

## HARNESS RACING

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"Dash" means a race decided in a single trial. Dashes may be given in a series of two or three governed by one entry fee for the series, in which event a horse must start in all dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

"Declarations" means declarations shall be taken not more than three days in advance of all races except those for which qualifying dashes are provided.

"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.

"Disqualification" means a person disqualified shall be barred from acting as an official or from starting or driving or otherwise participating in racing. The spouse of a disqualified person is likewise barred from participation. In the case of a disqualified horse, the horse shall not be allowed to start.

"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 paragraph 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.

"Early closing race" means a race for a definite amount to which entries close at least six weeks preceding the race. The entrance fee may be on the installment plan or otherwise, and all payments are forfeits.

"Elimination heats or dashes" means heats or dashes of a race split according to these rules, to qualify the contestants for a final heat or dash.

"Entry" means two or more horses starting in a race when owned or trained by the same person, or trained in the same stable or by the same management. Such horses are coupled as an "entry". A wager on one shall be a wager on all of them. 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 entries. The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. Entries shall not be permitted in overnight events without approval of the Commission.

"Expulsion" means the unconditional exclusion and disqualification from any participation, either directly or indirectly in the privileges and uses of the course and grounds of an association by a licensee or patron.

"Field" means 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".

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

"Futurity" means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

"Green horse" means one that has never trotted or paced in a race or against time.

"Guaranteed stake" means a stake with a guarantee by the party opening it that the sum shall not be less than the amount named.

"Handicap" means a race in which performance, sex or distance allowance is made. Post positions for a handicap may be assigned by the racing secretary. Post positions in a handicap claiming race may be determined by claiming price.

"Heat" means a single trial in a race two in three, or three heat plan.

"In harness" means that the horses participating are attached to a sulky. Jog carts shall not be used for racing. All sulkies used in a race must be equipped with (wheel discs) unicolored or colorless wheel discs on the inside and outside of the wheels, of a type approved by the stewards or by the Racing Commission.

"Interference" means any act, which by design or otherwise, hampers or obstructs any competing horse or horses.

"Invitation race" means a race to which only those horses named by the race secretary and listed by him with the presiding judge shall be eligible.

"Jersey Bred" means a horse dropped by a mare in the State of New Jersey, which circumstance is necessary to qualify for registration with the Standardbred Breeders Association of New Jersey. Such registration is a requirement for eligibility to be entered or to start in races exclusively for horses foaled in New Jersey.

“Late closing race” means a race for a fixed amount for which nominations or declarations close less than six weeks and more than three days before the race is to be contested.

“Law or Laws” means Chapter 17, Laws of 1940, as amended and supplemented.

“Length of race and number of heats or dashes” means races or dashes shall be given at a stated distance in units not shorter than  $\frac{1}{6}$  of a mile. The length of a race and the number of heats shall be stated in the conditions. If no distance or number of heats or dashes are specified all races shall be a single mile dash. No two-year old shall be permitted to start in a dash or heat exceeding one mile in distance. Except where elimination heats or dashes are required, two-year olds may start only in races conditioned not to exceed two dashes or in a two in three race which shall terminate in three heats or dashes. In two-year old races any colt may default at the end of a second heat or dash and the remaining colt shall be declared the winner. Any colt withdrawing under this rule shall forfeit all right to the winners’ share of the purse or to the award of the trophy. In the event all eligibles withdraw, the sponsor may retain the 10 percent and the trophy.

“Maiden” means a stallion, mare or gelding that has never won a heat or race at the gate at which it is entered to start and for which a purse is offered.

“Match race” means a race which has been arranged and the conditions thereof agreed upon between the contestants.

“Matinee race” means a race with no entrance fee in where the premiums, if any, are other than money.

“Meeting race” means the period (Sundays excluded), for which a license to race has been granted to any one association by the Commission.

“Overnight event” means a race for which entries close not more than three days (omitting Sundays) before such race is to be contested. In the absence of conditions or notice to the contrary all entries in overnight events must close not later than 12 Noon the day preceding the race. An association shall not demand entry fees from owners or trainers of horses competing in an overnight event.

“Owner” means sole owner, part owner or lessee of a horse.

“Paddock” means a man tight enclosure in which horses scheduled to compete in a race program are confined prior to racing under the supervision of paddock judge.

“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 race positions shall be determined publicly by lot in the presence of one or more Judges or their deputies, and at least one trainer licensed by the Racing Commission. Post positions shall be drawn at scratch time. Beginning from the inside rail, the horse shall take their positions at the post in keeping with the numerical order resulting from the public drawing.

“Protest” means a protest, except a protest involving fraud may be filed only by the owner (or his authorized agent), trainer or driver of a horse engaged in the race over which the protest is made or by a racing official of the meeting. A protest involving fraud may be made by any person. A protest, except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant, and filed with the Judges at least 60 minutes before post time of the race in question. To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the Judges at least two hours before and programmed post time for the race in which the protested maiden is scheduled to run. A protest against a horse engaged in a race, and filed with the Judges 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. To merit consideration, a protest against the programmed distance of a race must be made at least 30 minutes before post time for that race. To merit consideration, a protest against a horse based on a happening in a race must be made to the Judges before the placing of the horses for that race has been officially confirmed. If a driver wishes to protest a happening in a race, he must so notify the Judges immediately after the finish of said race. Before the consideration of a protest, the Judges may demand a deposit of \$25.00 to be made with the racing secretary. This deposit shall be applied to the costs and expenses, as provided by this rule. Any excess shall be refunded unless the protest is found to be frivolous, in which case the deposit may be assessed as a fine. A person or persons lodging a protest must pay all the costs and expenses incurred in determining the objection unless his objection is upheld in which case the cost shall be paid by the offender. 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. The Judges 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. A protest may not be withdrawn without permission of the Judges. No person shall make frivolous protests. The Judges shall keep a record of all protests and complaints, and of any action taken thereon, and shall report both daily to the Racing Commission.

“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 totalizator), 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”.

Amended by R.2000 d.35, effective January 18, 2000.

See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Added (a); and inserted (b) designation.

**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 (Reserved)

Repealed by R.1996 d.396, effective August 19, 1996.

See: 28 N.J.R. 2794(b), 28 N.J.R. 3969(c).

Section was "Betting prohibited outside 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.

## 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.

(d) A separate draw procedure to determine post-positions of horses in a race shall be conducted for each individual race of a race card. The results of a draw procedure shall not be applied to more than one race of a race card, nor shall such results be applied to another race that is part of another race card.

Petition for Rulemaking.

See: 37 N.J.R. 1556(a), 2261(c), 2576(a), 3464(a), (b).

Amended by R.2006 d.226, effective June 19, 2006.

See: 38 N.J.R. 1395(a), 38 N.J.R. 2727(a).

Added (d).

### 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.

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

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

"Stewards" changed to "Judges", throughout.

#### Case Notes

Harness race drivers' breathalyzer regulation cited as similar to breathalyzer regulation for jockeys in finding the latter valid. *Shoemaker v. Handel*, 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

### 13:71-18.2 Urine test

(a) No licensee or official shall use any controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substances Act", N.J.S.A. 24:21-1, et seq., unless such substance was obtained directly, or pursuant to 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, driver, trainer or groom to give notice to the State Steward or presiding Judge that he is using a controlled dangerous substance pursuant to a valid prescription or order from a licensed practitioner.

(b) Every official, driver, trainer or groom for any race, qualifier or fair event at any licensed racetrack or fair site, may be subjected to a urine test or tests at the direction of the State Steward and/or Presiding Judge, in a manner prescribed by the New Jersey Racing Commission. Any official, driver, trainer or groom who fails to submit to a urine test when requested to do so by the State Steward and/or Presiding Judge, shall be liable to the penalties provided in N.J.A.C. 13:71-2.

(c) Any official, driver, trainer or 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, driver, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, driver, trainer or groom by name. It shall be the obligation of the official, driver, trainer or groom to cooperate fully with the Chemical Inspector in obtaining any samples which may be required and 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. 13:71-2.3, 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.

R.1984 d.412, eff. September 17, 1984.

See: 16 N.J.R. 1459(a), 16 N.J.R. 2453(a).

Amended by R.1985 d.603, effective December 2, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1641(a), 17 N.J.R. 2913(a).

Substantially amended.

Amended by R.1985 d.642, effective December 16, 1985.

See: 17 N.J.R. 2364(b), 17 N.J.R. 2997(a).

(e) substantially amended; (f) added.

Amended by R.1991 d.74, effective February 19, 1991.

See: 22 N.J.R. 3452(a), 23 N.J.R. 611(b).

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

Suspension; jockey failed to submit to urine test. *Case v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 45.

Diluting urine sample; suspension and fine imposed. *New Jersey Racing Commission v. Johnson*, 93 N.J.A.R.2d (RAC) 3.

## SUBCHAPTER 19. COLORS AND DRIVERS ATTIRE

### 13:71-19.1 Wearing distinguishing colors

(a) Drivers must wear distinguishing colors. No driver shall be permitted to start in a race or other public performance unless in the opinion of the judges he is properly dressed.

(b) When drivers are participating in races during inclement weather, they shall wear rain suits or their registered colors, or suits made of a transparent material through which their colors may be distinguished.

(c) Those drivers not complying with (a) and (b) above must race in their regular colors.

### 13:71-19.2 Wearing colors at betting window, grandstand, clubhouse or bar

No driver wearing colors shall appear at a betting window, grandstand or clubhouse, or at a bar or in a restaurant dispensing alcoholic beverages.

### 13:71-19.3 Registered colors

No driver or trainer shall be allowed to drive in any race or public performance, or to otherwise appear on the race track during the racing program unless wearing his own or his owner's registered colors. No driver may appear in colors registered in the name of another, without the special permission of the presiding judge.

### 13:71-19.4 Safety helmets

No individual will be permitted to drive on a racetrack unless wearing a protective safety helmet of a type satisfactory to the Commission with chin strap in place. For purposes of this rule "satisfactory" shall be deemed to require that any helmet to be used be manufactured in compliance with the 1984 Snell Harness Racing Standard or in compliance with any other safety standard as approved from time to time by the Commission.

Amended by R.1984 d.620, effective January 21, 1985.

See: 16 N.J.R. 2977(a), 17 N.J.R. 204(c).

Text substantially amended.

### 13:71-19.5 Attire

Every driver in a race shall be attired in white pants. A violation of this rule will subject a driver to a fine or suspension.

### 13:71-19.6 Safety vests

All individuals, at all times, on horseback or in a sulky or jogging cart affixed to a horse, on a racetrack or licensed off-track stabling facility, shall wear a safety vest designed to provide shock absorbing protection of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

New Rule, R.1995 d.203, effective April 3, 1995 (operative August 15, 1995).

See: 26 N.J.R. 4482(b), 27 N.J.R. 1440(a).

## SUBCHAPTER 20. RULES OF RACING

### 13:71-20.1 Limitations on use of hand holders

Drivers shall not put their hands or wrists through the hand-holders while competing in races.

**Case Notes**

Horse trainer's abuse of veterinary practices and drugs resulting in horse's death warranted three-year license suspension. *Glemser v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 26.

Possession of chondroitin sulphate, an unclassified substance possession of which is not violative of any State or Federal law, does not violate this rule; possession of hypodermic needle and syringe found to be a violation; rule sets forth the association between the administration of drugs and the need to protect horses from them (citing former N.J.A.C. 13:71-23.12). *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

**13:71-23.10 Illegal devices**

No electrical, mechanical or other appliance or device other than the ordinary whip shall be applied to a horse at any place on the grounds of any licensed racetrack. Any person so offending shall be suspended by the judges and referred to the Commission for license revocation. Possession of any such device anywhere on the grounds of a licensed racetrack may be punished by fine and/or suspension.

**13:71-23.11 Narcotics conviction; denial of license**

Any person who has been convicted of possession or use of narcotics by any court in the land shall be denied a license or ruled off or both as the Commission may decide.

**13:71-23.12 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.

**Case Notes**

The Racing Commission has decided, through rulemaking, to exercise strict control over the use of narcotics. *Maietta v. New Jersey Racing Commission*, 93 N.J. 1, 459 A.2d 295 (1983).

**13:71-23.13 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. Investigation 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 this subchapter. 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.

**Case Notes**

Finding of entrapment by State Police and dismissal of criminal proceedings against jockey applicant did not prevent the use of incriminating evidence at licensing hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

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 (citing former N.J.A.C. 13:71-23.18). *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).

**13:71-23.14 Anti-recombinant human EPO antibody testing program**

(a) A determination by the Racing Commission Equine Testing Laboratory that a pre-race or post-race blood sample taken from a horse entered to start in a race pursuant to N.J.A.C. 13:71-23.2, or a portion of a post-race blood sample taken from a horse entered to start in a race pursuant to N.J.A.C. 13:71-23.2(a) and 23.4(a), is positive for elevated titers of anti-recombinant human EPO antibody, as a result of post-race testing utilizing the anti-recombinant human EPO antibody test, shall result in the following actions by the Racing Commission Board of Judges:

1. The Racing Commission State Veterinarian shall be notified of the name of the horse for placement on the Steward's list pursuant to N.J.A.C. 13:71-16.8.

2. The Racing Commission State Steward shall be notified, and upon such notification, the State Steward shall authorize a search of the premises occupied by the stable involved pursuant to N.J.A.C. 13:71-23.5.

3. Unless the Board of Judges determine otherwise as a result of a hearing requested pursuant to (a)4 below, the horse shall not be permitted to enter a race or to race until such time as the owner or trainer makes the horse available for retesting by the Racing Commission pursuant to (b) below, and the testing results are determined negative with the anti-recombinant human antibody test. In the event retesting determines that the horse is negative with the anti-recombinant human EPO antibody test, the Board of Judges shall cause the horse to be removed from the Steward's list and the horse shall be eligible to enter races and compete in races.

4. The owner and trainer of the horse shall be notified by the Board of Judges in writing of: the initial positive test result for elevated titers of anti-recombinant human EPO antibody; that a hearing will be afforded by the Board of Judges, following written request to them, at which hearing the owner and/or trainer of the horse can challenge the validity of the positive results of the Racing Commission Equine Testing Laboratory, and that the horse is not

permitted to race until the terms of (b) below are satisfied, unless the results of any requested hearing demonstrates to the satisfaction of the Board of Judges that the horse was negative for elevated titers of anti-recombinant human EPO antibody as a result of the initial anti-recombinant human EPO antibody test. In the latter case, the Board of Judge's shall remove the horse from the Steward's list and the horse shall be permitted to race.

(b) An owner or trainer whose horse has tested positive for elevated titers of anti-recombinant human EPO antibody may not request that its horse be retested until 21 days following the date of the initial positive test as reported by the Racing Commission's Equine Testing Laboratory. If any retest of the horse results in a Racing Commission determination that the horse is or remains positive with the anti-recombinant human EPO antibody test, the owner or trainer may not request that its horse be retested again until 21 days following the date of the last positive retest as reported by the Racing Commission's Equine Testing Laboratory. All requests after the initial positive test for the retesting of a horse shall be in writing and directed to the Board of Judges, accompanied by a \$50.00 payment for administrative and testing costs. Following receipt of a timely request for retesting, the production of the horse at a permitted racetrack premises in this State approved by the Board of Judges, and the receipt of the \$50.00 retesting fee, the Board of Judges shall direct the State Veterinarian to take a blood sample from the horse for the purpose of retesting.

(c) Any horse claimed from a race pursuant to N.J.A.C. 13:71-14, Claiming, shall have its blood tested for elevated titers of anti-recombinant human EPO antibody. The successful claimant shall have the option to void the claim should the claimed horse test positive with the anti-recombinant human EPO antibody test.

(d) A horse which tests positive with the anti-recombinant human EPO antibody test remains subject to the requirements of this rule despite being sold, otherwise transferred, or claimed where the claimant elects not to void the claim as authorized by (c) above.

(e) The split sample testing provisions of N.J.A.C. 13:71-23.4(d), which is limited to where testing is conducted on a horse's urine sample, shall not be applicable to anti-recombinant human EPO antibody testing conducted pursuant to this section.

New Rule, R.2006 d.102, effective March 6, 2006.  
See: 37 N.J.R. 3793(a), 38 N.J.R. 1323(a).

## SUBCHAPTER 24. AUTHORIZED AGENTS

### 13:71-24.1 License

Each authorized agent must obtain a license from the Racing Commission.

### 13:71-24.2 License application

Application for a license must be filed for each owner represented.

### 13:71-24.3 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.

### 13:71-24.4 Changes

Any change must be in writing and filed as above provided.

### 13:71-24.5 License fees

The fee for each license shall be \$50.00 as set forth in N.J.A.C. 13:71-7.1. 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.126, effective February 20, 1990.

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

Fee increased from \$10.00 to \$25.00.

Amended by R.1993 d.52, effective January 19, 1993.

See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised text.

### 13:71-24.6 Owner's revocations

Owner's revocations must be filed in writing with the Racing Commission and with the Racing Secretary.

### 13:71-24.7 Appointment of subagents

An authorized agent may appoint a subagent 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 subagency so created.

## SUBCHAPTER 25. VENDORS

### 13:71-25.1 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 security officer of the track where application for license is made.

**13:71-25.2 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 26. ILLEGAL PRACTICES

**13:71-26.1 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.

**13:71-27.32 Postponed race**

In the case of a race postponed beyond the day originally scheduled, all money wagered on said race shall be refunded.

**13:71-27.33 Races declared off; refunds**

If a race is declared off by the judges after wagering begins on that race, all money wagered on that race shall be refunded.

**13:71-27.34 No wagers to win**

If a horse wins and there is no 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.

**13:71-27.35 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.

**13:71-27.36 Show pool apportionment**

If no money has been wagered to show on a horse which 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.

**13:71-27.37 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.

**13:71-27.38 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.

**13:71-27.39 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.

**13:71-27.40 Copies of reports**

The manager of the parimutuel department shall furnish a copy of all (take-off) computer printout and calculating sheets to the supervisor of mutuels immediately after completion.

**13:71-27.41 Payments**

(a) Payments due on all wagers shall be made in conformity with the well established practice of the parimutuel 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 payoff prices; that is, the odd cents over any multiple of 10 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 noted in N.J.A.C. 13:71-27.42 through 27.48.

**13:71-27.42 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.

**13:71-27.43 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 (b) above, 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 (b) above, 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 (c) and (d) above 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 (b) above. The result is the pay-off price for each dollar wagered on horses placed first and second in the place pool.

#### 13:71-27.44 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 one-third of the profits of the show pool, as specified in (b) above, 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 (b) above, 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 (b) above, 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 (c), (d) and (e) above, 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 (b) above. The result is the pay-off price for each dollar wagered on horses placed first, second and third in the show pool.

#### 13:71-27.45 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 or 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.

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

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

"of" corrected to "or" in (d).

#### 13:71-27.46 Exacta

(a) No exacta wagering shall be conducted without permission of the New Jersey Racing Commission. The races in which exacta type parimutuel 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 horses 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 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.