

## SUBCHAPTER 16. DECLARATION TO START AND DRAWING HORSES

### 13:71-16.1 Declaration to start and drawing horses

(a) Declaration—Unless otherwise specified in the conditions, approval of which must be granted by the Commission, the declaration time shall be 9:00 A.M. prevailing times. The management shall provide a locked box with an aperture through which declarations shall be deposited. At the time specified, the presiding judge who shall be in charge thereof, shall unlock the box, assort and list the declarations found therein, immediately draw the post positions in the presence of such owners or their representatives, as may appear. However, in races of a duration of more than one dash or heat, the judges may draw positions from the stand for succeeding dashes or heats. Declarations by mail or telegraph or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawings shall be final. When an association requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(b) After a declaration to start has been made, no horse shall be withdrawn except by permission of the judges.

(c) Prior to the opening of the declaration box, when futurities, stakes, early closing or late closing events are programmed, the presiding judge shall communicate with the race secretary to ascertain if any declarations by mail, telegraph or otherwise are in his office and not deposited in the box. If there are such declarations, the presiding judge shall see that they are declared and drawn in the proper event. To avoid conflicts and misunderstandings when the time of declaration of any race is stated in day or hours prior to the day of the race, it shall be construed to exclude Sunday.

Petition for Rulemaking.  
See: 37 N.J.R. 1556(a), 2261(c).

### 13:71-16.2 Entry box and drawing of horses at pari-mutuel meetings

(a) The entry box shall be opened by the presiding judge at the advertised time and the presiding judge will be responsible to see that at least one horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(b) Upon receiving a request by the race secretary, the presiding judge, at his discretion, may open the entry box prior to the time of closing and give the race secretary the opportunity to process declarations contained therein. Information as to names of horses declared shall not be given by the race secretary or his assistants until after the time for declaration has passed.

### 13:71-16.3 Error in declaration

(a) Where a horse properly declared is omitted from the race by error of the association, or its agent or employee, the horse shall be added to the race but given the outside post position provided, however, that the error is discovered prior to the printing of the official program or prior to scratch time, whichever is sooner.

1. In the event that there is not a position on the gate available to add the horse omitted in error, the race shall be redrawn. This shall apply only in stakes events, late closers, early closers and futurities and shall not apply to overnight events.

Amended by R.1991 d.315, effective June 17, 1991.  
See: 23 N.J.R. 1069(a), 23 N.J.R. 1961(a).

Reconstructed existing text to include an (a) and new (a)1; deleted “, other than by telephone,”; added “or its agents or employee,”; substituted “printing” for “publication”; added “or prior to scratch time, whichever is sooner”; deleted “and said program disclosed such position”.

### 13:71-16.4 Qualifying races

(a) Declarations for overnight events shall be governed by the following:

1. Within two weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the presiding judge or an associate judge and acquire at least one charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.
2. A horse that does not show a charted line for the previous season, or a charted line within its last six starts must go a qualifying race as set forth in paragraph 1 of this subsection. Uncharted races contested in heats or more than one dash and consolidated in accordance with paragraph 4 of this subsection will be considered one start.
3. A horse that has not started at a charted meeting for a period of 30 days must go a qualifying race as set forth in paragraph 1 of this subsection. Any horse that fails to race within 30 days after having started in a current year shall start in a qualifying race and meet the standards of the meeting before being allowed to start in a race with pari-mutuel wagering.

4. When a horse has raced at a charted meeting during the current season and then goes to meetings where races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines, and the requirements of paragraph 2 of this subsection would then not be applicable. The consolidated line shall carry date, place, time, driver, finish track conditions and distance if race is not at one mile.

5. The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for the class of horse, he may be required to go a qualifying race.

6. The judges may permit a horse to qualify by means of a timed workout consistent with the demonstrated form and ability of the horse.

7. To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting that opens before July 1 of a season and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting.

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

### 13:71-16.5 Entries

When the starters in a race include two or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the "entry." "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 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, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may, at the request of the association and with the approval of the Commission, be permitted to race as separate betting entities. For races worth \$500,000 or more, all horses entered to race in such races, regardless of common trainers or ownership interest, shall race as individual betting interests. 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. The above provisions shall also apply to elimination heats.

As amended, R.1982 d.109, eff. April 5, 1982.  
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Section substantially amended.

Petition for Rulemaking.

See: 34 N.J.R. 3030(b), 3545(a), 3655(a), 3994(b).  
Amended by R.2004 d.157, effective April 19, 2004.

See: 35 N.J.R. 4183(b), 36 N.J.R. 1952(c).

Inserted the fourth sentence.

### 13:71-16.6 Also eligibles

Not more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. Also eligibles shall be drawn from those horses having the least preference. In the event one or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the race secretary's office. All horses on the also eligible list and not moved into race by 9:00 A.M. on the day of the race shall be released.

### 13:71-16.7 Preference

(a) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and then scratched is the date of the race from which he was scratched.

(b) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date and preference applied accordingly.

(c) Where the word "preferred" is used in a condition it shall not supersede date preference.

### 13:71-16.8 Steward's list

(a) A horse may be placed on the "Steward's list" if:

1. It is dangerous;
2. Unmanageable;
3. Sick;
4. Lame;
5. Unable to qualify;
6. Otherwise unfit.

(b) The horse must be placed on the "Steward's list" by the presiding judge and declarations on such horse shall be refused.

(c) Owners and trainers shall be notified in writing of such action and the reason for such action.

(d) The clerk of the course shall make a note on the eligibility certificate of such horse showing the date the horse was placed on the "Steward's list" the reason therefor and the date of removal if the horse has been removed. A horse which has been a late scratch from a claiming race may be put on the "Steward's list".

#### **13:71-16.9 Driver information**

Declarations shall state who will drive the horse and the driver's colors. Drivers may be changed until 9:00 A.M. of the day preceding the race without permission but the presiding judge must be notified thereof. No driver shall be changed thereafter except by permission of the judges and only then for good cause. When a nominator starts two or

more horses, the judges shall approve or disapprove the second and third drivers.

#### **13:71-16.10 Postponement—reasons for; rescheduling races**

(a) In case of unfavorable weather, or other unavoidable cause, the racing association may postpone the races upon notification of the same to the Commission.

(b) When a racing program is postponed, the races scheduled shall be rescheduled as follows:

1. Early closing, late closing races, stakes and futurities shall be postponed to the next racing day.

2. If there is no time remaining in the scheduled race meeting and it cannot be extended to permit the race to be programmed, the entrance money and forfeits shall be divided equally among the nominators who have horses on the grounds declared in and eligible to start.

(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. 13:71-27.

(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.

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 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 or 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.

Amended by R.1993 d.514, effective October 18, 1993.  
See: 25 N.J.R. 3705(a), 25 N.J.R. 4752(b).

### 13:71-27.57 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.541, effective November 4, 1991.  
See: 23 N.J.R. 2268(b), 23 N.J.R. 3342(a).

### 13:71-27.58 Expiration of mutuel tickets

All mutuel tickets shall expire six months and one day from the date of issue (that is, tickets purchased on January 1 will expire at the close of business of July 1).

New Rule, R.1991 d.541, effective November 4, 1991.  
See: 23 N.J.R. 2268(b), 23 N.J.R. 3342(a).  
Amended by R.2002 d.348, effective November 4, 2002.  
See: 33 N.J.R. 3627(a), 34 N.J.R. 3782(b).

Deleted "and vouchers" following "tickets" throughout.

### 13:71-27.59 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. The permitholder may request the approval of the Racing Commission to conduct a superfecta in the carryover method as provided in (l) below. All superfectas not approved for conduct in the carryover method shall be conducted in the non-carryover method as provided in (f) below.

(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 fewer than six 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 non-carryover 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. 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 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.