponing races

The stewards may postpone a race from race-day to race-day.

13:70-16.13 Track conditions; transfers

The stewards shall determine when track conditions render it necessary to transfer a race scheduled on a turf course to the main track. They shall make such decision as promptly as possible so that the appropriate announcement can be made, but in no case shall a turf race be transferred to the main course after the wagering has opened, except with the consent of the stewards.

13:70-16.14 Extent of disqualification; fouls

The stewards are vested with the power to determine the extent of disqualification in cases of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

13:70-16.15 Power to examine horses

The stewards shall have the power to examine or cause to be examined at any time any horse stabled on the association grounds, or in stabling approved by the association.

13:70-16.16 Presence of stewards

The three stewards must be on duty during race time, which shall mean from one hour before post time for the first race of the day until after the last race has been made official.

13:70-16.17 Overnight races; time on duty

One of the stewards, or his deputy, must be on duty within call of the racing secretary from the time of opening of overnight races until after the drawing of post positions.

13:70-16.18 Steward's deputy; appointment

A steward may appoint his own deputy at any time.

13:70-16.19 Filling vacancies; stewards

If there is only one steward present, at race time, said steward shall fill all vacancies occurring in the stewards stand and in his absence the Executive Director or his designee of the New Jersey Racing Commission shall assume this responsibility.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Changed "Secretary" to "Executive Director or his designee".

13:70-16.20 Acting stewards

If none of the stewards is present at race time, the Racing Secretary shall appoint three qualified persons, one of whom may be himself, to act as stewards *pro tem*.

13:70-16.21 Filling vacancies; racing officials

When a vacancy occurs among racing officials, other than the stewards, the stewards shall fill the vacancy on an emergency basis. The appointment shall be only for the day, unless the association fails to fill the vacancy, and so notifies the stewards.

13:70-16.22 Reporting replacements or substitutions

The stewards shall report promptly to the Racing Commission all replacements or substitutions of racing officials.

13:70-16.23 Questionable conduct

The stewards shall take notice of any questionable conduct with or without complaint thereof.

13:70-16.24 Jockey substitutes

The stewards may substitute a jockey of their selection on any horse.

13:70-16.25 Horses in temporary charge of trainer

The stewards may place any horse in the temporary charge of a trainer of their selection.

13:70-16.26 Horses, arrival at starting post

It shall be the duty of the stewards to see to it that the horses arrive at the starting post as nearly as practical at the advertised post time.

13:70-16.27 Accidents or casualties

In case of accident or casualty to a horse before off-time, the stewards may excuse that horse.

13:70-16.28 Investigation of complaints

The stewards must investigate promptly, and render a decision in every complaint properly made to them.

13:70-16.29 Reports of infractions

The stewards shall, after the close of each day, file with the Racing Commission a signed report of any and all infractions of the rules coming under their observance that day, and shall file with the Racing Commission any and all rulings on infractions or otherwise, as soon as said rulings are made.

13:70-16.30 Procedure; violations

(a) When the stewards feel that a rule has been violated by any person, the procedure shall be as follows:

1. He or she shall be summoned to a meeting before the stewards, called for that purpose, at which all or a majority of the stewards shall be present;
2. Adequate notice of said meeting shall be given the summoned party. The stewards decision as to what is adequate notice shall be final;
3. No penalty shall be imposed until such hearing;
4. Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards;
5. No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall submit their findings in a signed written statement to the Racing Commission and to the party in question.

13:70-16.31 Access

In the performance of duty, the stewards shall have reasonable control over and unrestricted access to all stands,

weighing rooms and jockey rooms, enclosures and other places in use for the meeting.

13:70-16.32 Suspensions; badges; admission

During the term of suspension of any jockey, owner, trainer or other person on any race track under the Racing Commission's jurisdiction, it shall be the duty of the stewards to see to it that the offender's badge is taken up and that he is refused admission to any part of the course.

13:70-16.33 Changes in equipment

Except in emergencies, no steward shall grant permission for a change of horses' equipment after scratch time on the day of the race in which the changed equipment is to be carried.

13:70-16.34 State Police; communication

When the State Police in the normal performance of their duties at an association meeting observe a violation of the Racing Commission rules and regulations that may adversely affect the integrity of racing, they shall communicate the circumstances of such to the State steward and the Executive Director of the Racing Commission in writing. The State steward shall acknowledge receipt of the information from the State Police and shall respond in writing to the Racing Commission, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

SUBCHAPTER 17. STARTER

13:70-17.1 Who may start race

Only the starter or a deputy appointed by him and approved by the stewards may start a race.

13:70-17.2 Insurance of a fair start

The starter shall give all orders and take all necessary measures to insure a fair start.

13:70-17.3 Final decision; starts

The starter's decision as to the validity of a start shall be final; likewise, his decision as to whether or not a horse was locked in the gate shall be final, unless otherwise established by examination of the film or video tape of the race.

13:70-17.4 Appointing starter's assistants

The starter may appoint his assistants, subject to the approval of the stewards.

13:70-17.5 Horses; starter's control

Horses are in the hands of the starter from the moment they enter the track on the way from the paddock to post. They remain in his hands until off-time.

13:70-17.6 Horses' positions

Horses shall take their positions in numerical order from the inside rail, that order to be determined by post positions.

13:70-17.7 Delays

In case of delay, the starter may permit jockeys to dismount and their mounts to be attended.

13:70-17.8 Injured horses

If, after reaching the starting post, a horse is so badly injured as to make it impossible for it to run in the race, the starter may, in the interest of time saving, excuse that horse, but he must notify the stewards before starting the race. A horse so excused shall to all intents and purposes be considered as excused by the stewards.

13:70-17.9 Starting gate

All flat races shall be started from a starting gate; but in case of necessity, the starter may start the race without a gate, or with the doors of the gate open.

13:70-17.10 Excusing horses; notice

If a horse is locked in the gate, and/or if the starter excuses a horse from a race he shall, in either or both cases, immediately notify the stewards who in turn shall immediately notify the manager of the pari-mutuel department.

13:70-17.11 Flag

(a) When a race is started without a gate, there shall be no start until and no recall after an assistant starter has dropped his flag in answer to that of the starter.

(b) When a race is started from a closed gate there shall be no recall after the starter has signalled that the race is off.

13:70-17.12 Inability to place horse in starting gate

If the starter and his assistants are unable, after reasonable effort, to place a horse in the starting gate, the starter may order that horse placed outside of the gate and behind the starting line.

13:70-17.13 Schooling list

The starter shall maintain a schooling list, and all unruly horses shall be schooled, if and when required, under the supervision of the starter or his assistants. No horse on the starter's list may enter and start until its name is stricken from the list by the starter.

13:70-17.14 Filing schooling list and horses stricken from list

The starter shall file a copy of the schooling list with the Racing Secretary and shall report to him when a horse is stricken from the list.

13:70-17.15 Approval of starter

No horse which has never started in a race at a recognized meeting shall be entered or start without the approval of the starter.

13:70-17.16 Abusive language

Neither the starter nor his assistants shall use abusive language to a jockey.

13:70-17.17 Fines and suspensions by starter

The starter, may, during the time the horses are in his hands, find or suspend a jockey or pony rider for disobedience of orders or other improper conduct. Said fine is not to exceed \$250.00, and said suspension shall not exceed five days. All rulings by the starter must be made in writing and reported to the stewards.

SUBCHAPTER 18. RACING SECRETARY
13:70-18.1 Discharge of duties

The Racing Secretary shall discharge all duties of his office, express or implied as required by the rules.

13:70-18.2 Official program

The Racing Secretary shall compile an official program for each racing day, which shall state the time fixed for the first race of the day and give the names of the horses which are to run in each of the races of the day.

13:70-18.3 Contents of program

The program shall furnish the purse, conditions and distance of each race; the owner, trainer and jockey of each horse; each owner's racing colors; the weight assigned to each horse; and its number and post position, color, sex, age, breeding and claiming price, if entered to be claimed. The program may show other pertinent data.

13:70-18.4 Entries and declarations

The Racing Secretary shall receive all entries and declarations, and he or any person designated by the association may receive all stakes, forfeits, entrance money, fees (including jockey fees), purchase money in claiming races and all other money that can properly come into his possession as agent for the association for which he is acting.

13:70-18.5 Assign stabling

It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing, and he shall determine all conflicting claims of stable privilege.

13:70-18.6 Conditions; program

(a) In making his program, the Racing Secretary shall respect these essential conditions:

1. No two-year-old shall compete in any race with older horses prior to October 1 of any year;
2. No racing for two-year-olds prior to April 1 of any year shall be at a greater distance than 4½ furlongs; and no race for two-year-olds after September 15 of any year shall be at a less distance than 5½ furlongs;
3. At a track with a chute at the six furlong pole, there shall be no race for three-year-olds and upward at less than five furlongs.
4. Not more than three overnight events of less distance than a mile shall be given on any day for horses three years old and upward unless conditions make it impossible to obtain sufficient entries to races of a mile or greater distance.

As amended, R.1983 d.14, eff. February 7, 1983.

See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

Decreased from six to five furlongs the length of race for three-year-olds. Deleted reference to P.L. 1940 c.17 sec. 29.

13:70-18.7 Number of entrants; overnight race

If the number of entrants in an overnight race exceeds the number deemed safe and expedient by the stewards, the Racing Secretary shall reduce the number of starters to be the proper number by lot.

13:70-18.8 List of eliminated horses

The Racing Secretary shall keep a list of horses thus eliminated from races, and they are to have precedence in any race of a similar distance and similar conditions for which they may be entered thereafter, when a horse's name appears in the entries and it is also entered for the following day, such entry will be given no consideration on the preferred list. Preference must be claimed at time of entry, and the signed entry must indicate that preference was claimed. The Racing Secretary will adjust no claims which do not comply with this procedure.

13:70-18.9 The "also-eligible" list

If the entries in an overnight race exceed the acceptable number, as many as six of those that have not been drawn shall also be listed on the entry sheet as "also eligible" to start. After any horses in the body of the race have been excused at scratch time, a new drawing shall be taken from the horses on the also eligible list, and their order of post position shall be determined by the sequence in which they

are drawn. The owner or trainer of any horse on the also-eligible list who does not wish to start shall so notify the Racing Secretary prior to scratch time on the day of the race.

SUBCHAPTER 19. OTHER OFFICIALS

13:70-19.1 Duties of clerk of the scales

The clerk of the scales shall weigh all jockeys in and out.

13:70-19.2 Recording jockey changes and weights; notice

The clerk of the scales shall record and publish on the notice board all jockey changes, overweights and corrected weights, and shall promptly supply all racing officials with the pertinent changes.

13:70-19.3 Post-race data reports

The clerk of the scales shall report to the Racing Secretary after each race the weights carried by each horse, together with the name of each horse's jockey and any overweight carried by any jockey. He shall also report the post time, running time and all other data required.

13:70-19.4 Infraction of rules; reports

The clerk of the scales shall report to the stewards any infraction of the rules in respect to weight, weighing or riding equipment.

13:70-19.5 Riding engagements for jockeys

The clerk of the scales may make riding engagements for those jockeys who request him to do so. No fee may be charged for his service in this respect.

13:70-19.6 Assistance; jockey room custodian

The clerk of the scales may be assisted in his duties by the jockey room custodian.

13:70-19.7 Duties; custodian

The custodian shall assist the clerk of the scales in any way that official requires.

13:70-19.8 Conditions of jockey room

The custodian shall maintain order, decorum and cleanliness in the jockey room; and shall report to the stewards any irregularities that occur in his province.

13:70-19.9 Admission to jockey room

The custodian shall see to it that no person, other than racing officials, representatives of the Racing Commission, and the necessary attendants, is admitted to the jockey room after two hours prior to post time of the first race without consent of the stewards.

13:70-19.10 Overseeing jockey attendants

The custodian shall oversee the jockey attendants and shall see to it that no attendant not approved by the Racing Commission shall be permitted to assist any jockey at any time.

13:70-19.11 Colors and jockey attire

The custodian shall oversee the care and storage of all racing colors, and shall see to it that jockeys are neat in appearance and properly attired whenever they leave the jockey room.

13:70-19.12 Duties of paddock judge; generally

The paddock judge shall be in charge of the paddock and the entire saddling area.

13:70-19.13 Identifying horses

It shall be the duty of the paddock judge and the horse identifier to check contestants for each and every race and to have all horses properly identified.

13:70-19.14 Record of equipment carried by horses

The paddock judge shall keep a record of all equipment carried by all horses in races under his jurisdiction, permitting no unauthorized change in equipment.

13:70-19.15 Shodding of horses

The paddock judge shall, in each race, require the plater in attendance to see to it all horses are properly shod.

13:70-19.16 Reporting irregularities

The paddock judge shall report any irregularities to the stewards.

13:70-19.17 Patrol judge selections

Each association shall appoint, subject to the approval of the Racing Commission, at least three patrol judges, whose stations shall be designated by the stewards. The association shall provide adequate direct communication between each station of the patrol judges and the stewards.

13:70-19.18 Reports; patrol judges

The patrol judges shall be subject to the orders of the stewards, and they shall duly report to them all of their pertinent observations in each and every race, and shall report on same in writing if so requested by the stewards.

13:70-19.19 Placing judges' duties

The placing judges shall occupy the placing judges stand at the time the horses pass the winning post, and their duty shall be to place and record six horses and as many more as they think proper in order of their finish in each race.

13:70-19.20 Displaying numbers of winning horses

The placing judges shall properly display the numbers of the first four horses in each race in the order of their finish.

13:70-19.21 Majority decisions; placing judges

When the placing judges differ in their placing, the majority shall prevail.

13:70-19.22 Determining finishing place; noses of horses

In determining the places of the horses at the finish of a race, the placing judges shall consider only the relative position of the respective noses of such horses. In the event of an electrical or mechanical failure of the photo finish camera, or if a distorted, deceptive or otherwise inadequate picture is developed, the placing judges shall decide the order of finish and such decision shall be final.

Amended by R.1988 d.560, effective December 5, 1988.
See: 20 N.J.R. 2038(b), 20 N.J.R. 3025(b).
Added text "In the event . . ."

13:70-19.23 Declaring race official

The stewards shall communicate with the outriders after a race to determine if any claim of foul has been lodged by a jockey in the race. If the outriders report that there has been no claim of foul, the stewards may permit a "fast official" to be posted. The stewards shall notify the placing judges that a race is official and the placing judges shall promptly display the official sign.

Repeal and New Rule, R.1990 d.534, effective November 5, 1990.
See: 22 N.J.R. 2403(a), 22 N.J.R. 3385(c).
No provision for "fast official" was provided in former rule.

13:70-19.24 Official sign; corrections

There shall be no alteration of placement after the sign "official" has been purposely displayed, but the placing judges with permission of the stewards may correct an error before the display of the official sign, or may recall the official sign if it has been displayed through error.

13:70-19.25 Filing copy of official placement

The placing judges shall each day file with the Racing Commission, a copy of the official placement of the first six horses in each race, and shall supply to other officials such information in respect to the racing as the association may require.

13:70-19.26 Timer's duties

There shall be one or more timers, who shall determine the official time of each race.

13:70-19.27 Electric timing

When electric timing is used, the races shall also be timed otherwise.

13:70-19.28 Time announced and displayed

The time of each race shall be announced and displayed.

13:70-19.29 Official time

(a) The time recorded for the first horse to cross the finish line shall be the official time of the race.

(b) However, in the event a horse establishes a track record in any race and it later develops that the chemical analysis of any sample taken indicates the presence of any medication which may have affected the performance of the horse, then such track record should be null and void.

13:70-19.30 Track superintendent's duties

It shall be the duty of the track superintendent to supervise the upkeep of the course in its preparedness for training and racing.

13:70-19.31 Control over course

The track superintendent shall exercise such control over the course as may be necessary to protect its condition and the rights of all parties entitled to its use.

13:70-19.32 Sanitary conditions

The track superintendent shall be responsible for sanitary conditions.

13:70-19.33 Preserving order

It is the duty of the track superintendent to preserve order, enforce decorum, and prevent petty games of chance on the grounds of the association at such time as a meeting is not in progress. When a meeting is in progress, those duties shall fall upon the association security force.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Police" changed to "security".

13:70-19.34 Chief State Veterinarian, State Veterinarians and Associate State Veterinarian license

The Chief State Veterinarian and Associate State Veterinarian shall be graduate veterinarians in good standing and licensed to practice under the laws of the State of New Jersey.

As amended, R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).
As amended, R.1978 d.269, effective August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

13:70-19.35 Duties of Chief State, State and Associate State Veterinarians

(a) The Chief State Veterinarian shall have the duty to supervise the activities of the various State Veterinarians and Associate State Veterinarians in the performance of their prescribed duties.

(b) The State Veterinarian shall have full and complete control of the detention barn, and shall supervise all activities therein including the taking of pre-race and post-race blood and urine samples. Further, the State Veterinarian shall have assigned to him two or more Associate State Veterinarians who shall perform their duties and responsibilities under the supervision of the State Veterinarian. The Associate State Veterinarian shall, in general, familiarize himself with the racing condition of all entrants, and if in his opinion, any entrant is not in good condition to race, he shall immediately notify the stewards and the racing secretary.

As amended, R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).
As amended, R.1978 d.269, effective August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Associated" changed to "Associate".

13:70-19.36 Veterinarian's list

The Associate State Veterinarian shall be present in the paddock before each race, and he shall inspect each entrant pursuant to specific veterinary medical procedures established by the State Veterinarian as approved by the Racing Commission. If, in his opinion, any entrant is not in condition to compete in that race, he shall immediately notify the stewards, who shall order the horse scratched out of the race. The horse automatically goes on the veterinarians list, and thereafter shall not be permitted to enter until the veterinarian notifies the racing secretary that the horse is again fit to compete.

As amended, R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

13:70-19.37 Veterinarian's presence; reports

The Associate State Veterinarian shall be attendant on the stewards and the racing secretary at scratch time each morning, and shall examine such horses as they request, and make reports to the said racing officials as promptly as possible.

As amended, R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).
As amended, R.1978 d.269, effective August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

13:70-19.38 Other treatments by veterinarian

The Chief State Veterinarian, State Veterinarian and Associate State Veterinarians shall not be permitted, during the period of their employment, to treat or prescribe for any horse, for compensation or otherwise, except in the case of emergency, in which case a report shall be made to the stewards.

As amended, R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).
As amended, R.1978 d.269, effective August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

13:70-19.39 Testing specimens

The State veterinarian shall obtain specimens from such horses as are designated by the stewards or the Racing Commission, and make such examinations and test as from time to time may be required by the stewards and the Racing Commission; costs of such tests to be borne by the association.

13:70-19.40 Unlicensed veterinarians

(a) No owner or trainer shall employ any veterinarian who has not been duly licensed in accordance with the laws of the State of New Jersey.

(b) Any licensed veterinarian desiring to practice at the race track of an association must be approved by the veterinarian representing the Racing Commission.

(c) The association shall warn off all unlicensed veterinarians.

13:70-19.41 Veterinary reports

Veterinary practitioners shall make daily reports to the State Veterinarian and to the stewards of all horses under treatment by them, on forms to be furnished by the association. Treatment of any horse with a drug for which the practitioner has not submitted a report pursuant to this rule shall be accompanied by a written report to the State Veterinarian of such administration or intended administration but in no event less than 72 hours before any such horse shall start. The pharmaceutical inserts accompanying such drug shall be made a part of said report which shall also be accompanied by a sample of the drug when so directed by the State Veterinarian. Failure to comply with the foregoing may subject the practitioner to disciplinary action by the stewards.

Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

Section substantially amended.
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Administrative correction.

13:70-19.42 Medical equipment and supplies

(a) Veterinarians are required to keep under lock and within their complete control at all times, all medical equipment and supplies.

(b) Veterinarians are further required to remove from the track associations premises all needles and syringes and any other equipment that might be reused.

(c) Any veterinarian found guilty of violating this rule will be subject to fine and/or suspension by the stewards.

13:70-19.43 Veterinarians during racing hours

The racing association will be responsible to provide the services of a licensed veterinary practitioner for the period of one-half hour prior to the post time of the first race until one-half hour after the conclusion of the last race on the racing program.

New Rule, R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
Repealed by R.1983 d.295, effective August 1, 1983.
See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).
Section was "Bleeding and known bleeders."
New Rule, R.1991 d.260, effective May 20, 1991.
See: 23 N.J.R. 674(b), 23 N.J.R. 1684(b).

SUBCHAPTER 20. TRAINERS**13:70-20.1 Trainer's license**

Each trainer must obtain a license from the Racing Commission. Trainers not previously licensed in New Jersey may be required to submit to oral, written and barn tests for qualifications as may be prescribed by the stewards and/or the Racing Commission.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Such" changed to "oral, written and barn" tests.

13:70-20.2 Trainer representing owner

A licensed trainer may represent the owner in the matter of entries, declarations and the employment of jockeys.

13:70-20.3 Trainer's actions pending application approval

The stewards may permit a trainer to conduct business pending action on his or her application.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Non-sexist language added.

13:70-20.4 Trainer and unlicensed owners

A trainer who represents an unlicensed owner may be permitted to file a temporary application, supplying as much information about the owner as possible.

13:70-20.5 Presence of trainer

A trainer shall have his horse in the paddock at the time appointed, and shall be present to supervise its saddling, unless he has obtained permission from the stewards to be represented by a substitute.

13:70-20.6 Absence of trainer; substitutes

When a trainer is to be absent from his or her stable or the grounds where his or her horses are racing, for a period of more than two racing days and horses are entered or are to be entered, he or she must provide a licensed trainer or

his or her assistant trainer to assume the complete responsibility of the horses he or she is entering or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the Racing Commission accepting complete responsibility for the said horses being entered and running.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Non-sexist language added.

13:70-20.7 Trainer responsibilities; horses

A trainer is responsible for the condition of a horse trained by him.

Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations in which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence. *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

13:70-20.8 Registering horses

A trainer shall register with the Racing Secretary all the horses in his charge, giving the name, age, sex, color, breeding and ownership of each.

13:70-20.9 Registering employees

A trainer shall register with the backstretch security every person in his or her employ, and it shall be his or her duty to see to it that his or her employees obtain licenses from the Commission. Trainers employing or harboring unlicensed or disqualified personnel may be subject to disciplinary action.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"Racing Commission" changed to "backstretch security" and non-sexist language added.

13:70-20.10 Horses owned by disqualified persons

A trainer shall not have under his supervision any horse owned, in whole or in part by a disqualified person; nor shall he assume responsibility for horses not under his active care and supervision, except as stated in section 6 of this subchapter.

13:70-20.11 Limitations on entering or starting

- (a) A trainer shall not enter or start a horse that:
1. Is not in serviceable, sound racing condition;
 2. Is on the stewards, starters or veterinarians list in any racing jurisdiction;
 3. Is not in compliance with N.J.A.C. 13:70-14A.1;
 4. Is blind, or has seriously impaired vision in both eyes;
 5. Is a chronic known bleeder.

(b) Blocking of nerve functions via surgical neurectomy, cryogenic techniques, or any other desensitizing means, whether permanent or temporary, is defined as "nerving" and is subject to the following restrictions in New Jersey:

1. Only posterior digital "nerving" will be permitted on horses to be raced. The procedure must be performed posterior to the first phalanx at a level below the base of the sesamoid bones.

2. Horses that are "nerved" above the area specified in this subsection will not be permitted to race in New Jersey.

3. It shall be the responsibility of the trainer to report all "nerved" horses to the State Veterinarian or Associate State Veterinarian.

4. A list of all "nerved" horses shall be posted on the bulletin board at the entry room by the State Veterinarian.

Amended by R.1988 d.77, effective February 16, 1988.
See: 19 N.J.R. 1788(a), 20 N.J.R. 405(a).

Deleted (a)7 and added subsection (b).
Amended by R.1994 d.130, effective March 7, 1994.
See: 25 N.J.R. 3101(a), 26 N.J.R. 1238(a).

Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence. *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

13:70-20.12 Licensed under legal name only

No trainer may be licensed as trainer other than in his legal name.

13:70-20.13 Trainer commissions

(a) A trainer's commission, in the absence of a contract between the owner and trainer addressing such fees or providing for no such fees, shall be 10 percent of an owner's share of winning purse to be deducted from an owner's account at the horsemen's bookkeeper's office. It shall be the responsibility of the owner to furnish the horsemen's bookkeeper, at the horsemen's bookkeeper's office, with written evidence of any existing contract concerning commission fees between said owner and trainer. Following receipt of such written evidence of an existing contract from the owner, the horsemen's bookkeeper shall not cause any deduction to be made from the owner's share of winning purse.

(b) In the event the owner fails to provide the horsemen's bookkeeper's office with written evidence of any existing contract for commission fees between said owner and trainer, pursuant to (a) above, the owner may in writing certify to the horsemen's bookkeeper that a genuine and meritorious dispute exists with the trainer concerning commission fees due. In such case, the horsemen's bookkeeper shall not cause any deductions to be made from the owner's account on behalf of the trainer.

(c) The owner, trainer or agent thereof shall have no recourse against the horsemen's bookkeeper, or any agent thereof, for any acts or omissions in administering this rule.

(d) Nothing contained in this rule shall preclude the owner and trainer from entering into an agreement for the payment of fees due the trainer for services provided or expenses incurred.

New Rule, R.1994 d.135, effective March 21, 1994.
See: 25 N.J.R. 5107(b), 26 N.J.R. 1355(a).

SUBCHAPTER 21. OWNERS

13:70-21.1 Owner's license

Each owner must obtain a license from the Racing Commission. Owner includes sole owner, part owner or lessee. Where in the case of extenuating circumstances an owner may be unavailable to complete the license application, permission may be granted by the Racing Commission for the horses of said owner to be entered. The trainer for the owner in question will be required to promptly fill out a temporary application and pay all license fees.

13:70-21.2 Married woman as owner

An owner who is a married woman may be required to furnish to the Racing Commission the same information about her husband as she is required to furnish about herself.

13:70-21.3 Disqualification of spouse

Disqualification of either husband or wife applies equally to both, unless the spouse of the disqualified person shows to the satisfaction of the Commission that ownership and racing of his or her horses are independent of or not under the control or influence of the disqualified spouse.

13:70-21.4 Medication

An owner shall not knowingly enter, or cause to be entered, any horses having received a substance foreign to the natural horse which results in the horse not being in compliance with N.J.A.C. 13:70-14A.1 and/or N.J.A.C. 13:70-20.11.

Amended by R.1994 d.131, effective March 7, 1994.
See: 25 N.J.R. 3102(a), 26 N.J.R. 1238(b).

13:70-21.5 Registering horses

An owner who changes trainers must see to it that his horses are properly registered under the new trainer's name.

13:70-21.6 Insurance; employees

All owners and trainers shall carry compensation insurance covering all their employees. This paragraph is intended to include all individuals employed by owners and trainers in the training and racing of horses. All concessionaires shall carry compensation insurance covering all their employees.

13:70-21.7 Licensed under legal name only

No owner may be licensed other than in his legal name.

13:70-21.8 Fines

The Commission may in its discretion, impose a fine against an owner and/or any participant in racing who seeks to be reinstated following suspension for failure to comply with the Commission rules governing licensing.

SUBCHAPTER 22. AUTHORIZED GRANTS
13:70-22.1 License

Each authorized agent must obtain a license from the Racing Commission.

13:70-22.2 License Application

Application for a license must be filed for each owner represented.

13:70-22.3 Powers of attorney

If the written instrument is a power of attorney, it shall be filed permanently with the Racing Secretary. If, however, the powers are properly delegated by the owner on the application form for a license, then said application shall be in duplicate and one copy filed permanently with the Racing Secretary.

13:70-22.4 Changes

Any change must be in writing and filed as above provided.

13:70-22.5 License fees

The fee for each license shall be \$50.00 as set forth in N.J.A.C. 13:70-4.1. If an agent represents more than one owner, a separate written instrument shall be filed for each owner and the fee paid in each case.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

License fee increased from \$10.00 to \$25.00.

Amended by R.1993 d.43, effective January 19, 1993.
See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

License fee revised.

13:70-22.6 Owner's revocations

Owner's revocations must be filed in writing with the Racing Commission and with the Racing Secretary.

13:70-22.7 Appointment of sub-agents

An authorized agent may appoint a sub-agent only when authorized to do so by the above written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Racing Commission and the Racing Secretary. Application for a license must be filed for each sub-agency so created.

Amended by R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

"Application ... created", added.

SUBCHAPTER 23. DISCIPLINARY ACTION
13:70-23.1 Right to impose fines or suspensions

No racing official other than the stewards and the starter shall have the right to impose a fine or suspension.

13:70-23.2 Written reports

A racing official imposing a fine or suspension shall report it promptly to the Racing Secretary in writing.

13:70-23.3 Payment of fines

All fines shall be paid to the horsemen's accountant within 48 hours after imposition.

13:70-23.4 Collection of fines

Fines collected by the horsemen's accountant shall be paid promptly to the New Jersey Racing Commission.

13:70-23.5 Unpaid fines

An unpaid fine may not be rescinded except with the approval of the Racing Commission.

13:70-23.6 Power to punish; violations

The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions.

13:70-23.7 (Reserved)

As amended, R.1981 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-23.8 Persons and horses

The stewards may suspend a person or disqualify a horse.

13:70-23.9 Objectionable persons

The stewards shall have the power to exclude from all premises and enclosures of the association any person who is disqualified for corrupt practices on the turf in any country; or so exclude any other improper or objectionable persons.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
Reference to ejection deleted.

SUBCHAPTER 24. STEEPLECHASING**13:70-24.1 Jurisdiction**

Steeplechases (includes any form of jumping race) shall be conducted in conformity with the rules herein established insofar as they can be consistently applied. To the extent that they cannot be so applied, modification thereto may be made by the stewards in accordance with the rules of the National Steeplechase and Hunt Association; but the jurisdiction of steeplechasing at a meeting shall be vested solely in the Racing Commission.

13:70-24.2 Penalties

Penalties incurred or allowances due to steeplechase or hurdle races shall not apply to races on the flat, or vice versa.

13:70-24.3 Claiming races

In claiming races over jumps and hurdles, any horse is subject to claim for its entered price by any owner who has started a horse in a steeplechase or hurdle race at the meeting at which the claim is made. Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"any licensed . . . individually." added.

SUBCHAPTER 25. DEAD HEATS**13:70-25.1 Running off dead heats prohibited**

When two or more horses run a dead heat, the dead heat shall not be run off.

13:70-25.2 Division of purse money

The owners of the horses in a dead heat shall divide equally the purse money involved.

13:70-25.3 First place; dead heats

If a dead heat is for first place, each horse shall be considered a winner of the amount received.

13:70-25.4 Drawing lots

Owners shall divide equally all moneys and other prizes; and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

13:70-25.5 Jockey fees

In a dead heat for first place, the jockeys involved shall each receive 10 percent of the purse money awarded to the owner by whom he is engaged. In all other dead heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other. Likewise, the owners of the horses involved shall pay their equal share of the jockey fees.

As amended, R.1978 d.132, effective April 19, 1978.
See: 9 N.J.R. 540(a), 10 N.J.R. 295(b).

SUBCHAPTER 26. PRODUCE RACES**13:70-26.1 Naming entries**

In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires.

13:70-26.2 Mares

If a mare entered in a produce race drops her foal before January 1, or if she has a dead foal, or is barren, the entry of such mare is void.

13:70-26.3 Return of entrance money

Entrance money shall be returned if the nominator or transferee notifies the association of proper grounds for voiding an entry in a produce race, in advance of the date specified for such notice in the conditions of the race.

13:70-26.4 Weight allowances

Weight allowances for the produce of untried horses must be claimed at the time of entry, and said allowances are not lost by subsequent winnings, unless so provided by the conditions of the race.

13:70-26.5 Failure to register foal

Failure to register a foal shall not exempt the nominator from any liability he may incur under the rules.

13:70-26.6 Nominator liability

The nominator in produce races, or races in which nominations of foals are made, shall be released from further liability with regard to the entry by filing an acceptable transfer of entry prior to the declaration date stated in the conditions of the race.

SUBCHAPTER 27. VENDORS
13:70-27.1 Licenses

All persons, including the employees and agents thereof, who engage in the profession or business of selling, at retail or wholesale, or otherwise disposing thereof, of any kind of merchandise, equipment, drugs or medication for animals or humans, or pharmaceutical horse food or nutrient of any kind, providing that such substances, or the sale or disposition thereof is not otherwise prohibited by law, shall be licensed by and be subject to the jurisdiction of the Racing Commission. All applicants for vendor license shall be recommended by the director of security of the track where application for license is made.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).
"Security officer" changed to "director of security".

13:70-27.2 Labelling drugs and medication

All drugs, medications, pharmaceutical products and any other substances of a similar nature possessed or used within the grounds of a racing association shall at all times bear appropriate labelling displaying the contents thereof.

SUBCHAPTER 28. WINNINGS
13:70-28.1 Computation of value of winnings

(a) The value of a race to a winner shall be computed by deducting from the sum total of the prize money:

1. The amount of the winner's fee;
2. The money payable to other horses or persons (except jockey's fees) thus arriving at net money winnings.

13:70-28.2 Stake races

The winnings of a horse in a stake race shall be computed on the value of the gross earnings.

13:70-28.3 Net moneys won

Winnings shall include all net moneys won in all countries, up to the time appointed for the start, including walkovers and forfeits, but not second and third money nor the value of a prize not in money.

13:70-28.4 Calendar year

Winnings during a year shall be reckoned from January 1 of that year.

13:70-28.5 Winner or nonwinner of money

Winner or nonwinner of a specified sum means winner or nonwinner of a single race of that value to the winner, unless otherwise stated.

13:70-28.6 Series of races

In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horse's winnings until the series, or that part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained, it shall be added to the race which determined the extra amount.

13:70-28.7 Foreign winnings

Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winning.

13:70-28.8 Entrance money and fees

The entrance money, starting and subscription fees, in every race, shall go to the winner, unless otherwise provided in its conditions.

13:70-28.9 Horse registration

To be eligible to start in races exclusively for horses foaled in New Jersey, each horse must be registered with the Thoroughbred Breeders Association of New Jersey. To qualify for such registration the said horse must have been dropped by a mare in the State of New Jersey.

13:70-28.10 Where is horse bred

A horse is bred where it is foaled. The breeder is the owner of the dam at the time of foaling.

13:70-28.11 Horse registration rules; authority

The Thoroughbred Breeders Association of New Jersey shall make rules for the registration of horses foaled in New Jersey.

13:70-28.12 Appeal; horse registration

Any owner or breeder may appeal from the refusal of the Thoroughbred Breeders Association of New Jersey to register a horse under this rule to the New Jersey Racing Commission, and the decision of the Commission shall be final.

SUBCHAPTER 29. MUTUELS

13:70-29.1 Supervisor of mutuels

(a) The supervisor of mutuels shall be a Certified Public Accountant of the State of New Jersey. He shall be appointed by the Commission and a rate of compensation set by the Commission that is to be paid weekly by the track association where he serves.

(b) The supervisor of mutuels shall be represented daily in the mutuel department supervising its operation, determining calculations, overpays and underpays and directing the necessary adjustments to the race totals.

(c) He shall investigate all tote and other discrepancies and shall see that corrections are made where warranted.

(d) He shall check the machine computation of all daily double, exacta and any other multiple wagering pool.

(e) He shall review all necessary computer sheets and have the State-appointed verifiers test check the machine calculations of the pay out, breaks, commission and prove each race pool.

(f) He shall prepare a daily summary result from the pari-mutuel operations and submit his findings to the Racing Commission. He shall also prepare a seven day financial report and a seven day comparative statistic report for submission to the Commission.

(g) He shall, on a daily basis, reconcile the pari-mutuel department daily sales and the track association treasurer's statement with the Racing Commission daily summary of results from pari-mutuel wagering.

(h) He shall check on the sellers and cashiers employed by the mutuel department to determine if they are over or short. Any material overages or shortages shall be investigated and reviewed with the director of mutuels and a full report made to the Racing Commission.

13:70-29.2 Post time

Post time of each race shall be set by the manager of the pari-mutuel department, and shall not be changed after being posted on the odds-board without permission of the stewards.

13:70-29.3 Public notice

Public notice shall be given at the earliest practicable time if a published race is declared off.

13:70-29.4 Number of entrants

If the number of entrants in an overnight race exceeds the number deemed safe and expedient by the stewards, the racing secretary shall reduce the number of starters to the proper number by lot.

13:70-29.5 List of eliminated horses

The racing secretary shall keep a list of horses thus eliminated from races, and they are to have precedence in any race of a similar distance and similar conditions for which they may be entered thereafter; when a horse's name appears in the entries and it is also entered for the following day, such entry will be given no consideration on the preferred list. Preference must be claimed at time of entry, and the signed entry must indicate that preference was claimed. The racing secretary will adjust no claims which do not comply with this procedure.

13:70-29.6 Also eligible list

If the entries in an overnight race exceed the acceptable number, as many as six of those that have not been drawn shall also be listed on the entry sheet as "also eligible" to start. After any horses in the body of the race have been excused at scratch time, a new drawing shall be taken from horses on the also-eligible list, and their order of post position shall be determined by the sequence in which they are drawn. The owner or trainer of any horse on the also-eligible list who does not wish to start shall so notify the racing secretary prior to scratch time on the day of the race.

13:70-29.7 Dissemination of racing information

The Racing Commission may in its discretion agree not to make available and direct the track associations not to make available to outside sources, information such as the name of jockeys, scratches, substitute races, track conditions, whether races are to be run on the turf or regular course, morning line information, equipment changes, weight and any other information it may deem advisable, in order to curtail the illegal activities of bookmakers and to prevent other states from using the results of races run in New Jersey as part of such other state's off-track betting scheme.

13:70-29.8 Odds board

Each association must maintain an approximate odds board for the purpose of informing the public of the actual wagering on each horse as disclosed by an accurate take-off of the straight pool at the time such odds are posted, and also a final line or flash after the close of wagering, which shall show the final odds on each horse before the finish of the race. (No quotation or line shall exceed a total of 129 percent.)

As amended, R.1979 d.274, effective July 18, 1979.
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

13:70-29.9 Lines

A copy of the opening line and all additional lines of odds, with percentages figured, as well as amounts of money wagered in the straight pool on each horse at the time each additional line of odds is posted, including the final line, shall be furnished and delivered by the association, immediately following each race, to the supervisor of mutuels duly appointed by the Racing Commission, as its representative in the mutuel department, under authority of the racing law.

13:70-29.10 Payoff prices

(a) The mutuel manager is held responsible for correctness of all pay-off prices posted on the board.

(b) Before the mutuel department of any race track posts the pay-off prices of any pool for any race, the mutuel manager shall require each of the (calculating sheets) computer print-out sheets of such race to be proven by the (calculator) computer and the winners verified. Such proof shall show pay, breaks, commission, and added together shall show they equal total pool.

(c) All pay-slips are to be checked in (calculating sheet) computer print-out sheet as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the (calculator) computer print-out sheet before they are released to the public.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Corrected punctuation.

13:70-29.11 (Reserved)

As amended, R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-29.12 Ticket sales

No ticket may be sold after the totalisator has been locked or wagering has ceased.

13:70-29.13 Ticket claims

(a) Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window.

(b) No claim shall be considered thereafter and no claim shall be considered for tickets thrown away, lost, changed, destroyed or mutilated beyond identification.

(c) Payment of wagers will be made only on presentation of appropriate pari-mutuel tickets.

13:70-29.14 Emergencies

Should any emergency arise in connection with the operation of the pari-mutuel department not covered by these rules and an immediate decision is necessary, the manager of the pari-mutuel department shall make a good faith effort to contact and consult with the supervisor of mutuels

prior to making the decision, and render a full report to the Racing Commission.

As amended, R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Substantially amended.

13:70-29.15 Advice; horses competing

The manager of the pari-mutuel department shall be properly and timely advised by the stewards, prior to the beginning of wagering on each race, of the horses that will compete in the race.

13:70-29.16 Post time schedule

Post time of each race shall be set by the manager of the pari-mutuel department, and shall not be changed after being posted on the odds-board without permission of the stewards.

13:70-29.17 Entry defined

When two or more horses run in a race, and are coupled because of common ties, they are called an "entry" and a wager on one of them shall be a wager on all of them.

13:70-29.18 Field defined

When the individual horses competing in a race exceed the numbering capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together and called the "field" and a wager on one of them shall be a wager on all of them.

13:70-29.19 Elimination of wagering

(a) With the approval of the Racing Commission, or its designee, race tracks will be permitted to eliminate place and show wagering on any particular horse or entry in any race. Among the factors to be considered will be the quality of the horse or horses for which the elimination of wagering is sought compared to the quality of the other horses in the race. The request to eliminate place or show wagering shall be made prior to the printing of the program. Once the program is printed, elimination of wagering will not be permitted unless the following occurs:

1. If less than six wagering interests qualify horses to start in a race, the mutuel director shall be permitted to eliminate show wagering on that race.

2. If less than five wagering interests qualify horses to start in a race, the mutuel director shall be permitted to eliminate both place and show wagering on that race.

3. If two or less wagering interests qualify horses to start in a race, the mutuel director shall be permitted to eliminate wagering on that race.

(b) The decision to eliminate wagering in (a)1 through 3 above shall be made prior to the opening of mutuel windows for that day's business unless there is a change in the

number of wagering interests qualified to start. If a change in the number of wagering interests qualified to start occurs after wagering has begun, the decision to eliminate wagering shall be made immediately at the time the number of wagering interests qualified to start changes.

(c) New Jersey race tracks may adjust the pari-mutuel pools to eliminate certain forms of wagering on all interstate simulcasts consistent with the pari-mutuel decisions made by the sending track associations in conformance with that state's rules and regulations. Notice of the decision to make adjustments shall be provided to the Racing Commission or its designee prior to accepting wagers on the event.

(d) In all cases where wagering is eliminated, race tracks shall inform the public through notification in the program, advertisements, public address system or any other means available.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

(a)4: changed: (a)5: deleted.
Amended by R.1990 d.184, effective April 2, 1990.
See: 21 N.J.R. 3254(a), 22 N.J.R. 1149(a).

Prohibits place and show wagering on particular horses.

13:70-29.20 Cease wagering

Wagering shall cease not later than off-time.

13:70-29.21 Ticket-issuing machines closed

(a) If, for any reason, the pari-mutuel ticket issuing machines are closed during the wagering on a race before off-time, they shall remain closed until after the race.

(b) Wagering shall cease on that race, and the payoff for that race shall be computed on the sums then wagered in each pool.

(c) In the event the machines are inadvertently closed through some human error, said machines shall be opened only by permission of the stewards.

As amended, R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-29.22 Name and numbers of horses in gate

If a horse or horses are locked in the gate, the stewards shall promptly notify the manager of the pari-mutuel department of the name and number of said horse or horses.

13:70-29.23 Written notice of official placement

At the end of each race, the placing judges shall advise the manager of the parimutuel department in writing of the official placement of the horses; and no payoff shall be made until the receipt of such written notice.

13:70-29.24 Basis of payoffs

Whenever the totalisator falls mechanically, or whenever there is a difference in any pool or pools between the sum total of the wagers on the individual horses as compared with the grand total shown by the totalisator, the association shall compute the pay-off to the public on the basis of the larger of the two amounts (i.e., the sum total of the wagers on the individual horses or the grand total as shown by the totalisator.)

As amended, R.1979 d.274, effective July 18, 1979.
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

13:70-29.25 Recapitulation of sales

All monies remaining undistributed following the calculation of all pools shall be paid to the State.

As amended, R.1979 d.274, effective July 18, 1979.
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

13:70-29.26 Errors in pay-off figures

(a) If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off irrespective of the error on the public board.

(b) If because of mechanical failure, it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and correction.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

In (a), "of" corrected to "on" the public board.

13:70-29.27 Overpays or underpays

Overpays caused by errors of the totalisator shall be paid by the totalisator company.

As amended, R.1979 d.274, eff. July 18, 1979.
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

13:70-29.28 Mechanical breakdowns

(a) In the event of an irreparable breakdown of the totalisator, or the ticket issuing machines, or both, during the wagering on a race, the wagering for that race shall be declared closed.

(b) The pay off for that race shall be computed on the sums wagered in each pool up to the time of the breakdown.

(c) In the event of any totalisator malfunction requiring the totalisator company to purchase any non-issued ticket "lost" in the totalisator computer, the totalisator company shall be permitted to credit losing tickets so purchased to the extent of winning tickets similarly purchased. The proceeds of such winning tickets which exceed any credit for losing tickets shall revert to the State.

As amended, R.1982 d.183, eff. June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
(c) added.

13:70-29.29 Refunds

(a) In all cases when a horse has been excused by the stewards after wagering has started, but before off-time, all money wagered on the horse so excused shall be deducted from the pool and be refunded.

(b) If a horse is left at the post at off-time there shall be no refund, but if one horse or more is prevented from leaving the post at off-time because of being locked in the gate, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

(c) If no horse finishes in a race, all money wagered on that race shall be refunded.

(d) If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refund unless all of the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate. Discretion is, however, vested in the stewards to order a refund wherein a part of an entry in a stake, handicap or futurity is excused before off-time where it is in the public interest to do so. In such an instance, the remaining part of the entry shall race for the purse only.

(e) In the case of a race postponed beyond the day originally scheduled, as provided for in N.J.A.C. 13:70-6.50, all money wagered on said race shall be refunded.

(f) If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

(g) In the event track conditions require a turf race to be moved to the main track, advance wagers shall be refunded at the request of the bettor up until post-time of the race immediately preceding the scheduled turf race. This does not apply to Super-Six wagers.

New Rule, R.1987 d.120, effective March 2, 1987.
See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d).
Old rule "Excused horses, refunds" has been repealed.

13:70-29.30 through 13:70-29.34 (Reserved)

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Added text in 29.32: "Discretion is, . . . purse only."
Repealed by R.1987 d.120, effective March 2, 1987.
See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d).
Repeal of sections 29.30 through 29.34.

13:70-29.35 No wagers to win

If a horse wins and there is not money wagered on him to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any; otherwise, among holders of the show tickets.

13:70-29.36 Place pool apportionment

If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which has placed first or second.

13:70-29.37 Show pool apportionment

If no money has been wagered to show on a horse which is placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

13:70-29.38 One horse finishing race

If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse.

13:70-29.39 Two horses finishing race

If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

13:70-29.40 Rulings after display of official sign

Any ruling of the stewards with regard to the award of purse money made after the sign "Official" has been purposely displayed by the placing judges shall have no bearing on the mutuel pay-off.

13:70-29.41 Copies of reports

The manager of the pari-mutuel department shall furnish a copy of all (take-off) computer print-out and calculating sheets to the supervisor of mutuels immediately after completion.

13:70-29.42 Payments

(a) Payments due on all wagers shall be made in conformity with the well established practice of the pari-mutuel system.

(b) Money wagered on winning tickets is returned in full plus the profits.

(c) The practice is to work in dollars and not in the number of tickets.

(d) The break permitted by law is deducted in all of the calculations arriving at the pay-off prices; that is, the odd cents over any multiple of ten cents of winnings per dollar wagered are deducted and retained by the licensee, to be paid to the State.

(e) Unless contingencies arise not covered herein, the practice shall be as follows.

13:70-29.43 Calculating the pay-off in a straight pool

(a) The Commission authorized by law is deducted from the sum total wagered in the straight pool. The balance is called the "net pool."

(b) The amount wagered on the winner is then divided into the "net pool." The quotient thus obtained is the pay-off price on the winner for each dollar wagered, and it includes the dollar wagered on the winner.

13:70-29.44 Calculating the pay-off in a place pool

(a) The Commission authorized by law is deducted from the sum total wagered in the place pool. The balance is called "net pool."

(b) The sum total of the amount wagered in the place pool on the horses placed first and second is deducted from the "net pool." This gives a remainder which is the profits or winnings. The said profit is divided into two equal parts, that is, between those who wagered, in the place pool, on the winner and those who wagered on the horse that was placed second.

(c) Using the amount wagered in the place pool on the winner "to place" as a divisor and one-half of the profits of the place pool, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the winner "to place."

(d) Using the amount wagered in the place pool on the horse placed second "to place" as a divisor and the other half of the profits, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the second horse "to place."

(e) In each of the subsections (c) and (d) of this Section the profit per dollar wagered is the resultant. The sums wagered on the horses placed first and second must be returned; therefore, add to the quotient the dollar taken out of the "net pool" in subsection (b) above. The result is the pay-off price for each dollar wagered on horses placed first and second in the place pool.

13:70-29.45 Calculating the pay-off in a show pool

(a) The Commission authorized by law is deducted from the sum total wagered in the "show pool." The balance is called the "net pool."

(b) The sum total of the amount wagered in the show pool on the horses, placed first, second and third is deducted from the "net pool." This gives a remainder which is the profit, or winnings. The said profit is divided into three equal parts; that is, among those who wagered in the show pool on the winner, the second horse and the third horse.

(c) Using the amount wagered in the show pool on the winner "to show" as a divisor and $\frac{1}{3}$ of the profits of the show pool, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar wagered in the show pool on the winner "to show."

(d) Using the amount wagered in the show pool on the horse placed second "to show" as a divisor and one-third of the profits, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the second horse "to show."

(e) Using the amount wagered in the show pool on the horse placed third "to show" as a divisor and one-third of the profits, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the third horse "to show."

(f) In each of the subsections (c), (d), (e), of this Section the profits per dollar wagered is the resultant. The sums wagered on the horses placed first, second and third must be returned; therefore add to the quotient the dollar taken out of the "net pool" in subsection (b) of this Section. The result is the pay-off price for each dollar wagered on horses placed first, second and third in the show pool.

13:70-29.46 Calculating the pay-off in dead heats

(a) In the case of a dead heat in the straight pool, the pay-off price shall be figured as in a place pool.

(b) In the case of a dead heat for second in the place pool, the winner of the race receives its half share of the profits in that pool; and each of the two horses that dead heat for second receive one-half of the remaining half of the profits.

(c) In the case of a dead heat for third or "show" in the show pool, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third each receive one-half of the remaining third of the profits.

(d) Where two or more horses racing for one interest or field horses participate in dead heats, each horse of the entry of field is entitled to his proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected. For example: where two horses of an entry or field "dead heat" for straight, the straight and place prices are calculated as straight pools, and the entry is entitled to two-thirds of the profits of the show pool.

(e) Where two or more horses of an entry or field figure in a dead heat, or multiple dead heats in one race, each horse of the entry or field participating gets his proportionate award of the profits in whatever pool, or pools, are affected by the dead heat or dead heats. The sum of the total profits, in each pool, for the entry or field is then used as a dividend to calculate the pay-off price for said entry or field in that pool.

13:70-29.47 Exacta

(a) No exacta wagering shall be conducted without permission of the New Jersey Racing Commission. The races in which exacta type pari-mutuel wagering will be permitted shall be only those designated by the Commission and separate pools shall be established therefor.

(b) In order to win an exacta, it is necessary for the purchaser of an exacta ticket to select the winning horse and the horse finishing second in the race in which exacta type wagering is permitted. If either of the selections made by the purchaser fails to finish in the position designated by the purchaser when purchasing the exacta ticket, then the contract is void except as hereinafter provided.

(c) Should there be a dead heat for the first place in an exacta race, holders of tickets on those two horses involved, and only those two horses, will share in the exacta pay-off. Should there be a dead heat to place, both horses involved shall share in the pool with the winner of the exacta race.

(d) If no ticket is sold combining the two winners of the exacta, the pool shall then be apportioned equally between those having tickets including the winner of the race and those having tickets including the horse finishing second in the race in the same manner in which a place pool is calculated.

(e) In the event any horse or horses in the exacta should be excused by the racing official after the horses shall have left the paddock for the post, or after the betting on the exacta has been closed, or should any horse or horses in the exacta be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the exacta pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused from racing.

(f) Entries shall be allowed in an exacta race. "Fields" are permitted in an exacta race. If two or more horses in an exacta race are listed as "field" on the same totalisator ticket, there shall be no refunds, unless all the horses so listed are excused before off-time.

(g) If entry or field horses finish 1st and 2nd, the exacta will be paid on the combination of horses finishing 1st and 3rd. If entry or field horses finish 1st, 2nd, and 3rd, the exacta pool will be figured as a win pool with all combinations showing the entry or field horse on top considered as winners and sharing equally in the distribution of the pool, with the exception in the case of a dead heat in the third position. In said instance, the exacta will be comprised on the entry or field and the horse dead heated for 3rd.

Amended by R.1979 d.274, effective July 18, 1979.
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

13:70-29.48 Daily double

(a) No more than two daily doubles shall be permitted during any single race day. All other forms of this type of wagering are prohibited.

(b) Before off-time of the second half of the daily double there shall be posted on the public board, readable from the stands, the pay-off of each combination coupled with the winner of the first half of the daily double.

(c) In the event of a dead heat for the straight pool in the first half of the daily double, in the event of a consolation pool, it shall not be deemed necessary to compute and post the actual pay-off prices on all the various combinations of the daily double before the running of the second half of the double. However, an effort should be made to compute the double prices and to announce them to the public over a loudspeaker system prior to the running of the second half of the double.

(d) The daily double is not a parlay. All tickets on the daily double will be calculated in an entirely separate pool.

(e) The principle of a daily double is in effect a contract by the purchaser of a daily double ticket to pick (select) the winners of each of the two races specified for the daily double.

(f) If the purchaser of a daily double ticket fails to pick the winner of the first half of the daily double, his contract is void, unless circumstances occur as described in (m), (n), (o) and (p) below. If these conditions do not apply, then irrespective of what happens to the horse selected in the second half of the daily double, there is no refund because the patron has failed to fulfill the first half of the contract which is to pick the winner of the first half of the daily double.

(g) If a horse in the first half of the daily double is excused by the stewards before off-time, all money wagered on any horse or horses so excused shall be deducted from the daily double pool and be refunded to the purchaser or purchasers of tickets on the horse or horses so excused.

(h) In the event a horse is excused in the second half of the daily double after the first race is official, all daily double tickets combining the scratched horse with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second half of the daily double. The total pay-off of all tickets combining the winner of the first race of the daily double with the scratched horse in the second half of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(i) After off-time, there shall be no refund in either of the above cases, provided for in (g) and (h) above.

(j) For the purpose of figuring the daily double, when horses are locked in the gate they shall be considered as having been excused by the stewards; and (g) and (h) above shall be enforced.

(k) If, for any reason, the first race of a daily double is canceled and declared "no race", full and complete refund will be made of the daily double pool. If, for any reason, the second race of a daily double is canceled and declared "no race", the daily double pool shall be distributed to the holders of the daily double tickets on the winner of the first race in the same manner as the straight pool of the first race is distributed, except as to the amount of distribution, which shall be controlled by the amount bet in the daily double pool.

(l) Except for the contingencies stated below the daily double is calculated in the same general manner as the straight pool.

(m) If no ticket is sold combining both winners of the daily double, the net pool shall then be apportioned between those having tickets including the winner of the first race of the daily double and those having tickets including the winner of the last race of the daily double and shall be calculated and distributed as a place pool.

(n) If no ticket is sold including the winner of the first race of the daily double, then the entire net pool will be paid to the holders of tickets which include the winner of the last race of the daily double.

(o) If no ticket is sold including the winner of the last race of the daily double, the entire net pool will be paid to the holders of tickets which include the winner of the first race of the daily double.

(p) If no ticket is sold including a winner of either race of the daily double, then the entire net pool will be paid to the holders of tickets which include the horses finishing second in the two races of the daily double.

(q) If either race of the daily double results in a dead heat, the pay-off will be figured the same as a place pool, that is: First, the regulation commission is deducted, then the total amount wagered on the winning combination is deducted, leaving the profit which is divided equally between holders of the winning combinations.

Amended by R.1981 d.32, effective February 2, 1981.
See: 13 N.J.R. 150(f).

(a): "No more than two" was "only one".
Amended by R.1981 d.490, effective December 21, 1981.
See: 13 N.J.R. 521(a), 13 N.J.R. 947(a).

(d): "entries or" deleted before "field horses."
Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Correction in (c).

Amended by R.1991 d.491, effective October 7, 1991.

See: 23 N.J.R. 2003(a), 23 N.J.R. 3033(a).

In (g), eliminated contradictory language and clarified the proper way to calculate the pay off in a daily double.

Amended by R.1992 d.86, effective February 18, 1992.

See: 23 N.J.R. 3431(a), 24 N.J.R. 647(a).

Deleted (d); recodified (e)-(r) as (d)-(q).

13:70-29.49 Quiniela

(a) The principle of a quiniela is, in effect, a contract by the purchaser of a quiniela ticket to select the first two horses to finish in a race. The order in which the horses finish is immaterial. The quiniela is not a "parlay" and has no connection with or relation to win, place or show betting, and will be calculated in an entirely separate pool.

(b) Entries shall be allowed in a quiniela race.

(c) In cases of a dead heat between two horses for first place, the combination shall be the winner of the quiniela pool.

(d) In case of a dead heat between two horses for second place, the pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff.

(e) In case of a dead heat for second place, and no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combination.

(f) If no ticket is sold on the winning combination of a quiniela pool the net pool shall be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second, in the same manner in which a place pool is calculated.

(g) If no ticket is sold that would require distribution of a quiniela pool to a winner as above defined, the association shall make a complete and full refund of the quiniela pool.

(h) In case of a scratch in a quiniela race, the patron holding a ticket on the scratched horse will receive a refund.

13:70-29.50 Daily Triple

(a) The Daily Triple pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator board, nor to the rules governing the distribution of such other pools.

(b) A valid Daily Triple ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and said ticket shall constitute an acceptance of Daily Triple provisions and N.J.A.C. 13:70-29.

(c) A Daily Triple may be given a distinctive name to be selected by the association conducting such races, such as Win 3, subject to the prior approval of the Commission.

(d) The Daily Triple pari-mutuel pool shall consist of amounts contributed for a selection for win only in each of the three consecutive races designated by the association with the prior approval of the Commission. Each person purchasing a Daily Triple ticket shall designate the winning horse in each of the three races comprising the Daily Triple.

(e) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Daily Triple shall race as a single wagering interest for the purpose of the Daily Triple pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Daily Triple calculation, and the selection shall not be deemed a scratch.

(f) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all three races comprising the Daily Triple.

(g) If no ticket is sold combining the three winners of the Daily Triple, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winners of at least two of the three races comprising the Daily Triple.

(h) If no ticket is sold combining at least two winners of the Daily Triple, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winner of any one race comprising the Daily Triple.

(i) If no ticket is sold that would require distribution of the Daily Triple pool to a winner pursuant to (f) through (h) above, the association shall make a complete and full refund of the Daily Triple pool.

(j) If for any reason one or two of the races comprising the Daily Triple are cancelled, the net amount of the pari-mutuel pool shall be distributed as provided in (g), (h), and (i) above.

(k) In the event a Daily Triple ticket designates a selection in any one or more of the races comprising the Daily Triple and that selection is scratched, excused or determined by the stewards to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs.

(l) If any of the daily triple races result in a dead heat, the payoff will be figured the same as a place pool, that is: first the regulation commission is deducted, then the total amount wagered on the winning combination is deducted,

leaving the profit which is divided equally between the holders of the winning combinations.

(m) No pari-mutuel ticket for the Daily Triple pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the three races comprising the Daily Triple, except for such refunds on Daily Triple tickets as required by this rule, and no persons shall disclose the number of tickets sold in the Daily Triple pool or the number or amount of tickets selecting winners of Daily Triple races until such time as the Stewards have determined the last race comprising the Daily Triple to be official. At the conclusion of the second of the three races comprising the Daily Triple, an association may, with the prior approval of the Commission, display potential distributions to ticket holders depending upon the outcome of the third race of the Daily Triple.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

Repealed.

New Rule, R.1988 d.396, effective August 15, 1988.

See: 20 N.J.R. 1173(a), 20 N.J.R. 2070(b).

Amended by R.1993 d.366, effective July 19, 1993.

See: 25 N.J.R. 1671(a), 25 N.J.R. 3238(a).

Amended by R.1995 d.211, effective April 17, 1995.

See: 27 N.J.R. 306(a), 27 N.J.R. 1642(a).

13:70-29.51 Break to nickel in the event of a minus pool

The minimum pari-mutuel payoff by any licensee conducting pari-mutuel wagering shall be \$2.10 on each winning \$2.00 wager. This shall pertain only in the event that there is insufficient money in the net pari-mutuel pool to return \$2.20 on each \$2.00 wager.

13:70-29.52 The Pick(N)

(a) The Pick(N) requires selection of the first place finishers in each of four or more consecutive races, with the letter (N) representing the number of such races. The association must obtain written approval from the Commission concerning the scheduling of Pick(N) events. Any changes to the approved Pick(N) format requires prior approval from the Commission.

(b) A carry-over, as is relevant to this section, is that percentage of the pool not paid out when no one successfully selects all winning horses in the Pick(N). The carry-over amount shall be added to the subsequent Pick(N) pool until distributed as a result of the successful selection of all winning horses.

(c) The Pick(N) pool shall be distributed under one of the following methods:

1. Method 1. Pick(N) with carry-over: The net Pick(N) pool and carry-over, if any, shall be distributed as a single price pool to those who selected the first place finisher in each of the Pick(N) contests, based on the official order of finish. If there are no such wagers, then 25 percent of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick(N) races; and the remaining 75 percent of the net pool shall be added to the carry-over.

2. Method 2. Pick(N) with minor pool and carry-over: The major share of the net Pick(N) pool (75 percent) and the carry-over, if any, shall be distributed to those who selected the first-place finisher in each of the Pick(N) contests, based on the official order of finish. The minor share of the net Pick(N) pool (25 percent) shall be distributed to those who selected the first-place finisher in the second greatest number of Pick(N) contests based on the official order of finish. If there are no such wagers selecting the first-place finisher of all Pick(N) contests, the minor share of the net Pick(N) pool (25 percent) shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick(N) contests based on the official order of finish and the major share (75 percent) shall be added to the carry-over.

(d) If there is a dead heat for first in any of the Pick(N) contests involving contestants representing the same betting interest, the Pick(N) pool shall be distributed as if no dead heat occurred. If there is a dead heat for first in any of the Pick(N) contests involving contestants representing two or more betting interests, the Pick(N) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the net Pick(N) pool.

(e) The Pick(N) pool shall be held entirely separate from all other pools and is not a parlay and is not part of a daily double, exacta, trifecta or other wagering pool.

(f) Pick(N) tickets shall be sold in not less than \$1.00 denominations and only from machines capable of issuing four or more numbers.

(g) Those horses constituting an entry or a field as defined within the rules and regulations of the Commission shall race in any Pick(N) race as a single wagering interest for the purpose of Pick(N) pari-mutuel pool calculations and payments to the public. A scratch after wagering has begun on any part of an entry or mutuel field in such a race shall be of no effect with respect to the status of such entry or field as a viable wagering interest.

(h) At any time after wagering begins on a Pick(N) pool should a horse, entire betting entry or mutuel field be scratched or declared a non-starter in any Pick(N) race, no further tickets selecting such horse betting entry or mutuel field shall be issued, and wagers upon such horse betting entry or mutuel field, for purposes of the Pick(N) pool shall be deemed wagers upon the horse, betting entry or mutuel field upon which the most money has been wagered in the win pool at the close of win pool betting for such race. In the event of a money tie, the tied horse, betting entry or mutuel field with the most inside post position shall be designated.

(i) The Pick(N) pool shall not be cancelled based upon the number of race cancellations or races being declared no contest, unless the following is true, in which case all Pick(N) wagers for the individual performance shall be refunded:

1. Three or more races of a Pick 4 or Pick 5 are cancelled or declared no contest;

2. Four or more races of a Pick 6 or Pick 7 are cancelled or declared no contest;

3. Five or more races of a Pick 8 or Pick 9 are cancelled or declared no contest;

4. Six or more races of a Pick 10, Pick 11 or more races are cancelled or declared no contest.

(j) If, on the last day on which the system of wagering is conducted at a race meeting, no bettor selects the winning horse in those designated races, the total amount of the pool which exists on that day in connection with those races shall be paid to the bettor or bettors who selected the largest number of winning horses in those races.

(k) If, for any reason, the Pick(N) carry-over cannot be paid out on the last scheduled day of a race meeting, the carry-over shall be deposited in an interest bearing account approved by the Commission. The Pick(N) carry-over plus accrued interest shall then be added to the net Pick(N) pool on a race date determined by the Commission.

(l) An association, with the written approval of the Commission, may contribute funds to the net Pick(N) pool or the carry-over pool.

(m) Should circumstances occur which are not foreseen in this section, questions arising thereby shall be resolved with general pari-mutuel practice. Decisions regarding distribution of Pick(N) pools will be final.

Repealed by R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

New Rule, R.1993 d.685, effective December 20, 1993.

See: 25 N.J.R. 4585(b), 25 N.J.R. 5938(c).

13:70-29.53 Trifecta

(a) The trifecta (or other approved name) is a form of pari-mutuel wagering. Each bettor selects, in order, the first, second and third placed horses in the designated trifecta race. The trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta or other wagering pool.

(b) Trifecta tickets shall be sold in not less than \$1.00 denominations and only from machines capable of issuing three numbers.

(c) Races in which trifecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) The design of trifecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating such horse and all trifecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) Rules concerning failure to select a winning combination, short finishes include:

1. If there is a failure to select, in order, the first three horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

2. If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(g) Coupled entries and fields are prohibited in trifecta races without the prior approval of the Racing Commission. The Commission in considering whether to grant such approval, shall consider the number of wagering interests in the race and whether its approval would be consistent with the best interests of the sport and wagering public.

(h) Where a field in a trifecta race is less than seven at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not affect the trifecta.

(i) In the trifecta races with a coupled entry or mutuel field, the numbers of the first three horses in order of finish as made official shall constitute the winning combination except that, where two or more of such horses are part of the same coupled entry or mutuel field, only the best finishing position attained by the coupled entry or mutuel field shall be considered for payoff purposes and the next best finishing horse or horses, not part of the coupled entry or mutuel field, shall be selected to determine the winning trifecta combination.

(j) This rule shall be prominently displayed throughout the betting area of each track conducting the trifecta and printed copies of this rule shall be distributed by the track to patrons upon request.

As amended, R.1976 d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

As amended, R.1978 d.235, effective July 17, 1978.

See: 10 N.J.R. 258(c), 10 N.J.R. 351(c).

As amended, R.1978 d.270, effective August 1, 1978.

See: 10 N.J.R. 169(a), 10 N.J.R. 404(a).

Amended by R.1988 d.132, effective March 21, 1988.

See: 19 N.J.R. 2385(a), 20 N.J.R. 670(a).

(b): \$46.00 changed to \$6.00; (h) "nine" changed to "seven"; deleted "or where a field in a trifecta race in harness racing is two or more horses short of filling the available positions of the starting gate at wagering time,".

Amended by R.1993 d.516, effective October 18, 1993.

See: 25 N.J.R. 3103(a), 25 N.J.R. 4751(a).

13:70-29.54 Sell-only system

(a) The supervisor of mutuels shall be furnished with the following documents on a daily basis by the totalisator company for any sell-only system:

1. Win, place and show pools:
 - i. Running total sheet;
 - ii. Calculating sheet;
 - iii. Tickets and denomination sheet;
 - iv. Price sheet by denomination;
 - v. Progression of odds.
2. Exacta and daily double pools:
 - i. Calculating sheets;
 - ii. Tickets by denomination and combinations;
 - iii. Machine sales by Division;
 - iv. Daily double will pay sheet.
3. Trifecta pools:
 - i. Calculating sheet;
 - ii. Winning ticket combination sheet;
 - iii. Key wheel sheet;
 - iv. Machine sales by Division;
 - v. Trifecta ticket print.
4. Outstanding ticket balance report for all pools.

R.1979 d.274, eff. July 18, 1979.

See: 11 N.J.R. 269(b), 11 N.J.R. 401(b).

13:70-29.55 Cash-sell system

(a) The supervisor of mutuels shall be furnished with the following documents by the totalisator company on a daily basis for all pools at such time and in such manner as requested by the supervisor of mutuels.

1. Pool summary report;
2. Price calculation report;
3. Final cycle pool print report;
4. Progression of odds (win only);
5. Machine sales by race report;
6. Daily double will pay report;
7. Exacta probables report;

8. Prices report summary;
9. Price calculation summary;
10. Summarized balance report (out tickets);
11. End of day report;
12. All trifecta computer sheets;
13. Lost ticket report.

(b) The supervisor of mutuels shall also be furnished with the following documents by the totalisator company upon request:

1. Payout distribution report;
2. Day end teller report;
3. Pool processing proof;
4. Outs book A;
5. Outs book B;
6. Bet reports;
7. Audit information from log tapes;
8. Outs cashed report;
9. Manual Cash Council Report.

R.1979 d.274, eff. July 18, 1979.

See: 11 N.J.R. 269(b), 11 N.J.R. 401(b).

Amended by R.1982 d.183, eff. June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

(a)4viii and ix added.

Amended by R.1991 d.547, effective November 4, 1991.

See: 23 N.J.R. 2266(b), 23 N.J.R. 3340(a).

Deleted (a), 1 and 2.

Recodified 3 and 4 as (a) and (b).

13:70-29.56 Super-Six

(a) The Super-Six (or other approved name) is a form of pari-mutuel wagering. Each bettor selects the first horse in each of six consecutive races designated as the Super-Six races by the permitholder. The principle of a Super-Six is in effect a contract by the purchaser of a Super-Six ticket to select the winners of each of the six races designated as the Super-Six.

(b) The Super-Six pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, trifecta or other wagering pool. The Super-Six pool is a pool wherein the bettor is required to select six consecutive winning horses and is not a parlay.

(c) Super-Six tickets shall be sold in not less than \$1.00 denominations and only from machines capable of issuing six numbers.

(d) Races in which Super-Six pools shall be conducted shall be approved by the Commission and clearly designated in the program.

(e) The design of Super-Six tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(f) The Super-Six pari-mutuel pool shall be calculated as follows:

1. 100 percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super-Six.

2. In the event there is no pari-mutuel ticket held which correctly designates the winner of all races comprising the Super-Six, 25 percent of that racing date's net amount available for distribution shall be distributed among the holders of pari-mutuel tickets correctly designating the most winning selections of the six races comprising the Super-Six, and the remaining undistributed 75 percent of said pool shall be carried over and added to the pool on the next day on which wagering is conducted.

3. If, on the last day on which the system of wagering is conducted at a horse race meeting, no bettor selects the winning horses in those races, the total amount of the pool which exists on that day in connection with those races shall be paid to the bettor or bettors who selected the largest number of winning horses in those races. In no event shall any part of the pool be carried over to the next year's race meeting.

(g) Those horses constituting an entry or a field as defined within the rules and regulations of the Commission shall race in any Super-Six race as a single wagering interest for the purpose of the Super-Six pari-mutuel pool calculations and payouts to the public. A scratch after wagering has begun of any part of an entry or field selection in such a race shall be of no effect with respect to the status of such entry and/or field as a viable wagering interest.

(h) At any time after wagering begins on the Super-Six pool should a horse, entire betting entry or field be scratched or declared a non starter in any Super-Six race, no further tickets selecting such horse, betting entry or field shall be issued, and wagers upon such horse, betting entry or field, for purposes of the Super-Six pool shall be deemed wagers upon the horse, betting entry or field upon which the most money has been wagered in the win pool at the track at the close of win pool betting for such race. In the event of a money tie, the tied horse, betting entry or field with the most inside post position shall be designated.

(i) After off-time, there shall be no refund in either of the above cases, provided for in subsection (h) of this section.

(j) For the purpose of this section, when horses are prevented from starting by any malfunction of the starting gate itself they shall be considered as having been excused by the Stewards.

(k) If, for any reason, any race or races of a Super-Six program is cancelled and declared "No Race," the Super-Six pool shall be distributed to the holders of the most winning selections of the remaining races pursuant to (f)1 and 2 above. In the event the Stewards cancel or declare as "No Race" three or more of the Super-Six races for any given date, all pari-mutuel tickets for that Super-Six pool shall be refunded and the Super-Six cancelled for that day.

(l) In the event of a dead heat for win between two or more horses in any Super-Six race, all such horses in the dead heat for win shall be considered as the winning horse in the race for the purpose of distributing the Super-Six pari-mutuel pool.

(m) No person shall disclose the number of tickets sold in the Super-Six pool or the number or amount of tickets selecting winners of Super-Six races prior to the time the Judges have declared the last Super-Six race on any given date official.

(n) No pari-mutuel ticket for the Super-Six pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the Super-Six, except for refunds as required by this section.

(o) This rule shall be prominently displayed throughout the betting area of each association conducting a Super-Six program and in the official racing program.

(p) Should circumstances occur which are not foreseen in this section, questions arising thereby shall be resolved in accordance with general pari-mutuel practice. Decisions regarding distribution of Super-Six pools will be final.

R.1980 d.286, eff. July 8, 1980.

See: 12 N.J.R. 494(a).

Emergency Amendment, R.1986 d.334, effective July 17, 1986 (expires September 15, 1986).

See: 18 N.J.R. 1619(a).

Readoption of Concurrent Proposal, R.1986 d.411, effective September 15, 1986.

See: 18 N.J.R. 1619(a), 18 N.J.R. 2054(b).

13:70-29.57 Pick-Seven

(a) This section codifies procedures to allow New Jersey to participate in a nationwide common pool in a Pick-Seven Wager in the Breeders' Cup.

(b) The payoff is calculated as follows:

1. Wagers select first-place finishers for seven Breeders' Cup races. The net pool is divided into major (75 percent) and minor (25 percent) shares. The major share is distributed to the ticket(s) correctly selecting the first-place finishers in all seven races and calculated using the net pool pricing method. The minor share is distributed to tickets correctly selecting the first-place finishers in the most (but not all) of the seven races and calculated using the net pool pricing method.

2. To determine the net pool, there shall be a deduction from gross wagers in each jurisdiction in an amount equal to the applicable takeout for that jurisdiction. The remaining amount of the wagers from all jurisdictions is combined to form the total net pool, on the basis of which a base payout price is determined. Each jurisdiction's winning payout price is determined by applying that jurisdiction's takeout rate to the base price. Each jurisdiction's individual rules relating to breakage and uncashed winning tickets shall also apply. Any other questions that arise not specifically covered in this section shall be covered by the rules of racing of the New Jersey Racing Commission.

(c) Dead heat procedures are as follows:

1. If there is a dead heat for first in any race, the winning combinations shall include all wagers selecting any dead heat finishes.

(d) No ticket sold procedures are as follows:

1. If no ticket is sold correctly selecting the seven first-place finishers, then the entire net pool will be distributed to the wagers selecting the most official winners of the seven Breeders' Cup races.

(e) Refund procedures are as follows:

1. If three or more races are cancelled, then the entire Pick-Seven pool shall be refunded.

(f) The effect of a cancelled race on the pool is as follows:

1. In the event that one or more of the races, comprising the Pick-Seven, is cancelled for any reason, the distribution of the net amount subject to distribution in the Pick-Seven pool shall be among the holders of the pari-mutuel tickets which currently designate the most official winners in all remaining races comprising the Pick-Seven.

(g) The number of entries (or starters) required is as follows:

1. As long as at least one horse remains within an entry or the field, that betting interest will not be deemed a scratch. If a betting interest is scratched or declared a non-starter, the actual favorite as evidenced by Breeders' Cup host track win pool at the start of the race will be substituted. If the win pool amounts are equal, the substitute will be the lowest program numbered betting interest.

New Rule, R.1992 d.200, effective May 4, 1992.

See: 23 N.J.R. 1769(b), 24 N.J.R. 1800(b).

13:70-29.58 (Reserved)**13:70-29.59 Cancellations**

(a) Cancellations of mutuel tickets are prohibited on wagers purchased on the current race once the patron has left the window on all types of wagers where odds or probable payouts are displayed to the public.

(b) Mutuel clerks shall be permitted to cancel current race mutuel tickets during the delay period provided it is the last transaction before the bell sounds signaling the end of wagering. If it is determined by the Executive Director of the Racing Commission or his or her designee that mutuel clerks are abusing this cancellation privilege, they will be subject to fine and/or suspension.

(c) No cancellation of mutuel tickets is permitted after the delay period.

(d) Cancellation of all advance wagers is permitted up until the race immediately preceding the advance wager becomes official.

(e) Mutuel clerks are permitted to cancel mutuel tickets purchased at self-service terminals provided they are advance wagers or wagers where odds or probable payouts are not displayed to the public.

New Rule, R.1991 d.542, effective November 4, 1991.
See: 23 N.J.R. 2267(a), 23 N.J.R. 3340(a).

13:70-29.60 Expiration of mutuel tickets and vouchers

All mutuel tickets and vouchers shall expire six months and one day from the date of issue (that is, tickets and vouchers purchased on January 1 will expire at the close of business on July 1).

New Rule, R.1991 d.543, effective November 4, 1991.
See: 23 N.J.R. 2267(b), 23 N.J.R. 3340(a).

13:70-29.61 Superfecta

(a) The superfecta (or other approved name) is a form of pari-mutuel wagering where each bettor selects, in order, the first, second, third and fourth placed horses in the designated superfecta race. The superfecta pool shall be held entirely separate from all other pools, and is not part of a daily double, exacta or other wagering pool.

(b) Superfecta tickets shall be sold in not less than \$1.00 denominations.

(c) Races in which superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) If a horse is scratched or declared a non-starter, no further superfecta tickets may be issued designating such horse and all superfecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(e) Where a field in a superfecta race is less than seven at wagering time, said race shall not be run as a superfecta. A late scratch after wagering starts will not affect the superfecta.

(f) The net superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

1. As a single price pool to those whose combination finished in correct sequence as the first four different betting interests; but if there are no such wagers, then:

2. As a single pool to those whose combination included, in correct sequence the first three different betting interests; but if there are no such wagers, then:

3. As a single price pool to those whose combination included, in correct sequence, the first two different betting interests; but if there are no such wagers, then:

4. As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then:

5. The entire pool of superfecta wagers shall be refunded for that contest.

(g) If less than four different betting interests finish the race and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of different betting interests completing the race shall be ignored.

(h) If there is a dead heat for first involving:

1. Contestants representing four or more different betting interests, all of the wagering combinations selecting the four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

2. Contestants representing three different betting interests, all of the wagering combinations selecting the three dead-heated different betting interests, irrespective of order, along with the fourth place different interest shall share in a profit split.

3. Contestants representing two different betting interests, both of the wagering combinations selecting the two dead-heated different betting interests, irrespective of order, along with the third place and fourth place different betting interest shall share in a profit split.

(i) If there is a dead heat for second involving:

1. Contestants representing three or more different betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three different betting interests involved in the dead heat for second shall share in a profit split.

2. Contestants representing two different betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated different betting interests, irrespective of order, and the fourth place betting interest shall share in a profit split.

(j) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the different betting interests involved in the dead heat for third share in a profit split.

(k) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three different finishers, in correct sequence, along with any of the different betting interests involved in the dead heat for fourth shall share in a profit split.

New Rule, R.1994 d.92, effective February 22, 1994.
See: 25 N.J.R. 5450(a), 26 N.J.R. 1106(c).

SUBCHAPTER 30. INITIAL TRACK APPLICATION

13:70-30.1 Permit to hold race meetings

(a) No license or permit shall be transferable or assignable in any manner or in any particular.

(b) An application for a permit to conduct a horse race meeting shall be filed on form R-1 in the case of harness races and on form R-2 in the case of running races, which forms shall be prescribed and furnished by the commission. The commission may require from time-to-time additional information which shall be attached to, and made a part of, and filed with the application. The application and additional information shall be submitted in affidavit form, sworn to and subscribed before a person legally competent to take oaths. The application shall be filed with the commission prior to August 1, of any year.

(c) The applicant shall furnish, at his expense, such data as the commission shall require to enable it to carry out fully and effectually all the provisions and purposes of the law which may include, but shall not be limited to, the following:

1. Blueprints and specifications of the track and its surface, and blueprints and specifications of buildings and grandstands; and

2. Surveys, studies and analyses by competent and qualified experts which may be required by the commission to ascertain such factors as proposed attendance, traffic flow, income or any and all matters necessary for the commission to make a determination with respect to the matter of the application.

(d) When, in the judgement of the commission, the services of special legal counsel are necessary to carry out fully and effectually all the provisions and purposes of the law and to serve the public interest, the commission may request the Attorney General to appoint such counsel and the applicant shall pay the reasonable expenses to his services. Special counsel shall submit, in affidavit form, a detailed accounting of his services to the Attorney General, who shall certify said accounting to the commission upon being satisfied that it is reasonable and necessary to carry out fully and effectually the purposes of this act. The commission shall, in no event, require payment for such services without the said approval of the Attorney General.

(e) In any case where the commission may require expenses by the applicant, pursuant to this request, the commission may, in its discretion, require the applicant to give bond or other satisfactory security to guaranty payment of the aforesaid expenses.

(f) The application for a permit to hold or conduct horse race meetings within the State of New Jersey shall include, but not be limited to, the following information:

1. The name of the person, association or corporation making such application;

2. Post office address of the applicant;

3. If the applicant is a corporation or an association, the names and addresses of the officers and directors thereof and the name and address of each owner or holder, directly or indirectly, of any share of stock or certificate or other evidence of ownership of any interest in such corporation or association;

4. If the applicant is a partnership, it shall furnish the names and addresses of all general and limited partners;

5. In the case of a corporate applicant, the date of incorporation, name of the state in which incorporated, and a copy of the original certificate of incorporation and of any amendments thereto;

6. The dates on which it is intended to conduct or hold such horse race meeting and the hours of each racing day between which it is intended to hold or conduct horse racing at such meeting;

7. The location of the place, track or enclosure where it is proposed to hold or conduct such horse race meeting;

8. Detailed information and specifications of the track, buildings and grandstand possessed or to be constructed by the applicant, including a blueprint of the

track and specifications of the construction and of the surface of same; and blueprints and detailed architect's specifications of the construction of any buildings and grandstands of the applicant. The commission reserves the right to reject inadequate or unsatisfactory specifications or to demand additional information and specifications from the applicant;

9. A financial statement of the applicant, certified by a certified public accountant of New Jersey;

10. A statement by a certified public accountant of New Jersey showing details of all financing arrangements made or contemplated by the applicant in connection with the construction of the race track buildings and grandstand;

11. Any other information which is set forth on form R-1 or form R-2 or as may be required by the commission.

(g) The application, if made by an individual, shall be signed and verified under oath by such individual, and, if made by two or more individuals or a partnership shall be signed and verified under oath by all of the individuals or by all of the members of the partnership, whether general or limited, as the case may be. If the application is made by an association or corporation, it shall be signed by the president or vice president thereof and attested by the secretary or assistant secretary under the seal of such association or corporation, if it has a seal, and shall be verified under oath by one of the officers signing the same.

(h) In addition to the above requirements the applicant shall comply with the following:

1. Every applicant shall furnish to the Commission, under oath, a list of the names, addresses and dates of birth of every person, entity or organization who or which has any interest whatsoever in the applicant, the proposed race track, or the proposed horse race meetings, and a detailed account of the nature and extent of said interest. Each such person, entity or organization who or which has such an interest shall furnish a statement, under oath, to the Commission, setting forth that he is acting solely in his own behalf and is a real party in interest, or if he is acting jointly with or solely on behalf of any person, entity or organization, or if he is not a real party in interest, then he shall state the name, address and date of birth of the real property or other party or parties in interest for whom he is acting. In the event that the application and its attachments do not identify any person, entity or organization who or which has any direct or indirect interest in the applicant, proposed race track or proposed horse race meetings, the application may be denied.

2. Every applicant member, partner, officer, director, stockholder and person having any direct or indirect interest in the applicant and every real party in interest in the applicant shall furnish a detailed statement, under oath, of his experience and background in racing and of his business and financial background including a financial statement.

3. Every applicant shall furnish with its application the fingerprints of each applicant member, partner, officer, director, real party in interest, stockholder and of every person who has any direct or indirect interest whatsoever in the applicant, on forms provided by the Commission.

4. Every applicant member, partner, officer, director, real party in interest and stock holder shall furnish a statement, under oath, to the Commission, describing any and all direct or indirect interests that he presently has, or previously had, in any other racing organization, association or race track, presently existing or which has been in existence in any part of the world.

(i) If there is any false statement or omission of any material fact in the application or in the additional information required by these rules or by the Commission, the application may be denied.

(j) The Commission shall designate a certified court reporter to take and record the proceedings at the public hearing on the application. Within ten days following the date of the public hearing the applicant shall, at its own expense, furnish to the Commission an original and four copies of a transcript of the record of the proceedings.

(k) Within 15 days after the filing of an original application, the Commission shall determine whether the same is in due form and upon being satisfied thereof shall set a date not later than September 15 next when a public hearing shall be held on such application.

(l) The public hearing shall be held in the county wherein it is proposed to conduct the race meeting for which the permit is sought, at such place as may be designated by the Commission in writing to the applicant. Notice of the time and place of the hearing shall be served on the applicant by the Commission by mailing the same postage paid by certified mail to the applicant at the address indicated in the application.

(m) The Commission shall cause a display advertisement approximately 11 inches by 8 inches in size to be published at least once in a daily newspaper and at least once in a weekly newspaper published or circulated, if none be published, in the county wherein it is proposed to conduct the race meeting for which the permit is sought. Such advertisements shall be published at least 15 days before the date of such public hearing and shall contain the following:

1. The name and address of the applicant;
2. The time and place of the hearing;
3. The nature of the permit applied for;

4. A statement to the effect that the purpose of the hearing is to assist the Racing Commission in making a determination whether or not it shall grant a permit to conduct a horse race meeting during the times and at the place indicated in the application;

5. Such other information as is determined to be necessary by the Commission in order to apprise the public as to the purpose of the hearing.

(n) The advertisements for the public hearing shall be prepared and placed by the Commission, but shall be paid for by the applicant prior to the time of the public hearing. The applicant shall produce proof to the Commission prior to the hearing that it has paid for the advertisements.

(o) The hearing shall be recorded by a certified court reporter of the State of New Jersey, who shall be sworn by the Chairman of the Racing Commission at the beginning of the hearing.

(p) The public hearing shall be held before the Racing Commission. A majority of the Commission shall constitute a quorum for the purpose of the hearing. The Chairman of the Commission shall conduct the hearing, or may designate the counsel assigned to the Racing Commission by the office of the Attorney General to conduct the hearing.

(q) The Commission may continue such hearing from time to time if it deems it to be necessary in the public interest, or for purposes of a more thorough investigation of the application. In conducting the hearing the Commission shall not be bound by technical rules of evidence, but all evidence offered before the Commission shall be reduced to writing and shall, with the petition and exhibits, if any, and the findings of the Commission, be permanently preserved and shall constitute the record of the Commission in the matter of the pending application. Any of the parties affected by such hearings may be represented by counsel and shall have the right to introduce evidence.

(r) Each member of the commission shall have power to administer oaths and examine witnesses and shall have the power to issue subpoenas to compel the attendance of witnesses and the production of all necessary reports, books, papers, records, correspondence and other evidence at the designated place of hearing. Such subpoena shall be authenticated by the seal of the commission and any parties to a proceeding before the commission may secure from its subpoenas without charge. Misconduct on the part of a person attending a hearing, or the failure of a witness, when duly subpoenaed, to attend, give testimony or produce any records, shall be punishable in accordance with law by the county court of the county wherein the offense is committed. The commission shall certify such misconduct, failure to attend or produce records, to such county court.

(s) The commission, or any member thereof, or any applicant, may in connection with any hearing before the commission cause the deposition of witnesses within or without the State to be taken on oral or written interrogatories in the manner prescribed by statute for depositions in suits at law in the courts of record in this State.

(t) The commission, or a majority thereof, shall determine whether a permit to hold or conduct a running race meeting or harness race meeting, as the case may be, is provisionally granted pending approval thereof by the legal voters of the county and of the municipality in which it is proposed to hold or conduct such race meeting. The commission shall make its determination not less than 30 days before the next ensuing general election following the date of public hearing. If the commission acts favorably on such application, it shall in writing certify to the county clerk of the county in which it is proposed to hold or conduct such horse race meeting that such permit has been provisionally granted.

(u) The actual costs and expense of the commission incurred in connection with any such hearing or investigation of the application shall be paid by the applicant upon the commission's delivering to the applicant a statement thereof. The commission, in its discretion, may require the applicant, before the hearing as hereinbefore provided, to give a surety bond or other satisfactory assurance that such applicant will pay all costs of such hearing.

SUBCHAPTER 31. VIOLATIONS

13:70-31.1 Liability

Any person or association licensed by the commission or any person or association subject to the jurisdiction of the commission violating any of its rules or regulations shall be liable to the penalties herein provided, unless otherwise limited in and by the rules and regulations of the commission. The penalties provided herein are in addition to those which may be imposed under N.J.A.C. 13:70-1, 3, 16, and 23.

Case Notes

Jockey breathalyzer and urine test regulations valid as reasonable under the Fourth Amendment; penalties for violation. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.1985), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

13:70-31.2 Attempt to violate

Any attempt to violate the law or any of the rules and regulations of the commission falling short of actual accomplishment shall constitute and shall be punishable as if consummated.

13:70-31.3 Penalties

(a) The penalties for violation of the law, the rules and regulations or the directives of the commission shall be as follows:

1. Denial, revocation or suspension of license;
2. Monetary fines not exceeding \$5,000 for each violation. The stewards may not impose directly a fine in excess of \$500.00;

3. Suspension from one or more activities at one or more tracks;
4. Expulsion from racing in New Jersey;
5. Forfeiture of purse;
6. In addition to the foregoing, the commission may impose as a condition to licensing such conditions as it shall deem appropriate to secure compliance with the rules, regulations and directives of the commission.

(b) The penalties provided above, where applicable, shall be extracted from all persons and/or associations, whether licensed by the commission or not.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

(a)2 "\$5,000" was "\$2,000"; "\$500.00" was "\$250.00."