

**CHAPTER 71  
HARNESS RACING**

**Authority**

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

**Source and Effective Date**

R.2005 d.234, effective June 17, 2005.  
See: 37 N.J.R. 419(a), 37 N.J.R. 2696(b).

**Chapter Expiration Date**

Chapter 71, Harness Racing, expires on June 17, 2010.

**Chapter Historical Note**

Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969.

Subchapter 14, Claiming, was repealed and Subchapter 14, Claiming, was adopted as new rules by R.1980 d.95, effective February 27, 1980. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Subchapter 3, Appeals, was repealed and Subchapter 3, Appeals, was adopted as new rules, and Subchapter 24, Authorized Agents, Subchapter 25, Vendors, Subchapter 26, Illegal Practices, Subchapter 27, Mutuels, and Subchapter 28, Initial Track Application, were adopted by R.1982 d.109, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Tracks, Subchapter 9, Veterinarians and Veterinarians Certificates, Subchapter 21, Placing Conditions and Purses, and Subchapter 23, Stimulations and Tests, were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Licensing, Subchapter 8, Officials, and Subchapter 17, Starting, were readopted as R.1984 d.103, effective March 19, 1984. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Definitions, expired on December 19, 1984.

Subchapter 4, Definitions, was adopted as new rules by R.1984 d.621, effective January 21, 1985. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

Subchapter 23, Stimulation and Tests, was repealed and Subchapter 23, Medication and Testing Procedures, was adopted as new rules by R.1985 d.58, effective February 19, 1985. See: 16 N.J.R. 3182(a), 17 N.J.R. 471(a).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Claiming, was readopted as R.1985 d.137, effective February 25, 1985. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.1990 d.126, effective January 25, 1990. See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Subchapter 29, Sulky, was adopted as R.1994 d.143, effective March 21, 1994. See: 26 N.J.R. 95(a), 26 N.J.R. 1357(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.1995 d.103, effective January 25, 1995. See: 26 N.J.R. 4744(a), 27 N.J.R. 733(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.2000 d.35, effective December 22, 1999. See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Subchapter 30, "Self-Exclusion List" Rules was adopted as R.2004 d. 399, effective October 18, 2004. See: 36 N.J.R. 2980(a), 36 N.J.R. 4828(a).

Chapter 71, Harness Racing, was readopted as R.2005 d.234, effective June 17, 2005. See: Source and Effective Date.

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N.J.S.A. 5:5-30, 5:5-65.1 and 5:5-65.2.

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## SUBCHAPTER 30. "SELF-EXCLUSION LIST" RULES

- 13:71-30.1 "Self-exclusion list" rules incorporated herein by reference

## SUBCHAPTER 1. GENERAL RULES

### 13:71-1.1 General provisions

(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 and by the New Jersey Racing Commission.

(b) If at any time there is a conflict between the rules of the New Jersey Racing Commission and the rules of the United States Trotting Association, the rules of the Commission shall govern.

(c) 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.88, effective February 18, 1992.  
See: 23 N.J.R. 3432(a), 24 N.J.R. 647(b).  
Added (c).

### 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).

### Case Notes

Private harness track required to abide by the rules and regulations of the United States Trotting Association, subject to conflict with Commission rules. *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).

### 13:71-1.2 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 promulgated by its 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 and/or trainers shall furnish to the Racing Commission a badge list of all employees. Said owners, trainers and stable employees shall abide by said 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.

### 13:71-1.3 Race participants and patrons

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

### Case Notes

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function. *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div.1982), affirmed 93 N.J. 1, 459 A.2d 295 (1983).

### 13:71-1.4 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 of or resignation by such employee. The failure to so notify the track security shall subject the owner or trainer to a fine or suspension or both.

As amended, R.1982 d.109, effective April 5, 1982.  
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).  
"security" was "police".

### 13:71-1.5 Notification to track security on discharge of groom

When a groom or other attendant is discharged by or voluntarily leaves the employ of an owner or trainer he shall immediately notify the track security of his discharge or

resignation. The failure to so notify the track security shall subject the groom or other attendant to a fine or suspension, or both.

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

“security” was “police”.

### 13:71-1.6 Language

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

### 13:71-1.7 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.

### 13:71-1.8 Handbooks

No person shall make a handbook or a foreign book on the ground of an association nor shall any person solicit for or bet with a handbook or foreign book on the grounds of an association or fair race.

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Section substantially amended.

### 13:71-1.9 (Reserved)

### 13:71-1.10 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.

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Section substantially amended.

### 13:71-1.11 Unrecognized meetings

Any person who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or driver, may be adjudged guilty of conduct detrimental to racing.

### 13:71-1.12 Suspended person or horse

No person or horse ruled off by, or under suspension by, any recognized turf authority, trotting association included, shall be admitted to the grounds of any association.

### 13:71-1.13 Narcotic or drug convictions

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

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Section substantially amended.

### 13:71-1.14 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.

### 13:71-1.15 Reinstatement of horses

When a person is ruled off a course or suspended, every horse owned in whole or part by him shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his owner’s penalty or by his transfer through bona fide sale to any ownership acceptable to the stewards.

### 13:71-1.16 Qualifications for reinstatement

When a person is ruled off a course or suspended, any horse which is under his care, management, training or superintendence 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 placement of the horse in the hands of a licensed trainer and the approval of the transfer by the stewards.

### 13:71-1.17 Recision of penalties

When a person is ruled off a course or suspended, he 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 own name or in that of any other person until the rescinding of that person’s penalty.

### 13:71-1.18 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

### 13:71-1.19 Stewards determination of fines

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

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

“Stewards” changed to “steward”; “Board of Judges” added.

#### Case Notes

Veterinarian’s use of non-FDA-approved drug for his own horse at his own farm in another state; not conduct detrimental to racing. *Chovanes v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 5.

### 13:71-1.20 Authority to impose penalties; report; payment

(a) The authority of the steward and the Board of Judges shall extend to any and all situations which are not specifically covered by these rules.

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 shall 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.

(l) The net carryover superfecta pool shall be distributed to winning wagers based on the following and in accordance with the official order of finish:

1. If tickets are sold on the winning combination of the superfecta, the net pool shall have added to it to any carryover monies from previous superfecta races, and shall then be equally divided among those ticket holders.

2. If no tickets are sold on the winning combination of the superfecta, then the net pool shall be divided into two separate pools. Eighty percent of the net pool shall be paid into a pool known as the Jackpot, and carried over to the next regularly scheduled superfecta race. The remaining 20 percent of the net pool shall be paid into a pool known as the superfecta consolation pool, and this pool equally divided among those ticket holders who correctly selected the first three finishers in exact order. If no ticket has been sold correctly selecting the first three finishers in exact order, then the superfecta consolation pool shall be paid to the first two finishers in exact order. If no ticket has been sold correctly selecting the first two finishers in exact order, then the superfecta consolation pool shall be paid to those ticket holders who selected the winning horse. In the event no ticket has been sold correctly selecting the winning horse to finish first, then the superfecta gross pool (excluding monies carried over from previous superfecta races) shall be refunded.

3. If the superfecta gross pool is refunded in accordance with the above-described rules, then all monies carried over, if any, shall be held in escrow until the next regularly scheduled superfecta.

4. If fewer than four horses finish, the payoff shall be made from the superfecta consolation pool only, and shall be made to holders of tickets correctly selecting the actual finishing horses in exact order, ignoring the balance of the selection. In this event, the Jackpot will be carried over to the next regularly scheduled superfecta race.

5. In the event the accumulated Jackpot has not been distributed prior to the final day of the meeting in which

the Jackpot was generated, then the accumulated Jackpot and the net pool in the final superfecta race of the meet shall be distributed to closing day holders of superfecta tickets who correctly select the first four official finishers in exact order, or if no ticket is sold as above described, to those who correctly select the first three finishers in exact order, or is no ticket is sold as above described, to those who correctly select the first two finishers in exact order, or if no ticket is sold as above described to those who correctly selected the winning horse to finish first. In the event no ticket has been sold correctly selecting the winning horse to finish first, then the gross superfecta pool will be refunded and the Jackpot distributed equally to all closing day superfecta ticket holders.

New Rule, R.1994 d.91, effective February 22, 1994.

See: 25 N.J.R. 5451(a), 26 N.J.R. 1107(b).

Petition for Rulemaking.

See: 34 N.J.R. 3655(b), 3995(a).

Petition for Rulemaking.

See: 35 N.J.R. 279(b), 897(b).

Amended by R.2003 d.492, effective December 15, 2003.

See: 35 N.J.R. 3464(a), 35 N.J.R. 5550(a).

Rewrote (a); in (f), inserted "non-carryover" preceding "superfecta pool" in the introductory paragraph; added (l).

Amended by R.2003 d.493, effective December 15, 2003.

See: 35 N.J.R. 3465(a), 35 N.J.R. 5550(b).

In (e), substituted "six" for "seven".

#### **13:71-27.60 Distribution of funds derived from casino simulcasting in lieu of N.J.S.A. 5:12-203g(2)**

(a) Pursuant to N.J.S.A. 5:12-204, the formula contained in N.J.S.A. 5:12-203g(2) is superseded and revised as set forth in this section to harness races, and as set forth in N.J.A.C. 13:70-29.62 as to running races. Of that amount remaining after the deduction of the amounts under subsections a, b, c, d, e, f and paragraph g(1) of N.J.S.A. 5:12-203, 43 percent shall be paid to the New Jersey Racing Commission and shall be distributed, in the following year, as provided herein, to New Jersey racetracks for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a(4) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 2d of P.L. 1984, c.236 (N.J.S.A. 5:5-66.1), section 5a(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7). This money shall be distributed in accord with the percentages set forth in (b) and (c) below, using the formula set forth in (d) below. Where a New Jersey permitholder conducts both running races and harness races, this section shall be applicable to the permitholder's harness races and N.J.A.C. 13:70-29.62 shall be applicable to the permitholder's running races.

(b) Of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:70-29.62, 60 percent of the total shall be distributed to permitholders conducting running races and 40 percent of the total shall be distributed to racetracks conducting harness races for 1998 and 1999.

(c) Following 1999, of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:70-29.62, 50 percent of the total

shall be distributed to permitholders conducting running races and 50 percent of the total shall be distributed to racetracks conducting harness races.

(d) The formula upon which the monies referred to in (a) above is to be distributed to the New Jersey racetracks conducting harness races, under either (b) or (c) above, whichever is applicable, shall be as follows:

$$A/B = C/D$$

where:

A = the total amount distributed by each racetrack conducting harness racing, pursuant to section 46a(4) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 2d of P.L. 1984, c.236 (N.J.S.A. 5:5-66.1), section 5a(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), during the preceding calendar year, plus any additional amounts paid out by each racetrack for overnight purses during the preceding calendar year from the permitholders' share of the pari-mutuel pool;

B = the total amount distributed by all harness racetracks Statewide pursuant to section 46a(4) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 2d of P.L. 1984, c.236 (N.J.S.A. 5:5-66.1), section 5a(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), and section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), during the preceding calendar year, plus any additional amounts paid out by racetracks for overnight purses during the preceding calendar year from the permitholder's share of the pari-mutuel pool;

C = the amount to be distributed to each racetrack conducting harness races from the moneys available for distribution pursuant to this section;

D = 40 percent (50 percent after 1999) of the total amount of moneys available for distribution pursuant to this section.

New Rule, R.1998 d.87, effective February 17, 1998.  
See: 29 N.J.R. 4397(a), 30 N.J.R. 702(a).

### 13:71-27.61 Handicapping contests

(a) Notwithstanding any other provision of law to the contrary, a permit holder, casino simulcasting licensee or a combination thereof may operate a handicapping contest at which the participants may be charged an entry fee. The contest must be conducted in accordance with the provisions of this rule.

(b) The operator of a handicapping contest shall distribute all of the entry fees as prizes to the winners of the contest. Nothing in this section shall preclude an operator from providing additional prizes or promotions.

(c) Operators must apply to and receive the approval of the New Jersey Racing Commission to conduct a handicapping contest in New Jersey. The operators must secure the Com-

mission's written approval of the rules and the payment of prizes prior to the acceptance of any entry fees regarding said contest.

(d) The horse races that are the subject of the handicapping contest must be races on which the operator of the contest is authorized to conduct wagering.

(e) The operator of a handicapping contest must apply to the Racing Commission for approval of each and every contest.

(f) An entrant must personally place all wagers. No person shall directly or indirectly act as a transmitter, intermediary, or agent in placing wagers for the entrant.

(g) Winners of wagers where taxes apply are solely responsible for the reporting, signing and deductions made to the appropriate State or Federal tax agencies.

(h) Employees or their families of the venue conducting a handicapping contest are not eligible to participate in any tournament.

(i) Denominations of wagers and types of pools wagered must be agreed to in contract form between the contest venue and the racetracks participating in a handicapping contest.

(j) Racetracks, for the purpose of this section, are defined as both in and out-of-State.

(k) All track rulings are official in the event of scratches and disqualifications.

New Rule, R.2003 d.212, effective May 19, 2003.

See: 34 N.J.R. 3926(a), 35 N.J.R. 2250(b).

Public Notice: Receipt of Petition for Rulemaking: Handicapping Contests.

See: 38 N.J.R. 850(a).

## SUBCHAPTER 28. INITIAL TRACK APPLICATION

### 13:71-28.1 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 judgment 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 purpose 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 requirements in (g) above 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 stockholder 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 this section 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 10 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 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 eight inches in size to be published at least once in 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 manner 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 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.

OFFICE OF ADMINISTRATIVE LAW NOTE: Forms R-1 (Application for Permit to Hold or Conduct Harness Race Meeting) and R-2 (Application for Permit to Hold or Conduct Horse Race Meeting) were filed as part of R.1982 d.109, effective April 5, 1982. See: 13 N.J.R. 820(a). 14 N.J.R. 347(b). Copies of these forms can be obtained from:

New Jersey Racing Commission  
 140 East Front Street  
 PO Box 088  
 Trenton, NJ 08625-0888  
 or  
 Office of Administrative Law  
 Administrative Publications and Filings  
 PO Box 049  
 Trenton, NJ 08625-0049

Amended by R.2000 d.35, effective January 18, 2000.  
 See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).  
 In Office of Administrative Law Note, changed addresses.

SUBCHAPTER 29. SULKY

Subchapter Historical Note

Petition for Rulemaking: Sulky.  
 See: 37 N.J.R. 3078(a), 3464(c), 4477(c).

**13:71-29.1 Standardbred sulky standards**

(a) A sulky is a dual shafted dual wheeled vehicle designed to be drawn by a horse and driven by a person.

(b) The following requirements apply to sulky wheels:

1. Each sulky shall contain two wheels.
2. The wheels shall be 26 inches to 28 inches with tire attached.
3. All wheels shall be covered by wheel disc covers constructed in such a manner so that they are lightweight and durable.

(c) Wheel discs shall be either unicolored or colorless.

(d) The following requirements apply to sulky shafts:

1. Each sulky shall be equipped with two shafts that are attached independent of one another to the horse.
2. Inside to inside measurement shall be within a range of 42 inches to 50 inches at the front of the arch.
3. The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side.
4. All shafts will be equipped with quick hitch fixtures or attachable by conventional tie-downs.
5. All quick hitches shall have safety straps. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse.
6. The shaft shall not be higher than the withers of the horse.

(e) The following requirements apply to the sulky arch:

1. The style of arch must be no narrower than 47 inches or wider than 56 inches in distance measuring from the inside of each side of the arch at the axle nuts.
2. The front of the arch to the center line of the harness where a horse is hitched shall be no greater than 76 inches as measured along the shaft. The distance from the front of the arch to the back of the seat shall be no greater than 19 inches.
3. The distance from the ground to the bottom of the arch shall be between 28 inches and 35 inches measured with the wheels attached.
4. The arch shall be parallel to the ground and located at a minimum of one inch higher than the tire at all points.

(f) The following requirements apply to the sulky fork:

1. Inside measurements between the inside fork assemblies shall be six inches greater than the inside measurement between the shafts as measured at the front of the arch; that is, shafts 40 inches/inside forks 46 inches, shafts 46 inches/inside forks 52 inches (fork measurements taken from the inside of each side of the arch at the axle nuts).
2. There shall be a fork assembly on both sides of each wheel.

(g) The following requirements apply to sulky stirrups:

1. Each sulky shall be equipped with two stirrups. Each stirrup shall be not more than eight inches wide.
2. The stirrups shall be attached to the inside of each shaft no closer than 30 inches from stirrup to stirrup.
3. The measurement from the ground to the heel of the stirrup and ground to seat plate shall have a spread of no

more than six inches as measured with the bike hitched at 54 inches.

(h) The following requirements apply to sulky seats:

1. The seat plate shall be no lower than one inch below the arch.
  2. The seat shall be securely attached to the seat bracket in a fixed position.
  3. The back of the seat shall be no higher than four inches. No high back (bucket type) seats shall be permitted.
  4. All seats shall have adequate padding to provide comfort for the driver.
- (i) The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky.

### 13:71-29.2 Inspection stickers

(a) Each sulky in use must contain an inspection sticker indicating the year and month the sulky was inspected, affixed in a visible location on the arch and shaft.

1. The sticker shall be affixed to the sulky by a representative of the manufacturer. It shall represent that the sulky is free of any stress marks, broken equipment, rust or rot spots.
2. The sticker shall be color coded to indicate the life cycle of each sulky and placed on file with the New Jersey Racing Commission and a copy to the Paddock Judge.

### 13:71-29.3 Certification

(a) No sulky shall be used after the expiration of eight years from the year of manufacture or the recommended period for use by the manufacturer, whichever is less.

1. No sulky shall be used that does not have affixed to it in a visible location on the arch or shaft a current inspection sticker.
2. A current inspection sticker shall have been issued no more than two years prior to the date of use.
3. The sticker shall be affixed to the sulky by a representative of the manufacturer after the sulky passes a visual inspection.
4. The sulky shall fail inspection if it fails to satisfy any requirements of this subchapter.

### 13:71-29.4 Serial numbers

(a) Newly manufactured sulkies shall contain individual serial numbers placed on the arch and shaft by the manufacturer denoting the date of manufacturing and space made to reflect that the sulky passed a scientific testing for use by a reputable firm to be designated by the Racing Commission.

1. Serial number and verification documents on sulkies competing in New Jersey shall be filed with the New Jersey Racing Commission Steward.

**13:71-29.5 Liability insurance**

Each manufacturer shall be required to annually file a true copy of their current product liability insurance/occurrence insurance in the minimum amount of one million dollars per occurrence with the New Jersey Racing Commission Steward.

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**SUBCHAPTER 30. "SELF-EXCLUSION LIST" RULES**

**Authority**

N.J.S.A. 5:5-30, 5:5-65.1 and 5:5-65.2.

**Source and Effective Date**

R.2004 d.399, effective October 18, 2004.  
See: 36 N.J.R. 2980(a), 36 N.J.R. 4828(a).

**13:71-30.1 "Self-exclusion list" rules incorporated herein by reference**

The Racing Commission rules, at N.J.A.C. 13:74A, Self-Exclusion List, sets forth rules and procedures allowing for individuals to voluntarily place themselves on a list of persons to be: excluded from thoroughbred racetracks licensed pursuant to N.J.A.C. 13:70, Horse Racing; excluded from standardbred or harness racetracks licensed pursuant to this chapter (N.J.A.C. 13:71, Harness Racing); excluded from off-track wagering facilities licensed pursuant to N.J.A.C. 13:74; and excluded from opening or maintaining a wagering account with the account wagering licensee as authorized pursuant to N.J.A.C. 13:74. All rules in N.J.A.C. 13:74A are applicable to this chapter and are incorporated herein by reference.