

**CHAPTER 71
HARNESS RACING**

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969. Amendments were adopted as R.1975 d.38, effective February 24, 1975. See: 7 N.J.R. 11(b), 7 N.J.R. 170(a). Subchapter 14, Claiming, was repealed and new rules on claiming were adopted as R.1980 d.95, effective February 27, 1980. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c). Subchapter 3, Appeals, was repealed and new rules on appeals were adopted as R.1982 d.109, effective April 5, 1982. As a part of R.1982 d.109, Subchapters 24, 25, 26, 27, and 28 were also adopted, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a). Pursuant to Executive Order No. 66(1978), Subchapters 5, 9, 21, and 23 were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a). Subchapters 7, 8, and 17 were readopted as R.1984 d.103, effective March 19, 1984. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a). Subchapter 4 expired on December 19, 1984, and subsequently was adopted as new rules by R.1984 d.621, effective January 21, 1985. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b). Subchapter 23, Stimulation and Tests, was repealed and a new Subchapter 23, Medication and Testing Procedures, was adopted as R.1985 d.58, effective February 19, 1985. See: 16 N.J.R. 3182(a), 17 N.J.R. 471(a). Pursuant to Executive Order No. 66(1978), Subchapter 14 was readopted as R.1985 d.137, effective February 25, 1985. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c).

Pursuant to Executive Order No. 66(1978), Chapter 71, was readopted as R.1990 d.126, effective January 25, 1990. See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a). Subchapter 29, Sulky, was adopted as R.1994 d.143, effective March 21, 1994. See: 26 N.J.R. 95(a), 26 N.J.R. 1357(a). Pursuant to Executive Order No. 66(1978), Chapter 71 was readopted as R.1995 d.103. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL RULES

13:71-1.1 General provisions

(a) The rules, regulations and conditions under which all horse racing shall be conducted in the State of New Jersey are prescribed by the racing law and by the New Jersey Racing Commission.

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

(c) The Executive Director or his or her designee shall possess the same authority of the Racing Commission stewards and judges with respect to all provisions contained in the Administrative Code governing racing in New Jersey.

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

Law Review and Journal Commentaries

Horse Drugging—The New Jersey Trainer Absolute Insurer Law. Luke P. Iovine, III John E. Keefe, Jr., 1 Seton Hall J. Sport L. 61 (1991).

Case Notes

Private harness track required to abide by the rules and regulations of the United States Trotting Association, subject to conflict with Commission rules. Marzocca v. Ferone, 186 N.J.Super. 483, 453 A.2d 228 (App.Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1983).

13:71-1.2 Owners and trainers

All owners and trainers of horses and their stable employees are subject to the laws of the State of New Jersey and the rules promulgated by its Racing Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners and/or trainers shall furnish to the Racing Commission a badge list of all employees. Said owners, trainers and stable employees shall abide by said laws and rules and accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the Racing Commission.

13:71-1.3 Race participants and patrons

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

Case Notes

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

13:71-1.4 Discharge of groom or attendant; notice

When an owner or trainer discharges a groom or other attendant, or when a groom or other attendant voluntarily leaves the employ of an owner or trainer, the said owner or trainer shall immediately notify the track security of such discharge of or resignation by such employee. The failure to so notify the track security shall subject the owner or trainer to a fine or suspension or both.

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

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

When a groom or other attendant is discharged by or voluntarily leaves the employ of an owner or trainer he shall immediately notify the track security of his discharge or resignation. The failure to so notify the track security shall subject the groom or other attendant to a fine or suspension, or both.

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

13:71-1.6 Language

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

13:71-1.7 Disturbing the peace

No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

13:71-1.8 Handbooks

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

As amended, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
 Section substantially amended.

13:71-1.9 (Reserved)**13:71-1.10 Reciprocity**

Full force and effect shall be given to the denial, revocation or suspension of any license by any other racing commission or turf governing body.

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

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

Section substantially amended.

13:71-1.11 Unrecognized meetings

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

13:71-1.12 Suspended person or horse

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

13:71-1.13 Narcotic or drug convictions

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

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

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

Section substantially amended.

13:71-1.14 Crimes regarding moral turpitude

No person shall be employed in any capacity whatsoever at any place, track or enclosure where a horse race meeting is permitted who has been convicted of a crime involving moral turpitude.

13:71-1.15 Reinstatement of horses

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

13:71-1.16 Qualifications for reinstatement

When a person is ruled off a course or suspended, any horse which is under his care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hands of a licensed trainer and the approval of the transfer by the stewards.

13:71-1.17 Recision of penalties

When a person is ruled off a course or suspended, he shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in his own name or in that of any other person until the rescinding of that person's penalty.

13:71-1.18 (Reserved)

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

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

13:71-1.19 Stewards determination of fines

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

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

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

"Stewards" changed to "steward"; "Board of Judges" added.

Case Notes

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

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

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

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

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

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

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

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

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

Case Notes

Racing judge's alleged inability to vote as he wished in penalty adjudications due to interference of state racing commission's executive director did not violate his First Amendment rights; racing judge's vote in any particular penalty case was not compelled expression on political or ideological matter, and penalty votes were not relevant to racing commission's ability to self-govern. *Latessa v. New Jersey Racing Comm'n*, C.A.3 (N.J.)1997, 113 F.3d 1313.

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

13:71-1.21 Financial irresponsibility

No licensee shall accumulate unpaid obligations or default in obligations, or issue drafts or checks that are dishonored

or payment refused, or otherwise display financial irresponsibility reflecting on the track or the sport.

13:71-2.5 Termination of indefinite suspension

An indefinite suspension shall only be terminated by the New Jersey Racing Commission.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:71-2.6 Violations by track associations and penalties

Notwithstanding any provision of N.J.A.C. 13:71-2, any track association licensed by the New Jersey Racing Commission that violates a law, rule or regulation or directive of this Commission and continues in deliberate violation for a period of 72 hours following notification from the Commission office that such violation exists, shall be subject to a fine of not more than \$5,000 per day for each and every day said track association remains in violation of the law, rule or regulation, or directive of this Commission. Any association fined pursuant to this rule may, within three days after service of such notice of the imposition of a fine or fines, request a hearing by petition in writing, which hearing shall be held within four days after the petition has been served upon the chairman or executive director of the Commission.

R.1976 d.292, effective September 16, 1976.
See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

SUBCHAPTER 3. APPEALS

Case Notes

Discussion of disciplinary appeals. Gallo v. New Jersey Racing Commission, 6 N.J.A.R. 381 (1983).

13:71-3.1 Right of appeal

Any person disciplined by the board of judges, State steward or any official representing the Commission may appeal the penalty pursuant to the procedures of this subchapter.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Added "board", "State", "the penalty pursuant to the procedures of this subchapter"; deleted "pursuant to the law of New Jersey or rules of the Commission, said penalty" and "to the Commission and a hearing requested".

13:71-3.2 Imposition of penalty; Commission

The Commission may directly impose any disciplinary action provided for in its rules.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).
Deleted "and regulations".

13:71-3.3 Steward or Board of Judges hearing; finality of decision absent appeal

(a) Subject to N.J.A.C. 13:71-1.23, when the State Steward or Board of Judges conduct a hearing in the first

instance with regard to the provisions of this chapter, the respective decision of the State Steward or Board of Judges shall be final unless an appeal, in accord with N.J.A.C. 13:71-3.1 and 3.4, is filed with the Commission. The appeal hearings of such matters shall be de novo proceedings conducted by the Commission in accord with N.J.A.C. 13:71-3.5.

(b) Nothing contained in this section shall in any way be construed to disallow the Commission from directly conducting a hearing with respect to the provisions of this chapter and directly imposing disciplinary action, or from modifying on its own motion any imposed penalty or decision.

Repeal and New Rule, R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Former section "Exhaustion of remedies".
Amended by R.1992 d.266, effective July 6, 1992.
See: 24 N.J.R. 555(b), 24 N.J.R. 2461(b).

Revised (a).
Repeal and new rule, R.1995 d.164, effective March 20, 1995.
See: 26 N.J.R. 4969(a), 27 N.J.R. 1193(a).

Formerly "Stewards hearing".

13:71-3.4 Appeal procedure

Any appeal must be filed in writing at the office of the Commission within three days of the date of imposition of penalty by the Commission, State steward or board of judges.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section recodified from N.J.A.C. 13:71-3.5. Former section 13:71-3.4 was "Nature of proceedings".

Deleted "in taken to the Commission, said appeal"; added "State" and "board".

13:71-3.5 Hearings

(a) Hearings in any appeal to the Commission shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B and 52:14F, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) If a license has been suspended pending hearing, the hearing shall be expedited.

Repeal and New Rule, R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Former section "Acting on appeals".

13:71-3.6 Frivolous appeals

Withdrawal by the appellant of a notice of appeal filed with the Commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the Commission shall be deemed a frivolous appeal and referred to the Steward for further disciplinary action in the event the appellant fails to show good cause to the Steward why such withdrawal should not be deemed frivolous.

Amended by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).
Section recodified from 13:71-3.7.

13:71-3.7 Hearing costs

The applicant shall be responsible for any costs incurred in connection with any hearing held pursuant to this subchapter.

Amended by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section recodified from 13:71-3.9. Deleted "the right of appeal contained in" and "and the laws of the State of New Jersey".

13:71-3.8 Stay pending appeals

(a) A notice of appeal filed with the Commission pursuant to this subchapter may be accompanied by a request for a stay pending a final decision by the Commission. Such a request for a stay shall be made on a form prescribed by the Commission. The Executive Director of the Commission may approve such stay requests in matters involving:

1. The loss by an owner of purse money of \$250.00 or more;
2. A fine of \$200.00 or more;
3. Suspension from one or more racing activities for seven days or more.

(b) Such a request for stay may be denied by the Executive Director of the Commission where to grant the same would be adverse to the best interests of racing or inimical to the integrity of the sport.

Amended by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section recodified from 13:71-3.10. Former section was "Steward's hearing".

Amended by R.1992 d.267, effective July 6, 1992.

See: 24 N.J.R. 556(a), 24 N.J.R. 2461(c).

Revised (a).

Case Notes

Board of Judges' ruling appealable to State Steward, to be heard in a de novo proceeding; driver's due process rights not violated by State Steward's testifying at administrative hearing. *DeVitis v. New Jersey Racing Commission*, 202 N.J.Super. 484, 495 A.2d 457 (App.Div.1985), certification denied 102 N.J. 337, 508 A.2d 213 (1985).

13:71-3.9 (Reserved)

Repealed by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section was "Hearing; costs" and was recodified to 3.7.

13:71-3.10 (Reserved)

Repealed by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section was "Stay pending appeals" and was recodified to 3.8.

Case Notes

Stay of suspension upon posting of necessary bond noted. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

SUBCHAPTER 4. DEFINITIONS

13:71-4.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Added money event" means event closing in the same year during which it is to be contested in which all entrance, sustaining and declaration fees received are added to the purse.

"Age, how reckoned" means age of a horse shall be reckoned from the first day of January of the year of foaling.

"Amateur driver" means a driver who has never accepted any valuable consideration by way of or in lieu of compensation for his services as a trainer or driver during the past 10 years.

"Advance wagers" means any wager placed at least one race in advance of the current race.

"Claiming race" means one in which any horse starting therein may be claimed for a designated amount in conformance with the rules. Only those owners who have started or declared a horse or horses at the meeting or the authorized agents of such owners may be eligible to claim a horse. The authority of an agent must be in writing and signed by the owner on whose behalf the agent is acting. One copy of said authorization shall be filed with the racing secretary and one with the Racing Commission.

"Commission" means the New Jersey Racing Commission.

"Conditioned race" means an overnight event to which eligibility is determined according to specified qualifications. Such qualifications may be based upon:

1. Horses' money winnings in a specified number of previous races or during a specified period of time;
2. A horse's finishing position in a specified number of previous races or during a specified period of time;
3. Age;
4. Sex;
5. Number of starts during a specified period of time;
6. Or any one or more combinations of the qualifications herein listed;
7. Use of records or time bars as a condition is prohibited.

“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 $\frac{1}{16}$ 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 totalizer), the design and function of which must be approved by the Commission, installed for the purpose of designating straight win, place and show wagering in the manner prescribed by the rules.

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

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

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

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

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

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

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

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

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

Stylistic changes and "stewards" changed to "Judges" throughout.

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

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

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

Case Notes

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

SUBCHAPTER 5. TRACKS

13:71-5.1 Policing requirements

(a) An association conducting race meetings under license from the Racing Commission shall properly police its grounds, including the stable area and paddock, and shall eject therefrom all unauthorized persons, known undesirable, touts, persons believed to be bookmakers or connected with bookmakers, persons under suspension or ruled off, persons of lewd or immoral character, and persons guilty of boisterous or disorderly conduct or other conduct detrimental to racing or the public welfare.

(b) When the State Police in the normal performance of their duties at an association meeting observe an individual deemed to be undesirable within the meaning of this rule, they will so advise the director of security and the Executive Director of the Racing Commission. The director of security shall, in writing, advise the Racing Commission and State Police within 48 hours of the action taken thereon.

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

See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

Amended by R.1986 d.358, effective September 8, 1986.

See: 18 N.J.R. 820(a), 18 N.J.R. 1830(a).

Deleted sentence in (a) "Where practical a . . . of such persons."

13:71-5.2 Police reports

The track security police and any other law enforcement agency acting in, or on or about the licensed premises of any race track, or any approved farms or stabling facilities, shall furnish two copies of their daily police report, together with any additional pertinent information available to the said police agency, obtained either orally or in writing. The two copies shall be delivered to the New Jersey State Police detail assigned to the race track at the close of each racing day. One copy, with evaluation, comments and further action by the said State Police shall be delivered to the New Jersey Racing Commission.

Case Notes

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

13:71-5.3 Persons ejected; reports

Each association shall furnish to the commission the names and addresses of all persons ejected by the association from its grounds, together with the offense or offenses alleged against them, and any other material information relating hereto.

13:71-5.4 Complaints in writing

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

13:71-5.5 Attendance reports

Each association shall make daily reports to the commission of the total attendance showing number of paid admissions, established price of each class of admission, together with number of free passes.

13:71-5.6 Badges of admission

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

13:71-5.7 Offices and parking; Racing Commission use

Each association shall provide within its grounds approved adequate offices and parking areas as required for use and to be at the disposal of the Racing Commission and all of its representatives.

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

The commission shall have such employees or inspectors as provided by law, who shall perform such duties as may be assigned to them by the commission, such employees to have free access to all parts of the grounds while on duty.

13:71-5.9 Photographic device for finishes

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

13:71-5.10 Numbers for horses

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

13:71-5.11 Betting prohibited on grounds

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

13:71-5.12 (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.

13:71-5.17 Ejected personnel; readmission; notice

Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the official issuing the ejection order. Notification of such permission for reentry shall be filed with the Racing Commission.

13:71-5.18 Age limits

Any child under 18 years of age must be accompanied by an adult, parent or guardian to be admitted to any race track enclosure as a spectator during the hours when the running of races is being conducted. No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Amended by R.1978 d.353, effective October 2, 1978. See: 10 N.J.R. 349(b), 10 N.J.R. 510(b). Amended by R.1989 d.546, effective November 6, 1989. See: 21 N.J.R. 1972(b), 21 N.J.R. 3476(a). Deleted "daytime" to describe race track. Deleted text regarding requirement that children (12-16) must be accompanied by an adult to be admitted to nighttime races. Amended by R.1993 d.485, effective October 4, 1993. See: 25 N.J.R. 2648(a), 25 N.J.R. 4600(d).

13:71-5.19 Weekly reports on employees

(a) Each harness race track association and each concessionaire shall make weekly detailed reports and deliver such reports to the Racing Commission, of all employees (including racing officials) actually engaged during the past week, stating the name, department, license number (if license is required) and position therein, and "yes" or "no" to indicate whether a resident of New Jersey, under columns so entitled. Such lists shall be compiled by departments, and if any employee is engaged in two departments, a notation opposite his name shall so state.

(b) The weekly reports of each department shall have the following endorsement signed by the department manager:

1. The above list of employees and information contained therein is a complete report of all employees engaged in my department for the week ending, _____ 19____. None of the above names appears on the security guide list for the year 19 _____. As indicated on the above list, the number of employees is as follows:

Residents
Nonresidents
Exemptions requested
Department Manager.

13:71-5.20 State Police; reports

When the State Police in the normal performance of their duties at an association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing Commission with a copy to the State Police, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

SUBCHAPTER 6. ASSOCIATIONS

13:71-6.1 Compensation insurance

(a) Associations are required to carry adequate compensation insurance covering all persons in their employ.

(b) All owners and trainers shall carry compensation insurance covering all their employees, including drivers, grooms and all others acting in the capacity of training horses.

(c) All concessionaires shall carry compensation insurance covering all their employees.

(d) An individual or entity shall provide adequate proof of compliance with (b) and (c) above before he or she will be licensed as an owner, trainer, and/or concessionaire by the New Jersey Racing Commission. Such proof shall be in the form of:

1. A certificate of insurance, valid for the year through December 31 (for which licensing is sought), issued by an insurance company authorized to do business in the State of New Jersey.

i. A certificate, if offered and found not to be valid, may result in penalties provided in N.J.A.C. 13:71-2.3 up to and including revocation of license of the person who submitted the certificate; or

2. Proof of payment of the required premium entitling an individual or entity to participate in a workmen's compensation insurance group program.

i. Any group or organization sponsoring such a program shall guarantee worker's compensation coverage for those eligible individuals or entities which pay the required premium. A copy of the worker's compensation insurance group program and eligibility requirements shall be filed by the sponsoring group or organization with the New Jersey Racing Commission each year.

(e) A certificate of compliance with this rule, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the race secretary.

(f) Prior to the commencement of any construction, alteration, change or improvement by a permit holder of any building, structure or physical layout at, about or within its licensed premises or track enclosure by a permit holder, plans and specifications regarding such construction, alteration, change or improvement must be reviewed and approved by the Racing Commission.

(g) Each association shall file a complete financial statement with the Commission on or before February 15 of the calendar year following the association's last meeting.

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

(g) deleted.
 Amended by R.1987 d.43, effective January 5, 1987.
 See: 18 N.J.R. 2117(a), 19 N.J.R. 138(b).
 Deleted text from (d) "before a license is issued".
 Amended by R.1990 d.573, effective November 19, 1990.
 See: 22 N.J.R. 1717(a), 22 N.J.R. 3500(a).

Added (b), requiring proof of adequate worker compensation coverage.

Case Notes

Workers' compensation policy stating that it covered all workplaces in state unless horse stable-insured had other insurance or was self-insured for such workplaces provided coverage for injury sustained by horse trainer during training session at in-state facility. N.J.S.A. 34:15-87. Lohmeyer v. Frontier Ins. Co., 294 N.J.Super. 547, 683 A.2d 1169 (A.D. 1996).

13:71-6.2 Judge's stand

The judge's stand shall be so located and constructed as to afford to the officials thereupon, an unobstructed view of the entire track and no obstruction shall be permitted upon the track or the centerfield which shall obscure the official's vision of any portion of the track during the race.

13:71-6.3 Bona Fide contests

All races shall be bona fide contests with the winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No hippodroming or other arrangement for equal distribution of the purse money among the contestants is permitted.

13:71-6.4 Default in payment of premiums

(a) Any association that defaults in the payment of a premium that has been raced for shall together with its officers be penalized. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payments to be made to the owners, nominators or breeders of money winning horses and organizations or promotion expenses stipulated for stakes and futurities.

(b) Other than a stake or futurity as covered in (a) above, no association may enter into any agreement with any organization requiring a deduction from the purse payable to owners of money winning horses, unless such agreement provides that a deduction may be made only from those owners entitled to winnings who have expressly consented to the deduction or unless provided by law.

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

(b): added "or unless provided by law."

13:71-6.5 (Reserved)

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

13:71-6.6 (Reserved)

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

13:71-6.7 Awards

Except as herein stated, no association shall advertise to pay any awards other than to the owners, nominators or breeders of money winning horses. Awards may be made to drivers of horses breaking or equaling track or world records, or to leading drivers at meetings.

13:71-6.8 Paddock

(a) Every association shall provide a paddock or receiving barn containing a minimum of 80 stalls or such number as the Commission may designate.

(b) The paddock or receiving barn must be completely enclosed with a man tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.

13:71-6.9 Photo finish; head numbers; saddle pads; starting gate

At all associations, a photo finish, head numbers saddle pads and a starting gate must be used. Whenever the judges use a photograph to determine the order of finish, it shall be posted for public inspection. Photo finish equipment shall not be acceptable unless it is of a type approved by the Commission.

13:71-6.10 Interference with race officials

Although associations are obligated to supervise their meetings, their interference with the proper performance of duties of any official is prohibited.

13:71-6.11 Driver's stand

Each association shall provide a stand located conveniently to the gate through which the horses enter the race track from the paddock or receiving barn, for the use of drivers scheduled to race. The location of the stand shall permit a clear and adequate view of the race course.

13:71-6.12 Paddock rules

Horses must be in the paddock at the time prescribed by the presiding judge, but in any event not less than one hour but not more than two hours prior to post time of the race in which the horse is to compete unless required to be in the paddock pursuant to N.J.A.C. 13:71-23. Except for warm-up trips, no horse shall leave the paddock until called to the post.

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

"Unless . . . N.J.A.C. 13:71-23" added.

13:71-6.13 Admission to paddock

(a) The persons entitled to admission to the paddock are as follows:

1. Owners of horses competing on the date of the race and whose horses are in the paddock;

2. Trainers of horses competing on the date of the race and whose horses are in the paddock;
3. Drivers of horses competing on the date of the race and whose horses are in the paddock;

4. Grooms and caretakers of horses competing on the date of the race and whose horses are in the paddock;

5. Officials whose duties require their presence in the paddock or receiving barn;

6. Such other persons as are authorized by the Commission.

13:71-6.14 Leaving of paddock

No driver, groom or caretaker, once admitted to the paddock or receiving barn, shall leave the same other than to warm up said horse until such race, or races, for which he was admitted is contested; provided however, that in the event of an emergency, trainers or grooms may leave the paddock but only with the permission of the paddock judge in which case the paddock judge shall maintain a written record thereof. Such record shall be delivered to the presiding judge. A trainer may leave the paddock before his horse completes its engagement, but may not return to the paddock unless approval by the presiding judge has been given.

Amended by R.1988 d.402, effective August 15, 1988.

See: 20 N.J.R. 1175(a), 20 N.J.R. 2071(b).

Added text "A trainer may . . ."

13:71-6.15 Returning to paddock

No person except an owner, who has another horse racing in a later race, or an official, shall return to the paddock until all races of that program shall have been completed.

13:71-6.16 Two members of a stable admitted to paddock on one day

No more than two members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any one racing day, except by permission of the presiding judge.

13:71-6.17 Blacksmith provided by association

During racing hours each association shall provide the services of a blacksmith within the paddock.

13:71-6.18 Extra equipment provided

During racing hours each association shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.

13:71-6.19 (Reserved)

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

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

13:71-6.20 Supervision of the paddock

The paddock at all times shall be under the supervision of the paddock judge.

13:71-6.21 Required time drivers should be present in paddock prior to race

Drivers shall be in the paddock at least one hour before post time for the races in which they are scheduled to drive.

13:71-6.22 Post parade from paddock

Fifteen minutes before the post time for a heat or dash, the paddock judge shall cause all horses entered in such heat or dash to be formed in a parade line. Such horses shall be attended by their drivers unless specifically excused by the paddock judge. All horses in a heat or race shall parade from the paddock upon the track and before the grandstand not later than five minutes before post time. A horse failing to parade without being excused by the judges may be scratched from the race or its driver or trainer may be penalized. Drivers shall not engage in conversation during the post parade.

13:71-6.23 Ambulances

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds.

13:71-6.24 Track entrance; Coggins test requirement for horses, ponies or equine mascot

(a) No horse shall enter the grounds of any track association absent presentation of a valid certificate of a negative Coggins test. Said certificate shall:

1. Identify the horse by tattoo number;
2. Indicate said test was performed within one year prior to the date of presentation to the racing secretary;
3. Indicate said test was conducted by a laboratory approved by the United States Department of Agriculture; and
4. Be attached to the appropriate foal certificate.

(b) In the event that a horse arrives at a track association without a valid certificate of a negative Coggins test, the horse will be permitted to be stabled in an area designated by the State Veterinarian. A certificate must be presented to the Racing Secretary within 12 hours or a new certificate must be obtained as soon as possible. The State Veterinarian shall be notified immediately if any horse enters the grounds under these conditions.

(c) In the case of any pony or equine mascot, evidence of a negative Coggins test, together with a photograph of the animal, must be filed with the racing secretary.

(d) The racing secretary shall be responsible for ensuring compliance with this rule. Violation of this rule may subject the racing secretary and/or track association to penalties, provided for in these rules and regulations.

(e) This rule does not affect eligibility to race or claims. However, the trainer of a horse which races in violation of this rule without evidence of a negative Coggins test and/or a vaccination for equine encephalitis, is subject to penalties provided for in these rules.

R.1976 d.125, eff. April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
 As amended, R.1983 d.13, effective February 7, 1983.
 See: 14 N.J.R. 1147(a), 15 N.J.R. 158(c).

Deleted old text and added new text.
 Amended by R.1986 d.415, effective October 6, 1986.
 See: 18 N.J.R. 402(b), 18 N.J.R. 1448(b), 18 N.J.R. 2055(a).
 New Rule was proposed at 18 N.J.R. 402(b).
 Amendments to the new rule were proposed at 18 N.J.R. 1448(b),
 and adopted at 18 N.J.R. 2055(a).

13:71-6.25 Ownership approval

No person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership comprising a five percent or greater interest in any association or corporation which has been or shall be granted a permit to hold or conduct a horse race meeting without first obtaining the approval of the New Jersey Racing Commission pursuant to these rules and regulations. For purposes of this section "person" shall be construed to include the spouse and/or children of any such applicant and compliance with this section shall be required of all such persons holding any interest whatsoever whenever the total interest held by such persons as an aggregate exceeds the five percent requirement. Failure to comply with this regulation shall subject the applicant to disqualification and the permit holder to the penalties and sanctions provided by law.

R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 1928(b), 16 N.J.R. 378(a).

13:71-6.26 Annual listing of shareholders

Racing associations shall file on an annual basis with the commission a list of all persons possessing directly or indirectly any shares of stock or certificates or other evidence of ownership of any interest in any association or corporation. Said filing shall take place prior to June 1 of each calendar year.

R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 1928(a), 16 N.J.R. 378(a).

13:71-6.27 Application forms; approval

Approval may only be given to such persons who make application therefor on the form prescribed by the New Jersey Racing Commission and only when such application is filed with the Director of the Racing Commission properly completed and executed in all respects.

New Rule, R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 1928(a), N.J.R. 378(a).

13:71-6.28 Investigation

The commission may investigate the applicant or any person named in the application, with respect to such person's criminal record, subversive activities record and any other reports concerning such persons, in order to determine whether the applicant or a person for whom ownership is directly or beneficially to be held has not been convicted of a crime of moral turpitude, has not violated any rules and regulations previously or presently prescribed by the New Jersey Racing Commission, and who possesses sufficient moral responsibility so as not to be detrimental to the best interests of racing in New Jersey.

New Rule, R.1984 d.44, effective February 21, 1984
 See: 15 N.J.R. 1928(a), 16 N.J.R. 378(a).

13:71-6.29 Review of application approval

Applications may be approved, after due consideration by the Executive Director of the Racing Commission to whom such power is delegated, but the New Jersey Racing Commission may, in its discretion, review any such findings made by the Executive Director to determine whether any applicant merits approval.

New Rule, R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 1928(b), 16 N.J.R. 378(a).

13:71-6.30 Application denials; notice

When an applicant, after due consideration, cannot be approved for reasons expressed in N.J.S.A. 5:5-22 et seq., as amended and supplemented, or if, in the opinion of the New Jersey Racing Commission, approval of such person will be detrimental to the best interests of racing in New Jersey, or if an applicant will hold ownership for another whose interest is beneficial, indirect or otherwise and the indirect or beneficial owner could not qualify, to hold direct ownership for reasons expressed herein, the Commission may disapprove such applicant by notifying by registered mail the Secretary of the association or corporation licensed to conduct a horse race meeting. Such disapproved person may request, and the Commission shall hold, a hearing which request and hearing shall be made and had as provided for in N.J.S.A. 5:5-22 et seq.

New Rule, R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 192(a), 16 N.J.R. 378(a).

SUBCHAPTER 7. LICENSING

13:71-7.1 Persons required to have licenses; fingerprints and photographs

(a) The following persons shall be required to take out a license from the New Jersey Racing Commission and the annual fee therefor shall be as follows:

- | | |
|-----------------------------|---------|
| 1. Driver/Trainer: | \$50.00 |
| 2. Owner: | \$50.00 |
| 3. Pari-Mutuel Employee: | \$25.00 |
| 4. Stable Employee: | \$ 5.00 |
| 5. Stable Name: | \$50.00 |
| 6. Starter: | \$10.00 |
| 7. Plater: | \$20.00 |
| 8. Timer: | \$10.00 |
| 9. Vendor: | \$50.00 |
| 10. Identification License: | \$10.00 |
| 11. Authorized Agent: | \$50.00 |
| 12. Veterinarians: | \$50.00 |

13:71-21.4 Placing system

If the placing system is specified in the conditions, the purse shall be distributed according to the standing of the horses in the summary. In order to share in the purse distribution, each horse must complete the race and compete in each heat to which he is eligible. A horse must win two heats to be declared the race winner and such horse shall stand first in the summary. In deciding the rank of the horses order than the race winner, a horse that has been placed first in one heat shall be ranked better than any other horse making a dead heat for first or any other horse that has been placed second any number of heats; a horse that has been placed second in one heat shall be ranked better than any other horse that has been placed third any number of heats, and so forth; for example, a horse finishing, 3-6 would be ranked ahead of another horse finishing 4-4. A horse finishing in a dead heat would be ranked below another horse finishing in the same position and not in a dead heat. If there be any premium for which no horse has maintained a position, it shall go to the race winner, but the number of premiums awarded need not exceed the number of horses that started in the race. Unless otherwise specified in the conditions, the money shall be divided 50 percent, 25 percent, 15 percent and 10 percent.

13:71-21.5 Two in three

In a two in three race, a horse must win two heats to win the race, and there shall be ten percent set aside for the race winner. The purse shall be divided and awarded according to the finish in each of the first two or three heats, as the case may be. If the race is unfinished at the end of the third heat, all but the heat winners or horses making a dead heat for first shall be ruled out. The fourth heat, when required, shall be raced for the ten percent set aside for the winner. If there be any third or fourth premiums, and so forth for which no horse has maintained a specific place, the premium therefor shall go to the winner of that heat, but the number of premiums distributed need not exceed the number of horses starting in the race. Where, in a two-year-old race, there are two heat winners and they have made a dead heat in the third heat, the race shall be declared finished and the colt standing best in the summary shall be awarded the ten per cent; if the two heat winners made a dead heat and stand the same in the summary, the ten per cent shall be divided equally between them.

13:71-21.6 Computation and payment of purses

(a) Any racing association which has an agreement with the horsemen to pay purses of an established percentage of the association's share of the revenue obtained from the money wagered, shall each post a statement of the previous week's handle, the proposed allotment to horsemen and the amount of purses paid. Such posting shall be on the bulletin board in the entry room.

(b) Any association sponsoring stakes races or early closing events may withhold, during any current meeting, an amount sufficient to compensate the association for the cost of such races and events. However, in no event shall the money due the horsemen in purses above that amount be allowed to exceed \$20,000.

13:71-21.7 Delivering of winnings to owners

Winnings from horses shall not be delivered to any owner until the owner has first been duly licensed by the Commission for the current season.

13:71-21.8 Deductions

(a) All purses contested for shall be distributed according to the conditions of the race. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payment to be made to the New Jersey Horse Racing Injury Compensation Board for worker's compensation insurance premiums in an amount not to exceed three percent of gross overnight purses paid to owners as per N.J.S.A. 34:15-129 et seq., owners, drivers, trainers, nominators or breeders of money winning horses and organization or promotion expenses stipulated for stakes and futurities. Five percent of the owner's payment shall be deducted and paid to the driver, and five percent of the owner's payment shall be deducted and paid to the trainer. In instances where the trainer is employed by a training stable, the payment shall be made to the training stable.

1. Racetracks shall remit to the appropriate State account, on a weekly basis, the premium for the worker's compensation insurance. The premium shall be collected separately for thoroughbred and standardbred industries based on percentage of gross overnight purses, such percentage to be determined by the Horse Racing Injury Compensation Board.

Amended by R.1978 d.354, effective January 1, 1979.

See: 10 N.J.R. 348(b), 10 N.J.R. 510(c).

Amended by R.1987 d.464, effective January 20, 1987.

See: 18 N.J.R. 1516(a), 19 N.J.R. 237(a).

Substantially amended.

Amended by R.1997 d.50, effective February 3, 1997.

See: 28 N.J.R. 4737(a), 29 N.J.R. 448(a).

In (a), inserted text "the New Jersey Horse Racing ... N.J.S.A. 34:15-129 et seq."; and added (a)1.

Administrative correction.

See: 31 N.J.R. 1204(b).

13:71-21.9 Forfeits; drivers' fees

In the event that a purse is forfeited through a subsequent ruling of the officials and/or Racing Commission after the result has been made official, the drivers shall be allowed such fees as are consistent with section 8 of this subchapter and with the revised order of finish.

R.1978 d.354, eff. January 1, 1979.

See: 10 N.J.R. 348(b), 10 N.J.R. 510(c).

SUBCHAPTER 22. RADIOS, RECEIVERS AND TRANSMITTERS

13:71-22.1 Telephone

All public telephones at the race track may remain open during the race day, with the approval of the Commission.

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

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

"Track police" changed to "track security".

Repeal and New Rule, R.1990 d.535, effective November 5, 1990.

See: 22 N.J.R. 2403(b), 22 N.J.R. 3385(d).

Former rule contained radio, receiver and transmitter security requirements.

SUBCHAPTER 23. MEDICATION AND TESTING PROCEDURES

13:71-23.1 Intent of medication rules; general provisions

(a) It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and racing participants through the prohibition and/or control of all drugs and/or substances foreign to the natural horse. For the purpose of these rules, a drug and/or substance administered to a horse is foreign to the natural horse irrespective of whether the said drug and/or substance is also naturally occurring to the horse.

(b) On the day of the race, irrespective of the date, time and method of administration, no horse entered to start in or participating in any race shall carry in its body any drug and/or substance foreign to the natural horse, excepting external rubs and innocuous compounds as defined in this section and as otherwise provided for in these rules. Examples of drugs and/or substances foreign to the natural horse, and thus prohibited pursuant to this section and these rules are as follows:

1. Articles meeting the definition of drug as set forth in N.J.A.C. 13:71-4.1;
2. Chemical substances;
3. Stimulants;
4. Depressants;
5. Anesthetics;
6. Tranquilizers;
7. Anti-inflammatories;
8. Erythropietin (epogen, EPO);
9. Pain killers;
10. Sodium bicarbonate (baking soda);
11. Confectionery sugar;

12. Stamina builders; and

13. Mixtures, compounds or solutions commonly referred to as "milkshakes" which contain any prohibited drug and/or substance.

(c) Nothing contained in this section, however, shall be construed to prohibit the horse from carrying in its body on the day of the race food products resulting from the normal and proper diet of a horse not containing prohibited drugs and/or substances.

(d) On the day of the race, except as otherwise provided for in these rules, no horse entered to start in or participating in any race shall have administered to it any such drug and/or substance foreign to the natural horse, including as a result of administration of an otherwise permissible external rub or what would otherwise constitute an innocuous compound. In no event, except for the intravenous administration of furosemide (Lasix) pursuant to N.J.A.C. 13:71-23.8, or as may otherwise specifically be authorized by or pursuant to these rules, shall the administration of said excepted items be accomplished intravenously, by injection, by jugging or drenching, or through the use of a syringe or sharp, dose syringe, or tube apparatus. A non-prohibited external rub or innocuous compound as defined in this section shall on the day of the race be administered only by application on the exterior of the horse, except that food constituting the normal and proper diet of a horse not containing prohibited drugs and/or substances may be ingested by means limited to the natural intake of a horse without aid or the assistance of any device or apparatus.

(e) An external rub or innocuous compound is a single substance, mixture of substances or compound which does not contain any of the 13 examples of prohibited items as set forth in (b) above, or additionally, any other substance foreign to the natural horse which alters its normal physiological state.

Amended by R.1994 d.126, effective March 7, 1994.

See: 25 N.J.R. 3104(a), 26 N.J.R. 1238(c).

Amended by R.1995 d.296, effective June 5, 1995.

See: 26 N.J.R. 1956(b), 27 N.J.R. 2244(a).

Case Notes

District court would abstain from reaching merits of harness race-horse trainers' applications for stays of orders. *Bongiorno v. Lalomia*, D.N.J.1994, 851 F.Supp. 606, affirmed 39 F.3d 1168.

Fines and suspension of licenses and privileges for extended periods ranging from 30 months to 66 months, based on findings that trainers' horses had tested positive for drugs were not arbitrary, capricious, unreasonable; principles of "trainer responsibility" and "no medication" were clearly established in law and commission had authority to protect integrity of horse racing. *New Jersey Racing Com'n v. Elliot*, 290 N.J.Super. 140, 675 A.2d 243 (A.D.1996).

Rule sets forth the association between the administration of drugs and the need to protect horses from them. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

13:71-23.2 Testing

(a) Any horse entered to start at any licensed race meeting may be subjected to a pre-race and/or post-race blood, and/or urine test, at the direction of the State Veterinarian,

the Judges and/or State Steward, in the manner prescribed by the New Jersey Racing Commission. The costs so incurred shall be borne by the track association. The cost to the track association for testing each sample shall be established by the New Jersey Racing Commission.

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

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

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

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

SUBCHAPTER 28. INITIAL TRACK APPLICATION

13:71-28.1 Permit to hold race meetings

(a) No license or permit shall be transferable or assignable in any manner or in any particular.

(b) An application for a permit to conduct a horse race meeting shall be filed on form R-1 in the case of harness races and on form R-2 in the case of running races, which forms shall be prescribed and furnished by the Commission. The Commission may require from time-to-time additional information which shall be attached to, and made a part of,

and filed with the application. The application and additional information shall be submitted in affidavit form, sworn to and subscribed before a person legally competent to take oaths. The application shall be filed with the Commission prior to August 1, of any year.

(c) The applicant shall furnish, at his expense, such data as the Commission shall require to enable it to carry out fully and effectually all the provisions and purposes of the law which may include, but shall not be limited to, the following:

1. Blueprints and specifications of the track and its surface, and blueprints and specifications of buildings and grandstands; and

2. Surveys, studies and analyses by competent and qualified experts which may be required by the Commission to ascertain such factors as proposed attendance, traffic flow, income or any and all matters necessary for the Commission to make a determination with respect to the matter of the application.

(d) When, in the judgment of the Commission, the services of special legal counsel are necessary to carry out fully and effectually all the provisions and purposes of the law and to serve the public interest, the Commission may request the Attorney General to appoint such counsel and the applicant shall pay the reasonable expenses to his services. Special counsel shall submit, in affidavit form, a detailed accounting of his services to the Attorney General who shall certify said accounting to the Commission upon being satisfied that it is reasonable and necessary to carry out fully and effectually the purpose of this act. The Commission shall, in no event, require payment for such services without the said approval of the Attorney General.

(e) In any case where the Commission may require expenses by the applicant, pursuant to this request, the Commission may, in its discretion, require the applicant to give bond or other satisfactory security to guaranty payment of the aforesaid expenses.

(f) The application for a permit to hold or conduct horse race meetings within the State of New Jersey shall include, but not be limited to, the following information:

1. The name of the person, association or corporation making such application;

2. Post-office address of the applicant;

3. If the applicant is a corporation or an association, the names and addresses of the officers and directors thereof and the name and address of each owner or holder, directly or indirectly, of any share of stock or certificate or other evidence of ownership of any interest in such corporation or association.

4. If the applicant is a partnership, it shall furnish the names and addresses of all general and limited partners;

5. In the case of a corporate applicant, the date of incorporation, name of the state in which incorporated, and a copy of the original certificate of incorporation and of any amendments thereto;

6. The dates on which it is intended to conduct or hold such horse race meeting and the hours of each racing day between which it is intended to hold or conduct horse racing at such meeting;

7. The location of the place, track or enclosure where it is proposed to hold or conduct such horse race meeting;

8. Detailed information and specifications of the track, buildings and grandstand possessed or to be constructed by the applicant, including a blueprint of the track and specifications of the construction and of the surface of same; and blueprints and detailed architect's specifications of the construction of any buildings and grandstands of the applicant. The Commission reserves the right to reject inadequate or unsatisfactory specifications or to demand additional information and specifications from the applicant;

9. A financial statement of the applicant, certified by a certified public accountant of New Jersey;

10. A statement by a certified public accountant of New Jersey showing details of all financing arrangements made or contemplated by the applicant in connection with the construction of the race track buildings and grandstand;

11. Any other information which is set forth on form R-1 or form R-2 or as may be required by the Commission.

(g) The application, if made by an individual, shall be signed and verified under oath by such individual, and, if

made by two or more individuals or a partnership shall be signed and verified under oath by all of the individuals or by all of the members of the partnership, whether general or limited, as the case may be. If the application is made by an association or corporation, it shall be signed by the president or vice-president thereof and attested by the secretary or assistant secretary under the seal of such association or corporation, if it has a seal, and shall be verified under oath by one of the officers signing the same.

(h) In addition to the requirements in (g) above the applicant shall comply with the following:

1. Every applicant shall furnish to the Commission under oath a list of the names, addresses and dates of birth of every person, entity or organization who or which has any interest whatsoever in the applicant, the proposed race track or the proposed horse race meetings, and a detailed account of the nature and extent of said interest. Each such person, entity or organization who or which has such an interest shall furnish a statement, under oath, to the Commission, setting forth that he is acting solely in his own behalf and is a real party in interest, or if he is acting jointly with or solely on behalf of any person, entity or organization, or if he is not a real party in interest, then he shall state the name, address and date of birth of the real property or other party or parties in interest for whom he is acting. In the event that the application and its attachments do not identify any person, entity or organization who or which has any direct or indirect interest in the applicant, proposed race track or proposed horse race meetings, the application may be denied.

2. Every applicant member, partner, officer, director, stockholder and person having any direct or indirect interest in the applicant and every real party in interest in the applicant shall furnish a detailed statement, under oath, of his experience and background in racing and of his business and financial background including a financial statement.

3. Every applicant shall furnish with its application the fingerprints of each applicant member, partner, officer, director, real party in interest, stockholder and of every person who has any direct or indirect interest whatsoever in the applicant, on forms provided by the Commission.

4. Every applicant member, partner, officer, director, real party in interest and stockholder shall furnish a statement, under oath, to the Commission describing any and all direct or indirect interests that he presently has, or previously had, in any other racing organization, association or race track, presently existing or which has been in existence in any part of the world.

(i) If there is any false statement or omission of any material fact in the application or in the additional information required by this section or by the Commission, the application may be denied.

(j) The Commission shall designate a certified court reporter to take and record the proceedings at the public hearing on the application. Within 10 days following the date of the public hearing the applicant shall, at its own expense, furnish to the Commission an original and four copies of a transcript of the proceedings.

(k) Within 15 days after the filing of an original application, the Commission shall determine whether the same is in due form and upon being satisfied thereof shall set a date not later than September 15 next when a public hearing shall be held on such application.

(l) The public hearing shall be held in the county wherein it is proposed to conduct the race meeting for which the permit is sought at such place as may be designated by the Commission in writing to the applicant. Notice of the time and place of the hearing shall be served on the applicant by the Commission by mailing the same postage paid by certified mail to the applicant at the address indicated in the application.

(m) The Commission shall cause a display advertisement approximately 11 inches by eight inches in size to be published at least once in weekly newspaper published or circulated, if none be published, in the county wherein it is proposed to conduct the race meeting for which the permit is sought. Such advertisements shall be published at least 15 days before the date of such public hearing and shall contain the following:

1. The name and address of the applicant;
2. The time and place of the hearing;
3. The nature of the permit applied for;

4. A statement to the effect that the purpose of the hearing is to assist the Racing Commission in making a determination whether or not it shall grant a permit to conduct a horse race meeting during the times and at the place indicated in the application;

5. Such other information as is determined to be necessary by the Commission in order to apprise the public as to the purpose of the hearing.

(n) The advertisements for the public hearing shall be prepared and placed by the Commission, but shall be paid for by the applicant prior to the time of the public hearing. The applicant shall produce proof to the Commission prior to the hearing that it has paid for the advertisements.

(o) The hearing shall be recorded by a certified court reporter of the State of New Jersey, who shall be sworn by the Chairman of the Racing Commission at the beginning of the hearing.

(p) The public hearing shall be held before the Racing Commission. A majority of the Commission shall constitute a quorum for the purpose of the hearing. The Chairman of the Commission shall conduct the hearing, or may designate the counsel assigned to the Racing Commission by the office of the Attorney General to conduct the hearing.

(q) The Commission may continue such hearing from time to time if it deems it to be necessary in the public interest, or for purposes of a more thorough investigation of the application. In conducting the hearing the Commission shall not be bound by technical rules of evidence, but all evidence offered before the Commission shall be reduced to writing and shall, with the petition and exhibits, if any, and the findings of the Commission, be permanently preserved and shall constitute the record of the Commission in the manner of the pending application. Any of the parties affected by such hearings may be represented by counsel and shall have the right to introduce evidence.

(r) Each member of the Commission shall have power to administer oaths and examine witnesses and shall have the power to issue subpoenas to compel the attendance of witnesses and the production of all necessary reports, books, papers, records, correspondence and evidence at the designated place of hearing. Such subpoena shall be authenticated by the seal of the Commission and any parties to a proceeding before the Commission may secure from its subpoenas without charge. Misconduct on the part of a person attending a hearing, or the failure of a witness, when duly subpoenaed, to attend, give testimony or produce any records, shall be punishable in accordance with law by the county court of the county wherein the offense is committed. The Commission shall certify such misconduct, failure to attend or produce records, to such county court.

(s) The Commission, or any member thereof, or any applicant, may in connection with any hearing before the Commission cause the deposition of witnesses within or without the State to be taken on oral or written interrogatories in the manner prescribed by statute for depositions in suits at law in the courts of record in this State.

(t) The Commission, or a majority thereof, shall determine whether a permit to hold or conduct a running race meeting or harness race meeting, as the case may be, is provisionally granted pending approval thereof by the legal voters of the county and of the municipality in which it is proposed to hold or conduct such race meeting. The Commission shall make its determination not less than 30 days before the next ensuing general election following the date of public hearing. If the Commission acts favorably on such application, it shall in writing certify to the county clerk of the county in which it is proposed to hold or conduct such horse race meeting that such permit has been provisionally granted.

(u) The actual costs and expense of the Commission incurred in connection with any such hearing or investigation of the application shall be paid by the applicant upon the Commission's delivering to the applicant a statement thereof. The Commission in its discretion, may require the applicant, before the hearing as hereinbefore provided, to give a surety bond or other satisfactory assurance that such applicant will pay all costs of such hearing.

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

New Jersey Racing Commission
404 Abbingdon Drive
East Windsor, N.J. 08520

or

Office of Administrative Law
Administrative Publications and Filings
CN 301
Trenton, N.J. 08625

SUBCHAPTER 29. SULKY

13:71-29.1 Standardbred sulky standards

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

(b) The following requirements apply to sulky wheels:

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

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

(d) The following requirements apply to sulky shafts:

1. Each sulky shall be equipped with two shafts that are attached independent of one another to the horse.
2. Inside to inside measurement shall be within a range of 42 inches to 50 inches at the front of the arch.
3. The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side.

4. All shafts will be equipped with quick hitch fixtures or attachable by conventional tie-downs.

5. All quick hitches shall have safety straps. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse.

6. The shaft shall not be higher than the withers of the horse.

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

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

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

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

(g) The following requirements apply to sulky stirrups:

1. Each sulky shall be equipped with two stirrups. Each stirrup shall be not more than eight inches wide.
2. The stirrups shall be attached to the inside of each shaft no closer than 30 inches from stirrup to stirrup.
3. The measurement from the ground to the heel of the stirrup and ground to seat plate shall have a spread of no more than six inches as measured with the bike hitched at 54 inches.

(h) The following requirements apply to sulky seats:

1. The seat plate shall be no lower than one inch below the arch.
2. The seat shall be securely attached to the seat bracket in a fixed position.

3. The back of the seat shall be no higher than four inches. No high back (bucket type) seats shall be permitted.

4. All seats shall have adequate padding to provide comfort for the driver.

(i) The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky.

13:71-29.2 Inspection stickers

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

1. The sticker shall be affixed to the sulky by a representative of the manufacturer. It shall represent that the sulky is free of any stress marks, broken equipment, rust or rot spots.

2. The sticker shall be color coded to indicate the life cycle of each sulky and placed on file with the New Jersey Racing Commission and a copy to the Paddock Judge.

13:71-29.3 Certification

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

1. No sulky shall be used that does not have affixed to it in a visible location on the arch or shaft a current inspection sticker.

2. A current inspection sticker shall have been issued no more than two years prior to the date of use.

3. The sticker shall be affixed to the sulky by a representative of the manufacturer after the sulky passes a visual inspection.

4. The sulky shall fail inspection if it fails to satisfy any requirements of this subchapter.

13:71-29.4 Serial numbers

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

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

13:71-29.5 Liability insurance

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