

13:71-15.20 Death

All engagements shall be void upon the deceased or either party or horse, prior to the starting of the race, so far

as they shall affect the deceased party or horse, except when assumed by the estate or where the proprietorship is in more than one person, and any survive. }



13:71-15.21 Early closing events and late closing races

(a) The sponsor shall state the place and date the event will be raced and no change in date, program events or conditions can be made after the nominations have been taken.

(b) An entry blank shall be filed with the Commission and the United States Trotting Association. All nominations and payments other than starting fees in early closing events shall be advertised to fall on the first and 15th day of the month. A complete list of nominations to any late closing race or early closing event shall be published within 20 days after the date of closing and mailed to each nominator, the Commission and the United States Trotting Association. If the event does not fill, each nominator, the Commission and the United States Trotting Association shall be notified within ten days and refund of nomination fees shall accompany the notice to the nominators.

(c) Unless an association submits its early closing conditions to the Commission and to the United States Trotting Association at least 30 days prior to the first publication and has such conditions approved by the Commission, the following provisions will govern transfers in the event of a change of gait.

(d) If conditions published for early closing events allow transfer for change of gait, such transfer shall be to the slowest class the horse is eligible to at the adopted gait. Eligibility is to be determined at time of closing of entries and the race to which transfer may be made must be the one nearest the date of the event originally entered.

(e) Two-year olds, three-year olds or four-year olds entered in classes for their age may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event originally entered. Entry fees shall be adjusted.

13:71-15.22 Withdrawals

Where subsequent payments are required, a complete list of those withdrawn or declared out shall be made within 15 days after payment was due and the list filed with the Commission and the United States Trotting Association and mailed to every nominator.

13:71-15.23 Segregation of fees

All fees paid in added money events, early closing events, stakes and futurities shall be segregated and held as trust funds until the event is contested. Proof of such segregation by bank letter or bank statement shall be submitted to the Commission.

13:71-15.24 Stabling

Horses nominated and eligible to start in early closing, late closing events, stakes or futurities shall be given stable space on the grounds of the association, the day before, the day of and the day after such race.

13:71-15.25 Limitations on conditions

Conditions of early closing or late closing events that will eliminate horses nominated or add horses that have not been nominated by reason of the performance of such horses at an earlier meeting held the same season are invalid. Early closing events and late closing events shall not have more than two also eligible conditions.

13:71-15.26 Proportion of entry fees to purse

When entry fees exceed 85 per cent of the advertised purse value, such excess entry fees shall be added to the purse. Where the race is split into divisions, each division shall have a purse value of not less than 75 per cent of the advertised purse. However, entry fees in excess of the amount prescribed above may be used toward the amount that must be added. In all cases the sponsor shall add at least 15 per cent of the advertised purse.

13:71-15.27 Fraudulent transfer of horse

The transfer of a horse by any person or persons under suspension, unless to a bona fide owner for a valuable consideration accompanied by the transfer of all control over such horse, shall be deemed fraudulent and an effort to circumvent said suspension. All parties thereto shall be subject to the penalties of these rules. No person shall sell a horse as being free and clear when payments are due or will become due in races of any description and to which the horse has been entered.

13:71-15.28 Entries and starters required; split races

(a) Entries to be specified in overnight events, when race must be contested, entrance moneys:

1. Associations must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested except when declared off.
2. In early closing events or late closing events, if five or more separate interests are declared in to start, the race must be contested except when declared off. Stakes and futurities must be raced if one or more horses are declared in to start except when declared off.
3. In an early closing event, if less horses are declared in than are required to start and all declarers are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all the entrance money and forfeits from each horse named.

13:71-15.29 Elimination heats or two divisions

(a) In any stake event or futurity where the number of horses declared in to start exceeds 12 on a half mile track, 14 on a 5/8 mile track or 16 on a mile track, the race may at the option of the association be raced in elimination heats or divisions. The association exercising such option, however, must do so before positions are drawn. In the event a stake or futurity is split into divisions, the added money for each division shall be at least 20 percent of all nomination, sustaining and starting fees paid into such stake or futurity.

(b) Where the race is an early closing or a late closing event, the race may be divided by lot and each division must race for at least 75 percent of the advertised purse.

(c) In an added money early closing event, the race may be divided and raced in divisions and each division raced for an equal share of the total purse if the advertised conditions so provide, provided, however, extended meetings shall add an additional amount so that each division will race for 75 percent of the advertised added money. These provisions shall apply to any stake with a value of \$20,000 or less.

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

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

(a) "14" deleted; "12 on . . . mile track" added; "or" was "of".

(b) was substantially amended.

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

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

Comma added in (a).

13:71-15.30 Elimination plans

(a) Unless the conditions provide otherwise, whenever elimination heats are required or specified in the published conditions, such race shall be raced in the following manner unless conducted under another section of this rule. That is, the field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash for 30 percent of the purse, and the horses so qualified shall race in the main event for 40 percent of the purse. The winner of the main event shall be the race winner.

(b) In the event there are more horses declared to start than can be accommodated by the two elimination dashes to satisfy the excess, the percentage of the purse raced for each elimination dash shall be determined by dividing the number of elimination dashes into 60. The main events shall race for 40 percent of the purse. Unless the conditions provide otherwise, if there are two elimination dashes, the first four finishers in each dash qualify for the final; in the event there are three or more qualifying dashes, not more than three horses shall qualify from each qualifying dash. In the event the number of starters are divided by lot and raced in two divisions with all heat winners from both divisions competing in a final heat to determine the race winner; each division shall race two heats for 20 percent of the purse each heat. The remaining 20 percent of the purse shall go to the winner of the final heat.

(d) Whenever elimination heats are required, or specified in the published conditions of a stake or futurity, such race may be raced on a three heat plan, irrespective of any provisions in the conditions to the contrary. That is, the field shall be divided by lot and the first division shall race for 30 percent of the purse, the second division shall race for 30 percent; and the horses qualifying in the first and second divisions shall race the third heat for 30 percent of the purse. If after the third heat no horse has won two heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining 10 percent of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in (b) above.

(e) The judges shall draw the positions in which the horses are to start in the main event, that is, they shall draw positions to determine which of the two dash winners shall have the pole and which one shall have the second position; which of the two horses that have been second shall start in the third position and which in fourth, and so forth. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night unless special provisions for earlier elimination dashes are set forth in the conditions. In the event there are three separate heat or dash winners, and they alone come back in order to determine the race winner according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.

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.

13:71-15.31 Overnight events

(a) No more than eight horses shall be allowed to start in overnight events upon which there is pari-mutuel wagering except with the approval of the Commission.

(b) No horse shall be entered in more than one event on the same program except where the conditions of the race provide that it shall be contested in two or more heats or dashes. "Trailers" may be permitted whenever nine or more horses are allowed to start under this section.

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.

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. Lameness;
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.