

CHAPTER 71

HARNES RACING

Authority

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

Source and Effective Date

R.2000 d.35, effective December 22, 1999.
See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Executive Order No. 66(1978) Expiration Date

Chapter 71, Harness Racing, expires on December 22, 2004.

Chapter Historical Note

Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969.

Subchapter 14, Claiming, was repealed and Subchapter 14, Claiming, was adopted as new rules by R.1980 d.95, effective February 27, 1980.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Subchapter 3, Appeals, was repealed and Subchapter 3, Appeals, was adopted as new rules, and Subchapter 24, Authorized Agents, Subchapter 25, Vendors, Subchapter 26, Illegal Practices, Subchapter 27, Mutuels, and Subchapter 28, Initial Track Application, were adopted by R.1982 d.109, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Tracks, Subchapter 9, Veterinarians and Veterinarians Certificates, Subchapter 21, Placing Conditions and Purses, and Subchapter 23, Stimulations and Tests, 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 7, Licensing, Subchapter 8, Officials, and Subchapter 17, Starting, 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).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Definitions, expired on December 19, 1984.

Subchapter 4, Definitions, 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Subchapter 23, Stimulation and Tests, was repealed and Subchapter 23, Medication and Testing Procedures, was adopted as new rules by R.1985 d.58, effective February 19, 1985.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, 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 71, Harness Racing, 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, Harness Racing, was readopted as R.1995 d.103, effective January 25, 1995. See: 26 N.J.R. 4744(a), 27 N.J.R. 733(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.2000 d.35, effective December 22, 1999. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL RULES

- 13:71-1.1 General provisions
- 13:71-1.2 Owners and trainers
- 13:71-1.3 Race participants and patrons
- 13:71-1.4 Discharge of groom or attendant; notice
- 13:71-1.5 Notification to track security on discharge of groom
- 13:71-1.6 Language
- 13:71-1.7 Disturbing the peace
- 13:71-1.8 Handbooks
- 13:71-1.9 (Reserved)
- 13:71-1.10 Reciprocity
- 13:71-1.11 Unrecognized meetings
- 13:71-1.12 Suspended person or horse
- 13:71-1.13 Narcotic or drug convictions
- 13:71-1.14 Crimes regarding moral turpitude
- 13:71-1.15 Reinstatement of horses
- 13:71-1.16 Qualifications for reinstatement
- 13:71-1.17 Recision of penalties
- 13:71-1.18 (Reserved)
- 13:71-1.19 Stewards determination of fines
- 13:71-1.20 Authority to impose penalties; report; payment
- 13:71-1.21 Financial irresponsibility
- 13:71-1.22 Designation of Commission agents
- 13:71-1.23 Modification of penalties
- 13:71-1.24 Smoking prohibited
- 13:71-1.25 Horsemen associations
- 13:71-1.26 Commission employees/appointees; prohibited affiliations with permitted racetracks

SUBCHAPTER 2. VIOLATIONS

- 13:71-2.1 Liability
- 13:71-2.2 Attempt to violate
- 13:71-2.3 Penalties
- 13:71-2.4 Betting restrictions; owner, trainer and driver
- 13:71-2.5 Termination of indefinite suspension
- 13:71-2.6 Violations by track associations and penalties

SUBCHAPTER 3. APPEALS

- 13:71-3.1 Right of appeal
- 13:71-3.2 Imposition of penalty; Commission
- 13:71-3.3 Steward or Board of Judges hearing; finality of decision absent appeal
- 13:71-3.4 Appeal procedure
- 13:71-3.5 Hearings
- 13:71-3.6 Frivolous appeals
- 13:71-3.7 Hearing costs
- 13:71-3.8 Stay pending appeals
- 13:71-3.9 through 13:71-3.10 (Reserved)

SUBCHAPTER 4. DEFINITIONS

- 13:71-4.1 Definitions

SUBCHAPTER 5. TRACKS

- 13:71-5.1 Policing requirements
- 13:71-5.2 Police reports
- 13:71-5.3 Persons ejected; reports
- 13:71-5.4 Complaints in writing
- 13:71-5.5 Attendance reports
- 13:71-5.6 Badges of admission
- 13:71-5.7 Offices and parking, Racing Commission use
- 13:71-5.8 Free access to grounds by employees of Commission
- 13:71-5.9 Photographic device for finishes
- 13:71-5.10 Numbers for horses
- 13:71-5.11 Betting prohibited on grounds
- 13:71-5.12 (Reserved)
- 13:71-5.13 Handbooking prohibited on grounds

- 13:71-5.14 Gambling device
- 13:71-5.15 Petty games of chance
- 13:71-5.16 Disqualified personnel kept off grounds
- 13:71-5.17 Ejected personnel; readmission; notice
- 13:71-5.18 Age limits
- 13:71-5.19 Weekly reports on employees
- 13:71-5.20 State Police; reports

SUBCHAPTER 6. ASSOCIATIONS

- 13:71-6.1 Employee compensation insurance
- 13:71-6.2 Judge's stand
- 13:71-6.3 Bona fide contests
- 13:71-6.4 Default in payment of premiums
- 13:71-6.5 through 13:71-6.6 (Reserved)
- 13:71-6.7 Awards
- 13:71-6.8 Paddock
- 13:71-6.9 Photo finish; head numbers, saddle pads; starting gate
- 13:71-6.10 Interference with race officials
- 13:71-6.11 Driver's stand
- 13:71-6.12 Paddock rules
- 13:71-6.13 Admission to paddock
- 13:71-6.14 Leaving of paddock
- 13:71-6.15 Returning to paddock
- 13:71-6.16 Two members of a stable admitted to paddock on one day
- 13:71-6.17 Blacksmith provided by association
- 13:71-6.18 Extra equipment provided
- 13:71-6.19 (Reserved)
- 13:71-6.20 Supervision of the paddock
- 13:71-6.21 Required time drivers should be present in paddock prior to race
- 13:71-6.22 Post parade from paddock
- 13:71-6.23 Ambulances
- 13:71-6.24 Track entrance; Coggins test requirement for horses, ponies or equine mascot
- 13:71-6.25 Ownership approval
- 13:71-6.26 Annual listing of shareholders
- 13:71-6.27 Application forms; approval
- 13:71-6.28 Investigation
- 13:71-6.29 Review of application approval
- 13:71-6.30 Application denials; notice
- 13:71-6.31 Horsemen's bookkeeper account

SUBCHAPTER 7. LICENSING

- 13:71-7.1 Persons required to have licenses; fingerprints and photographs
- 13:71-7.2 False or misleading statements
- 13:71-7.3 Refusal to issue or renew license
- 13:71-7.4 Age requirements
- 13:71-7.5 Items requiring registration
- 13:71-7.6 Fees
- 13:71-7.7 Applications
- 13:71-7.8 Liable for all penalties
- 13:71-7.9 Changes in identities
- 13:71-7.10 Notice to the Racing Commission
- 13:71-7.11 Changing of stable name
- 13:71-7.12 Existing stable name
- 13:71-7.13 Registered stable; member
- 13:71-7.14 Distinguished name
- 13:71-7.15 Transfer of name
- 13:71-7.16 Corporations
- 13:71-7.17 Multiple ownership
- 13:71-7.18 Multiple ownership; applications
- 13:71-7.19 Alteration in a multiple ownership
- 13:71-7.20 Liability
- 13:71-7.21 Employment application blank
- 13:71-7.22 Nonresident defined
- 13:71-7.23 (Reserved)
- 13:71-7.24 Loss of identification card
- 13:71-7.25 Application for driver's license
- 13:71-7.26 Requirements; farms or licensed tracks
- 13:71-7.27 Trainers; application for license
- 13:71-7.28 Grooms; application for license

- 13:71-7.29 Suspension or revocation of drivers, trainers or groom licenses
- 13:71-7.30 Owners' application for license
- 13:71-7.31 Qualifications for owner's license
- 13:71-7.32 Suspension or revocation of owner's license
- 13:71-7.33 Reinstatement of owner's license
- 13:71-7.34 Reinstatement of license of driver, trainer and groom
- 13:71-7.35 Badges
- 13:71-7.36 Written agreements between owners and trainers
- 13:71-7.37 Collection and dissemination of Social Security numbers
- 13:71-7.38 Multi-year license

SUBCHAPTER 8. OFFICIALS

- 13:71-8.1 Race officials
- 13:71-8.2 Required presence of officials in a race or performance against time
- 13:71-8.3 Appointment of State Steward
- 13:71-8.4 Licensing and approval of officials
- 13:71-8.5 Judges and patrol judges
- 13:71-8.6 Submission of names of racing officials
- 13:71-8.7 Duties of the officials
- 13:71-8.8 License revocation of an official
- 13:71-8.9 Substitute official in case of emergency
- 13:71-8.10 Access to course and grounds by officials
- 13:71-8.11 Vision examinations for officials
- 13:71-8.12 Reporting of protests and complaints by steward
- 13:71-8.13 Punishment for violations
- 13:71-8.14 Conflict of officials' position
- 13:71-8.15 Disqualification of an official
- 13:71-8.16 Removal of official
- 13:71-8.17 Breathalyzer test for officials
- 13:71-8.18 Classification of horses; conflict of interest
- 13:71-8.19 Admission to judge's stand
- 13:71-8.20 Decorum of officials
- 13:71-8.21 Presiding judge
- 13:71-8.22 Powers of judges
- 13:71-8.23 Duties of judges
- 13:71-8.24 Procedure of judges
- 13:71-8.25 Duties of patrol judges
- 13:71-8.26 Absent officials
- 13:71-8.27 Starter
- 13:71-8.28 Duties of starter
- 13:71-8.29 Duties of the clerk of the course
- 13:71-8.30 Duties of timer
- 13:71-8.31 Duties of paddock judge
- 13:71-8.32 Program director
- 13:71-8.33 Executive Director of the Commission
- 13:71-8.34 Photo finish
- 13:71-8.35 Duties of race secretary
- 13:71-8.36 Charter
- 13:71-8.37 Setting and maintaining post time
- 13:71-8.38 State Police; communication

SUBCHAPTER 9. VETERINARIANS AND VETERINARIANS CERTIFICATES

- 13:71-9.1 Chief State Veterinarian, State Veterinarian and Associate State Veterinarians
- 13:71-9.2 Veterinarian (practicing)
- 13:71-9.3 Associate State Veterinarian
- 13:71-9.4 Veterinarians during racing hours

SUBCHAPTER 10. PROGRAM

- 13:71-10.1 Program information
- 13:71-10.2 Failure to furnish reliable program information
- 13:71-10.3 Penalized on inaccurate information
- 13:71-10.4 Nonbetting races
- 13:71-10.5 Programmed Trainer

SUBCHAPTER 11. IDENTIFICATION OF HORSES AND ELIGIBILITY TO RUN

- 13:71-11.1 Records

HARNESS RACING

- 13:71-11.2 Eligible to enter race
- 13:71-11.3 Examination of horse or records
- 13:71-11.4 Examination without cause or to embarrass
- 13:71-11.5 Unlicensed charting
- 13:71-11.6 Withholding eligibility certificate
- 13:71-11.7 Owner's and/or trainers' report on ownership and control of horses
- 13:71-11.8 Tattoo and/or freeze brand requirements
- 13:71-11.9 (Reserved)

SUBCHAPTER 12. STABLE NAME, LEASES

- 13:71-12.1 Registration
- 13:71-12.2 Limitations
- 13:71-12.3 Liabilities
- 13:71-12.4 Leases

SUBCHAPTER 13. ELIGIBILITY AND CLASSIFICATION CONDITIONS

- 13:71-13.1 Registration of ownership
- 13:71-13.2 Sale or lease of horse endorsement
- 13:71-13.3 Information where horses are raced at Canadian tracks
- 13:71-13.4 Tampering with eligibility certificates
- 13:71-13.5 Correction on eligibility certificate
- 13:71-13.6 Eligibility certificates from foreign countries other than Canada
- 13:71-13.7 Loss or destruction of eligibility certificate
- 13:71-13.8 Telegraphic declarations
- 13:71-13.9 Eligibility
- 13:71-13.10 Time records or bars prohibited
- 13:71-13.11 Date eligibility determined
- 13:71-13.12 Conflicting condition
- 13:71-13.13 Overnight events, standards
- 13:71-13.14 Posting of overnight conditions
- 13:71-13.15 Types of races to be offered
- 13:71-13.16 Limitation on conditions
- 13:71-13.17 Dashes and heats
- 13:71-13.18 (Reserved)
- 13:71-13.19 Selection or drawing of horses
- 13:71-13.20 Posting requirements
- 13:71-13.21 Rejection of declaration
- 13:71-13.22 Substitute and split races
- 13:71-13.23 Opportunities to race
- 13:71-13.24 Qualifying races

SUBCHAPTER 14. CLAIMING

- 13:71-14.1 Restrictions; claiming privileges
- 13:71-14.2 Claiming races; price and eligibility
- 13:71-14.3 Claimed horse
- 13:71-14.4 Agents
- 13:71-14.5 Claiming own horse
- 13:71-14.6 Claimed horse; stabled
- 13:71-14.7 Number of claims
- 13:71-14.8 Form of claims
- 13:71-14.9 Stable claims
- 13:71-14.10 Agreements
- 13:71-14.11 Intimidation
- 13:71-14.12 Affidavits
- 13:71-14.13 No money in claim box
- 13:71-14.14 Time; claims
- 13:71-14.15 Irrevocability
- 13:71-14.16 Opening claim envelopes
- 13:71-14.17 Title in claimed horse
- 13:71-14.18 Scratched horse
- 13:71-14.19 Delivery to claimant
- 13:71-14.20 Delivery; written authorization
- 13:71-14.21 Cooling the horse
- 13:71-14.22 Required delivery
- 13:71-14.23 Title; more than one claim
- 13:71-14.24 Engagements
- 13:71-14.25 Liens
- 13:71-14.26 Right to claim
- 13:71-14.27 Claiming price

- 13:71-14.28 Sale of claimed horse
- 13:71-14.29 Conflict of rules
- 13:71-14.30 Sex of horse claimed
- 13:71-14.31 Protests
- 13:71-14.32 Testing
- 13:71-14.33 Optional claiming races
- 13:71-14.34 Separation of horses
- 13:71-14.35 Mares in foal
- 13:71-14.36 Open claiming

SUBCHAPTER 15. STAKES AND FUTURITIES

- 13:71-15.1 Filing conditions
- 13:71-15.2 Bonds
- 13:71-15.3 Nomination list
- 13:71-15.4 Financial statement
- 13:71-15.5 Entry list
- 13:71-15.6 Nominations and payments
- 13:71-15.7 Date and place of event
- 13:71-15.8 Forms
- 13:71-15.9 Estimated purse
- 13:71-15.10 Approval for extended pari-mutuel meetings
- 13:71-15.11 Failure to make payments
- 13:71-15.12 Where stake or futurity does not fill
- 13:71-15.13 Barren mares
- 13:71-15.14 Entries; form of entry
- 13:71-15.15 Entries and sustaining payments in early closing events, stakes and futurities
- 13:71-15.16 Void entries
- 13:71-15.17 Nominator's guaranty
- 13:71-15.18 Transfer to eligible event
- 13:71-15.19 Withholding of purse
- 13:71-15.20 Death
- 13:71-15.21 Early closing events and late closing races
- 13:71-15.22 Withdrawals
- 13:71-15.23 Segregation of fees
- 13:71-15.24 Stabling
- 13:71-15.25 Limitations on conditions
- 13:71-15.26 Proportion of entry fees to purse
- 13:71-15.27 Fraudulent transfer of horse
- 13:71-15.28 Entries and starters required; split races
- 13:71-15.29 Elimination heats or two divisions
- 13:71-15.30 Elimination plans
- 13:71-15.31 Overnight events

SUBCHAPTER 16. DECLARATION TO START AND DRAWING HORSES

- 13:71-16.1 Declaration to start and drawing horses
- 13:71-16.2 Entry box and drawing of horses at pari-mutuel meetings
- 13:71-16.3 Error in declaration
- 13:71-16.4 Qualifying races
- 13:71-16.5 Entries
- 13:71-16.6 Also eligibles
- 13:71-16.7 Preference
- 13:71-16.8 Steward's list
- 13:71-16.9 Driver information
- 13:71-16.10 Postponement reasons for; rescheduling races
- 13:71-16.11 Rain checks

SUBCHAPTER 17. STARTING

- 13:71-17.1 Starting gate
- 13:71-17.2 Number of scores
- 13:71-17.3 Vacancy in a tier
- 13:71-17.4 When race starts, drivers mounted at finish
- 13:71-17.5 Unmanageable horses, scratches, refunds
- 13:71-17.6 Starting gate arms, screens or shields
- 13:71-17.7 Starting gate and automatic timing device required
- 13:71-17.8 Operation of starting gate
- 13:71-17.9 Positions in winning heat

SUBCHAPTER 18. BREATHALYZER TEST

- 13:71-18.1 Breathalyzer test

13:71-18.2 Urine test

SUBCHAPTER 19. COLORS AND DRIVERS ATTIRE

- 13:71-19.1 Wearing distinguishing colors
- 13:71-19.2 Wearing colors at betting window, grandstand, clubhouse or bar
- 13:71-19.3 Registered colors
- 13:71-19.4 Safety helmets
- 13:71-19.5 Attire
- 13:71-19.6 Safety vests

SUBCHAPTER 20. RULES OF RACING

- 13:71-20.1 Limitations on use of hand-holders
- 13:71-20.2 Driver's meeting
- 13:71-20.3 Substitutions of drivers
- 13:71-20.4 Trainers' duty regarding racing of horses
- 13:71-20.5 Absence of trainer-notice-substitute trainer
- 13:71-20.6 Racing and track rules; driving procedures
- 13:71-20.7 Complaints by drivers; judges' stand
- 13:71-20.8 Violations involving entries, complaints, penalties
- 13:71-20.9 Placing offending horse
- 13:71-20.10 Fraudulent or unsatisfactory driving
- 13:71-20.11 Removal and substitution of unfit or incompetent drivers
- 13:71-20.12 Failure to finish
- 13:71-20.13 Shouting
- 13:71-20.14 Whips
- 13:71-20.15 Use of goading devices, and so forth
- 13:71-20.16 Hobbles, head pole
- 13:71-20.17 Breaking
- 13:71-20.18 Fraudulent breaking
- 13:71-20.19 Calling and noting breaks
- 13:71-20.20 Time between heats or dashes
- 13:71-20.21 Right of the course
- 13:71-20.22 Accidents
- 13:71-20.23 Registration of nerved horses
- 13:71-20.24 Equine fatality report

SUBCHAPTER 21. PLACING CONDITIONS AND PURSES

- 13:71-21.1 Purses, distributed on dash basis, adjustments
- 13:71-21.2 Dashes
- 13:71-21.3 Every heat a race
- 13:71-21.4 Placing system
- 13:71-21.5 Two in three
- 13:71-21.6 Computation and payment of purses
- 13:71-21.7 Delivering of winnings to owners
- 13:71-21.8 Deductions from winnings
- 13:71-21.9 Forfeits; driver's fees

SUBCHAPTER 22. RADIOS, RECEIVERS AND TRANSMITTERS

- 13:71-22.1 Telephone

SUBCHAPTER 23. MEDICATION AND TESTING PROCEDURES

- 13:71-23.1 Intent of medication rules; general provisions
- 13:71-23.2 Testing
- 13:71-23.3 Pre-race blood testing program
- 13:71-23.3A Post-race blood gas testing program
- 13:71-23.3B Post-race blood gas testing program: pre-race guarded quarantine
- 13:71-23.3C Post-race blood gas testing program: punishment for failure to cooperate
- 13:71-23.4 Post-race testing program; split urine sample
- 13:71-23.5 Procedure following positive chemical analysis
- 13:71-23.6 Trainers
- 13:71-23.7 Penalties
- 13:71-23.8 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone
- 13:71-23.9 Possession of drugs or drug instruments
- 13:71-23.10 Illegal devices

- 13:71-23.11 Narcotics conviction; denial of license
- 13:71-23.12 Cooperation with other agencies; violation of law
- 13:71-23.13 State Police; responsibilities

SUBCHAPTER 24. AUTHORIZED AGENTS

- 13:71-24.1 License
- 13:71-24.2 License application
- 13:71-24.3 Powers of attorney
- 13:71-24.4 Changes
- 13:71-24.5 License fees
- 13:71-24.6 Owner's revocations
- 13:71-24.7 Appointment of subagents

SUBCHAPTER 25. VENDORS

- 13:71-25.1 Licenses
- 13:71-25.2 Labelling drugs and medication

SUBCHAPTER 26. ILLEGAL PRACTICES

- 13:71-26.1 Bribes, gifts and gratuities
- 13:71-26.2 Offers of bribes
- 13:71-26.3 Knowledge of violations
- 13:71-26.4 False or misleading statements
- 13:71-26.5 Conspiracies
- 13:71-26.6 Soliciting bets
- 13:71-26.7 Cooperation with other agencies; violations of law
- 13:71-26.8 Fraud; disqualification
- 13:71-26.9 Suspension pending outcome of indictment

SUBCHAPTER 27. MUTUELS

- 13:71-27.1 Supervisor of mutuels
- 13:71-27.2 Post-time
- 13:71-27.3 Public notice
- 13:71-27.4 Number of entrants
- 13:71-27.5 List of eliminated horses
- 13:71-27.6 Also eligible list
- 13:71-27.7 Dissemination of racing information
- 13:71-27.8 Odds board
- 13:71-27.9 Lines
- 13:71-27.10 Payoff prices
- 13:71-27.11 Ticket sales
- 13:71-27.12 Ticket claims
- 13:71-27.13 Emergencies
- 13:71-27.14 Advice; horses competing
- 13:71-27.15 Post time schedule
- 13:71-27.16 "Entry" defined
- 13:71-27.17 "Field" defined
- 13:71-27.18 Elimination of wagering
- 13:71-27.19 Cease wagering
- 13:71-27.20 Ticket-issuing machines closed
- 13:71-27.21 Name and numbers of horses in gate
- 13:71-27.22 Written notice of official placement
- 13:71-27.23 Basis of payoffs
- 13:71-27.24 Recapitulation of sales
- 13:71-27.25 Errors in pay-off figures
- 13:71-27.26 Overpays or underpays
- 13:71-27.27 Mechanical breakdowns
- 13:71-27.28 Excused horses; refunds
- 13:71-27.29 Horses left at post
- 13:71-27.30 No horse finish race
- 13:71-27.31 Coupled horses
- 13:71-27.32 Postponed race
- 13:71-27.33 Races declared off; refunds
- 13:71-27.34 No wagers to win
- 13:71-27.35 Place pool apportionment
- 13:71-27.36 Show pool apportionment
- 13:71-27.37 One horse finishing race
- 13:71-27.38 Two horses finishing race
- 13:71-27.39 Rulings after display of official sign
- 13:71-27.40 Copies of reports
- 13:71-27.41 Payments
- 13:71-27.42 Calculating the pay-off in a straight pool
- 13:71-27.43 Calculating the pay-off in a place pool

- 13:71-27.44 Calculating the pay-off in a show pool
- 13:71-27.45 Calculating the pay-off in dead heats
- 13:71-27.46 Exacta
- 13:71-27.47 Daily double
- 13:71-27.48 Quiniela
- 13:71-27.49 Break to nickel in the event of a minus pool
- 13:71-27.50 Trifecta
- 13:71-27.51 Sell-only system
- 13:71-27.52 Cash-sell system
- 13:71-27.53 Super-Six
- 13:71-27.54 Daily Triple
- 13:71-27.55 Pick-Eight
- 13:71-27.56 The Pick(N)
- 13:71-27.57 Cancellation
- 13:71-27.58 Expiration of mutuel tickets
- 13:71-27.59 Superfecta
- 13:71-27.60 Distribution of funds derived from casino simulcasting in lieu of N.J.S.A. 5:12-203g(2)

SUBCHAPTER 28. INITIAL TRACK APPLICATION

- 13:71-28.1 Permit to hold race meetings

SUBCHAPTER 29. SULKY

- 13:71-29.1 Standardbred sulky standards
- 13:71-29.2 Inspection stickers
- 13:71-29.3 Certification
- 13:71-29.4 Serial numbers
- 13:71-29.5 Liability insurance

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.

(j) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the different betting interests involved in the dead heat for third shall share in a profit split.

(k) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three different finishers, in correct sequence, along with any of the different betting interests involved in the dead heat for fourth shall share in a profit split.

New Rule, R.1994 d.91, effective February 22, 1994.

See: 25 N.J.R. 5451(a), 26 N.J.R. 1107(b).

Petition for Rulemaking.

See: 34 N.J.R. 3655(b), 3995(a).

Petition for Rulemaking.

See: 35 N.J.R. 279(b), 897(b).

13:71-27.60 Distribution of funds derived from casino simulcasting in lieu of N.J.S.A. 5:12-203g(2)

(a) Pursuant to N.J.S.A. 5:12-204, the formula contained in N.J.S.A. 5:12-203g(2) is superseded and revised as set forth in this section to harness races, and as set forth in N.J.A.C. 13:70-29.62 as to running races. Of that amount remaining after the deduction of the amounts under subsections a, b, c, d, e, f and paragraph g(1) of N.J.S.A. 5:12-203, 43 percent shall be paid to the New Jersey Racing Commission and shall be distributed, in the following year, as provided herein, to New Jersey racetracks for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in 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), or section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7). This money shall be distributed in accord with the percentages set forth in (b) and (c) below, using the

formula set forth in (d) below. Where a New Jersey permitholder conducts both running races and harness races, this section shall be applicable to the permitholder's harness races and N.J.A.C. 13:70-29.62 shall be applicable to the permitholder's running races.

(b) Of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:70-29.62, 60 percent of the total shall be distributed to permitholders conducting running races and 40 percent of the total shall be distributed to racetracks conducting harness races for 1998 and 1999.

(c) Following 1999, of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:70-29.62, 50 percent of the total shall be distributed to permitholders conducting running races and 50 percent of the total shall be distributed to racetracks conducting harness races.

(d) The formula upon which the monies referred to in (a) above is to be distributed to the New Jersey racetracks conducting harness races, under either (b) or (c) above, whichever is applicable, shall be as follows:

$$A/B = C/D$$

where:

A = the total amount distributed by each racetrack conducting harness racing, 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), or 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 each racetrack for overnight purses during the preceding calendar year from the permitholders' share of the pari-mutuel pool;

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.