

**CHAPTER 71  
HARNESS RACING**

**Authority**

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

**Source and Effective Date**

R.1995 d.103, effective January 25, 1995.  
See: 26 N.J.R. 4744(a), 27 N.J.R. 733(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 71, Harness Racing, expires on January 25, 2000.

**Chapter Historical Note**

Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969. Amendments were adopted as R.1975 d.38, effective February 24, 1975. See: 7 N.J.R. 11(b), 7 N.J.R. 170(a). Subchapter 14, Claiming, was repealed and new rules on claiming were adopted as R.1980 d.95, effective February 27, 1980.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 Subchapter 3, Appeals, was repealed and new rules on appeals were adopted as R.1982 d.109, effective April 5, 1982. As a part of R.1982 d.109, Subchapters 24, 25, 26, 27, and 28 were also adopted, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a). Pursuant to Executive Order No. 66(1978), Subchapters 5, 9, 21, and 23 were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a). Subchapters 7, 8, and 17 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). Subchapter 4 expired on December 19, 1984, and subsequently 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 Subchapter 23, Stimulation and Tests, was repealed and a new Subchapter 23, Medication and Testing Procedures, was adopted as R.1985 d.58, effective February 19, 1985.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 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, 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 was readopted as R.1995 d.103. See: Source and Effective Date.

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## 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 Rescission 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.

(b) No race official other than the steward, the Board of Judges, and the starter shall have the right to impose a fine or suspension, in the first instance. (see N.J.A.C. 13:71-3, Appeal for exception). A race official imposing a fine or suspension shall report it promptly to the Executive Director of the Racing Commission and the race secretary, in writing. All fines imposed shall be paid to the race secretary within 48 hours after the imposition thereof. Fines collected by the race secretary shall be paid promptly to the Racing Commission. An unpaid fine may not be rescinded except with the approval of the Racing Commission.

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

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

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Added reference to N.J.A.C. cite for appeals.

**Case Notes**

Imposition of penalty by State Steward proper. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

**13:71-1.21 Financial irresponsibility**

No licensee shall accumulate unpaid obligations or default in obligations, or issue drafts or checks that are dishonored or payment refused, or otherwise display financial irresponsibility reflecting on the track or the sport.

“Race officials” includes the following, Racing Commission representative and:

1. State steward and/or presiding judge;
2. Associate judges;
3. Finish wire judge;
4. Patrol judges;
5. Paddock judges;
6. Starter;
7. Timer;
8. Clerk of the course;
9. Race secretary;
10. Program Director.
11. The Commission may adjust the above roster as it deems necessary.

“Record” means the fastest time made by a horse in a heat or dash which he won or in a performance against time.

“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.

“Rules” means the rules and regulations promulgated by the Commission.

“Scoring” means those preliminary practice starts taken by the horses in a race after the post parade and before they are called by the starter to line up for the start.

“Stake” means a race which shall be contested in a year subsequent to its closing in which the money given by the association conducting the same is added to the money contributed by the nominators all of which except deductions for breeders or nominators awards belong to the winner or winners. In any event all of the money contributed in nominating, sustaining and starting payments must be paid to the winner or winners.

“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).

“Total calculator” means an electronic calculator (commonly referred to as a totalizer), the design and function of which must be approved by the Commission, installed for the purpose of designating straight win, place and show wagering in the manner prescribed by the rules.

“Two in three” means in a two in three race, a horse must win two heats or dashes to be entitled to first money.

“Walk-over” means when only horses of the same interest start, a “walk-over” is entitled to all the stake money and forfeits unless otherwise provided in the published conditions. To claim the purse, the entry must start and go once over the course unless this requirement is waived by the judges.

“Winner” means the horse whose nose reaches the wire first. If there is a dead heat for first, both horses shall be considered winners. Where two horses are tied in the summary, the winner of the longer dash or heat shall be entitled to the trophy:

1. Where the dashes or heats are of the same distance and the horses are tied in the summary, the winner of the faster dash or heat shall be entitled to the trophy.

“Wire” means a real or imaginary line from the center of the judge’s stand to a point immediately across, and at right angles to the track.

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

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

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Stylistic changes and “stewards” changed to “Judges” throughout.

Amended by R.1991 d.545, effective November 4, 1991.

See: 23 N.J.R. 2267(c), 23 N.J.R. 3341(b).

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

#### Case Notes

Improper eligibility protest; State Steward should have considered protest. *Bunny Stables v. New Jersey Racing Commission*, 3 N.J.A.R. 148 (1981).

## SUBCHAPTER 5. TRACKS

### 13:71-5.1 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.

Amended by R.1977 d.331, effective August 29, 1977.

See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).  
 Amended by R.1986 d.358, effective September 8, 1986.  
 See: 18 N.J.R. 820(a), 18 N.J.R. 1830(a).  
 Deleted sentence in (a) "Where practical a . . . of such persons."

### 13:71-5.2 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, 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.

#### 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).

### 13:71-5.3 Persons ejected; reports

Each association shall furnish to the commission 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 hereto.

### 13:71-5.4 Complaints in writing

Complaints against a race official or his assistant shall be made to the stewards in writing and be signed by the complainant.

### 13:71-5.5 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.

### 13:71-5.6 Badges of admission

No badge of admission shall be issued to any owner, trainer, driver, groom, stable help, plater or other employees including concessionaires and their employees unless such person has applied for and/or been fingerprinted and/or paid to the Racing Commission the license fee required by law. Application for licenses shall be made on forms supplied by the Racing Commission.

### 13:71-5.7 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.

### 13:71-5.8 Free access to grounds by employees of commission

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.

### 13:71-5.9 Photographic device for finishes

The Racing Commission shall require an association to install and maintain in good service a satisfactory photographic device, and where installed, it shall be required that all finishes be recorded by the photographic device.

### 13:71-5.10 Numbers for horses

When finishes are so recorded, each horse in each race shall wear a saddle cloth number and a head number of adequate size, on the side which at the finish will be towards the camera, corresponding to his number on the official program.

### 13:71-5.11 Betting prohibited on grounds

No association shall permit on its grounds any betting or other operations in contravention of any law of the State of New Jersey or of the United States.

### 13:71-5.12 Betting prohibited outside grounds

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

### 13:71-5.13 Handbooking prohibited on grounds

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

### 13:71-5.14 Gambling device

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

### 13:71-5.15 Petty games of chance

Petty games of chance are prohibited.

### 13:71-5.16 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.

### 13:71-5.17 Ejected personnel; readmission; notice

Any person 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.