

**CHAPTER 70**  
**HORSE RACING**

**Authority**

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

**Source and Effective Date**

R.2005 d.233, effective June 17, 2005.  
See: 37 N.J.R. 417(a), 37 N.J.R. 2696(a).

**Chapter Expiration Date**

Chapter 70, Horse Racing, expires on June 17, 2010.

**Chapter Historical Note**

Chapter 70, Horse Racing, was filed and became effective prior to September 1, 1969.

Subchapter 31, Violations, was adopted as R.1976 d.292, effective September 16, 1976. See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

Subchapter 14A, Stimulation and Test, was adopted as R.1979 d.497, effective January 1, 1980. See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Pursuant to Executive Order 66(1978), Subchapter 3, Racing Associations, Subchapter 14, Illegal Practices, Subchapter 15, Racing Officials, Subchapter 19, Other Officials, and Subchapter 29, Mutuels, were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Licensing, was readopted as R.1984 d.103, effective March 19, 1984. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a).

Pursuant to Executive Order No. 66(1978), Subchapter 6, Entries and Subscriptions, was readopted as R.1984 d.213, effective May 18, 1984. See: 16 N.J.R. 690(a), 16 N.J.R. 1361(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Definitions, and Subchapter 14A, Stimulation and Test, expired on December 19, 1984.

Subchapter 2, Definitions, was adopted as new rules by R.1984 d.621, effective December 24, 1984. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

Subchapter 14A, Medication and Testing Procedures, was adopted as new rules by R.1985 d.59, effective February 19, 1985 (operative April 1, 1985). See: 16 N.J.R. 3180(a), 17 N.J.R. 468(a).

Pursuant to Executive Order No. 66(1978), Subchapter 12, Claiming, was readopted as R.1985 d.137, effective February 25, 1985. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c).

Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.1990 d.127, effective January 25, 1990. See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.1995 d.102, effective January 25, 1995. See: 26 N.J.R. 4742(a), 27 N.J.R. 733(a).

Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.2000 d.34, effective December 22, 1999. See: 31 N.J.R. 3047(b), 32 N.J.R. 321(d).

Subchapter 32, "Self-Exclusion List" Rules, was adopted as R.2004 d.399, effective October 18, 2004. See: 36 N.J.R. 2980(a), 36 N.J.R. 4828(a).

Chapter 70, Horse Racing, was readopted as R.2005 d.233, effective June 17, 2005. See: Source and Effective Date.

**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).

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## WEIGHTS

Distance	Age	January and February	March and April	May	June	July	August	September	October	November and December
One-half Mile	2	—	—	—	—	—	105	108	111	114
	3	117	119	121	123	125	126	127	128	129
	4	130	130	130	130	130	130	130	130	130
	5 and up	130	130	130	130	130	130	130	130	130
Six Furlongs	2	—	—	—	—	—	102	105	108	111
	3	114	117	119	121	123	125	126	127	128
	4	129	130	130	130	130	130	130	130	130
	5 and up	130	130	130	130	130	130	130	130	130
One Mile	2	—	—	—	—	—	—	96	99	102
	3	107	111	113	115	117	119	121	122	123
	4	127	128	127	126	126	126	126	126	126
	5 and up	128	128	127	126	126	126	126	126	126
One Mile and a Quarter	2	—	—	—	—	—	—	—	—	—
	3	101	107	111	113	116	118	120	121	122
	4	125	127	127	126	126	126	126	126	126
	5 and up	127	127	127	126	126	126	126	126	126
One Mile and a Half	2	—	—	—	—	—	—	—	—	—
	3	98	104	108	111	114	117	119	121	122
	4	124	126	126	126	126	126	126	126	126
	5 and up	126	126	126	126	126	126	126	126	126
Two Miles	3	96	102	106	109	112	114	117	119	120
	4	124	126	126	126	126	125	125	124	124
	5 and up	126	126	126	126	126	125	125	124	124

## Footnotes:

- In races of intermediate distances the weights for the shorter distance are carried.
- In races exclusively for three-year olds or four-year olds the weight is 126 lbs., and in races exclusively for two-year olds, it is 122 lbs.
- In all races except handicaps and races where the conditions expressly state to the contrary, the scale of weights is less by the following: for fillies two years old, 3 lbs.; for mares three years old and upwards, 5 lbs. before September 1st and 3 lbs. thereafter.
- Welter weights are 28 lbs. added to the weight for age.
- In all overnight races except handicaps, not more than six pounds may be deducted from the scale of weights for age, except for allowances, but in no case shall the total allowance of any type reduce the lowest weight below 101 lbs., except that this minimum weight need not apply to two-year olds or three-year olds when racing older horses.
- In all overnight handicaps and in all claiming handicaps, the top weight shall not be less than 122 lbs.

**13:70-8.17 Weighing of jockeys**

Jockeys shall be weighed out for their respective mounts by the clerk of the scales not less than 20 minutes before the time fixed for the race.

**13:70-8.18 Items included in jockey's weight; safety vest requirement**

(a) A jockey's weight shall include his or her clothing, boots, saddle and its attachments, or any other equipment, except as specified. None of the following items shall be included in a jockey's weight:

- Whip;
- Bridle;

- Bit or reins;
- Safety helmet;
- Blinkers;
- Goggles;
- Number cloth; and
- Safety vest.

(b) A safety vest shall be worn by all jockeys competing in race events. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

(c) A safety vest shall be worn by all exercise riders, pony people, and outriders during the performance of their duties of working out or otherwise training a horse while on the racetrack, training track or general stable area. The vest shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

Amended by R.1994 d.554, effective November 7, 1994.  
See: 26 N.J.R. 3130(a), 26 N.J.R. 4420(a).  
Petition for Rulemaking.  
See: 42 N.J.R. 1092(b).

### 13:70-8.19 Weight of bridle or whip

No bridle shall exceed two pounds in weight, and no whip shall exceed one pound in weight. No whip shall be longer than 30 inches, including the "popper".

### 13:70-8.20 Overweight limit

Five pounds is the limit of the overweight any horse is permitted to carry.

### 13:70-8.21 Attendants for jockeys

(a) The association shall provide the only attendants who will be permitted to assist jockeys in weighing out.

(b) Such attendants shall be paid for their services by the association.

(c) A system of rotation of attendants shall be maintained.

### 13:70-8.22 Weighing after race

After a race has been run, the jockey shall ride promptly to the proper designated area and there dismount and present himself to the clerk of the scales to be weighed in.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
"Finish line" changed to "proper designated area".

### 13:70-8.23 Assistance after race

If a jockey is prevented from riding his mount to the proper designated area because of an accident or illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the stewards from weighing in.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
"Finish line" changed to "proper designated area".

### 13:70-8.24 Touching horse after race

Except by permission of the stewards, every jockey must, on returning to the proper designated area, unsaddle the horse he has ridden and no person shall touch said horse except by its bridle.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
"Finish line" changed to "proper designated area".

### 13:70-8.25 Removal of equipment from horse

No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey's weight, except by permission of the stewards; and no person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his weight.

### 13:70-8.26 Jockey carries equipment to scales

Each jockey shall, in weighing in, carry over to the scales all pieces of equipment with which he weighed out.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
Over "to" scale ... added to.

### 13:70-8.27 Weight of jockey after race; short weight

Each jockey shall weigh in at the same weight as that at which he weighed out, and if short of it by more than two pounds his mount shall be disqualified.

### 13:70-8.28 Overweight of jockey after race

No jockey shall weigh in at more than four pounds over the weight at which he or she weighed out, except insofar as said weight may have been affected by the elements.

Amended by R.1994 d.555, effective November 7, 1994.  
See: 26 N.J.R. 3130(b), 26 N.J.R. 4420(b).

## SUBCHAPTER 9. JOCKEYS, JOCKEY APPRENTICES AND JOCKEY AGENTS

### 13:70-9.1 Jockey license

Each jockey must obtain a license from the Racing Commission.

#### Case Notes

Cited in examination of extent of State regulation of private trade activity. *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).

### 13:70-9.2 Jockey's name

Every Jockey shall ride under his or her legal name.

### 13:70-9.3 Age of jockey

No person under 16 years of age shall be granted a jockey's license.

### 13:70-9.4 New riders

Persons never having ridden in a race may be allowed to ride twice before applying for a license, but licenses shall not be granted to persons who have never ridden in a race.

**13:70-9.5 Pending application**

The stewards may permit a jockey to ride pending action on his or her application.

**13:70-9.6 Jockey's interest in horses**

If a jockey owns wholly or in part a race horse in training at a meeting or has an interest in the winnings of such a horse, he or she shall not be permitted to ride any other horse at the meeting.

**13:70-9.7 Owner or trainer consent to ride**

A jockey shall not ride or agree to ride in any race without the consent of an owner or trainer to whom he or she is under contract.

**13:70-9.8 Jockey under contract**

No jockey under contract of employment shall ride against his or her contract employer.

**13:70-9.9 Jockey's appearance**

In riding, a jockey must be neat in appearance. He or she must wear conventional attire and the racing colors of the owner for whom he or she is riding.

**13:70-9.10 Smoking**

A jockey shall not be allowed to smoke in public while wearing racing colors.

**13:70-9.11 Protective skull cap**

A jockey must wear a suitable reinforced protective skull cap.

**13:70-9.12 Safety helmet**

(a) All jockeys, whether riding in a race or exercising horses, or any person exercising horses, shall wear a safety helmet of a type approved, in writing, by the stewards; and no change shall be made in any such helmet without the written approval of the stewards.

(b) It shall be the joint responsibility of the trainer, jockey or any person exercising horses to comply with his rule.

Petition for Rulemaking.  
See: 42 N.J.R. 1092(b).

**13:70-9.13 Jockey's number**

A jockey shall wear on his or her right arm a number corresponding to the number of the horse in the official program.

**13:70-9.14 Reporting to jockey room**

Every jockey who is engaged to ride in a race shall report to the jockey room at the time required by the clerk of the

scales. He or she shall then report any over-weight to the clerk of the scales and thereafter shall not leave the jockey room until all his or her engagements have been fulfilled, except with the permission of the stewards.

**13:70-9.15 Reporting to jockey room; stake race**

Every jockey who has an engagement in a stake race must report to the jockey room not later than one hour before post time of that race, unless obtaining specific permission from the stewards to the contrary.

**13:70-9.16 Betting by jockeys**

No jockey shall bet on any race except through the owner of and on the horse which he rides.

**13:70-9.17 Touting information; jockey**

A jockey shall not give to anyone directly or indirectly any information or advice, or engaged in the practice commonly known as "touting", for the purpose of influencing any person in the making of a wager on any race.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
"On" corrected to "in".

**13:70-9.18 Jockey fees**

Jockey's fees in the absence of a contract shall be as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$ 2,000—	10% of	\$45.00	\$35.00	\$33.00
3,400	Win Purse			
3,500—	10% of	55.00	45.00	35.00
4,900	Win Purse			
5,000—	10% of	65.00	50.00	40.00
9,900	Win Purse			
10,000—	10% of	75.00	60.00	45.00
14,900	Win Purse			
15,000—	10% of	5% of	5% of	50.00
24,900	Win Purse	Place Purse	Show Purse	
25,000—	10% of	5% of	5% of	60.00
49,900	Win Purse	Place Purse	Show Purse	
50,000	10% of	5% of	5% of	75.00
& Up	Win Purse	Place Purse	Show Purse	

As amended, R.1983 d.512, effective November 7, 1983, operative January 2, 1984.

See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).

Deleted old fee schedule and added new fee schedule.

As amended, R.1984 d.444, effective October 1, 1984.

See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a).

Petition for Rulemaking.

See: 40 N.J.R. 6868(b).

Petition for Rulemaking.

See: 41 N.J.R. 319(c).

**13:70-9.19 Dead heats**

In a dead heat for first place, the jockeys involved shall each receive 10 percent of the purse money awarded to the

owner by whom he is engaged. In all other dead heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other.

As amended, R.1978 d.132, effective April 19, 1978.  
See: 9 N.J.R. 540(a), 10 N.J.R. 295(b).

### **13:70-9.20 Forfeiture of winning purse; jockey's fees**

In the event that a winning purse is forfeited through subsequent ruling of the stewards and/or Racing Commission, after the result has originally been made official, the winning fee shall be paid to the jockey whose mount is ultimately adjudged the winner, and the original winner shall be credited only with a losing mount.

### **13:70-9.21 Proof of physical and mental capacity**

A jockey may be required to submit adequate proof, in the form of a medical affidavit, that he or she is physically and mentally capable of performing the duties of a jockey.

### **13:70-9.22 Start of suspension/designated race**

(a) The suspension of a jockey for an offense not involving fraud shall begin on the second day after imposition of the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately on imposition of the ruling.

(b) The board of stewards may permit a jockey serving a suspension of 10 days or less to ride in a designated race during the period of the suspension if:

1. The race has been specified as a designated race by the racing secretary of the association before the inception of the race meeting at the association;
2. The race has been approved as a designated race by the stewards officiating at the meeting;
3. The jockey or the jockey's agent, before the beginning of the suspension, satisfactorily demonstrates to the stewards that the jockey has given a call on a horse that may participate in the designated race; and
4. The jockey agrees to serve an additional racing day of suspension in place of the day on which the jockey rides in the designated race.

Amended by R.1998 d.171, effective April 6, 1998.  
See: 29 N.J.R. 4396(b), 30 N.J.R. 1299(a).  
Added (b).

### **13:70-9.23 Fines**

A fine must be paid by the jockey, him or herself. Any other person paying it shall be subject to disciplinary action.

### **13:70-9.24 Agents**

Every jockey may have one agent, and no more. All engagements to ride, other than those for a contract employer, shall be made by the jockey, his or her agent or employer, or by the clerk of the scales.

### **13:70-9.25 Jockey's attendants; restriction**

No jockey shall have an attendant other than those provided by the association.

### **13:70-9.26 Jockey apprentices; rules**

Jockey apprentices shall be bound by all the rules for jockeys.

### **13:70-9.27 Application for apprentice license**

An application for a license as apprentice jockey shall be accompanied by proof of at least one year's service with a racing stable; and, if the apprentice has not previously ridden in races, by a certificate of proficiency from the starter. A birth certificate or satisfactory evidence of date of birth may be required if deemed necessary.

### **13:70-9.28 Riding pending application decision**

The stewards may permit an applicant to ride pending decision on his application.

### **13:70-9.29 Weight allowances**

(a) Any person who has never previously been licensed as a jockey in any country, and who has complied with the conditions set forth in N.J.A.C. 13:70-9.27, may claim in all overnight races except stakes and handicaps the following allowance:

1. A 10-pound allowance until the apprentice has ridden five winners;
2. A seven-pound allowance until the apprentice has ridden an additional 35 winners;
3. If an apprentice has ridden a total of 40 winners, prior to the end of a period of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year; and
4. If, after one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for one more year from the date of the fifth winning mount, or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted pursuant to N.J.A.C. 13:70-9.32.

Amended by R.1989 d.108, effective February 21, 1989.  
See: 20 N.J.R. 2996(a), 21 N.J.R. 451(b).  
Substantially amended.