

13:70-6.27 Spouses

No entry shall be accepted from husband or wife, while either is disqualified; however, if a jockey is under suspension for a routine riding offense, his or her spouse may be permitted to continue to exercise the functions of whatever type of license he or she may have been granted.

13:70-6.28 Horses on starters, veterinarians or stewards lists

No horse on the starters, veterinarians, or stewards list in any racing jurisdiction shall be qualified to be entered or to start.

13:70-6.29 Sale of horse to disqualified person

If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of the sale.

13:70-6.30 Owner in arrears

No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the racing secretary.

13:70-6.31 Limitation on double entries; same owner

Not more than two horses of the same ownership or interest shall start in any race (except stakes). When making a double entry in the same ownership the owner or trainer must express a preference; and in no case may two horses start in the same ownership to the exclusion of a single entry.

13:70-6.32 Divided races

In divided races, the starters in the separate divisions shall be determined by lot; except that stable couplings may be separated, at the discretion of the racing secretary.

13:70-6.33 Unclosed races

The association shall have the right to withdraw or change any unclosed race.

13:70-6.34 Insufficient entries

If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post position.

13:70-6.35 Sweepstakes entries

An entry in a sweepstakes is a subscription, and cannot be withdrawn.

13:70-6.36 Return of fees

If a horse is excused from the race before the off-time, the starting fees shall be refunded; if a horse is locked in the gate, any fees of any kind, including jockey fees, shall be returned to the owner.

13:70-6.37 Nominator liability

The nominator is liable for the entrance money or stake, and the death of an entered horse or a mistake in its entry shall not release the nominator or transferees from such liability; nor shall the entrance money or stake of an eligible horse to any race which is run off be returnable for the entry's failure to start, for any cause.

13:70-6.38 Death of nominator

Except in a match race, no entry or subscription shall become void on the death of the nominator.

13:70-6.39 Closing of entries

Entries shall be closed at the advertised time, and no entry accepted thereafter. The racing secretary, however, may postpone closing of overnight races.

13:70-6.40 Overnight race entries

In the absence of conditions or notice to the contrary, entries to overnight races shall be considered closed not later than 10:30 A.M. on the day preceding that on which the race is to be run.

13:70-6.41 Closing places for entries

In the absence of notice to the contrary, entrances and declarations for sweepstakes which close during or on the eve of a race meeting, close at the office of the racing secretary. Closing at all other times for sweepstakes shall be at the office of the association.

13:70-6.42 Closing time implied

Except in overnight races, if the hour of closing of entries or for declarations is not stated, it is understood to be midnight at the close of the day specified.

13:70-6.43 Nomination for stake races

Nomination for stake races received and post-marked before midnight of the day of closing shall be valid if received 24 hours in advance of the publication of the weights, if a handicap; or 24 hours in advance of the closing of overnight entries, if any other type of race.

13:70-6.44 Miscarriage of stake race nomination or declaration

If a miscarriage of any nomination or declaration in a stake race is claimed, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or such evidence will not be considered.

13:70-6.45 Posting of closed entries

Entries which have closed shall be compiled without delay by the racing secretary, and conspicuously posted.

13:70-6.46 Number of horses; stake races

In a stake race, the number of horses to compete will be limited only by the number of horses duly nominated and entered.

13:70-6.47 Number of starters; overnight race

The number of starters in any overnight race shall be limited by the width of the track at the starting post, the maximum number to be determined by the stewards.

13:70-6.48 Alteration in entry after closing

No alteration shall be made in any entry after the closing of entries, but an error may be corrected.

13:70-6.49 Naming of jockey; changes

Jockeys shall be named at time of entry. Any subsequent change of a jockey must be sanctioned by the stewards and must be promptly and publicly posted and announced.

13:70-6.50 Postponement and cancellation of races

If the whole, or part of a racing program is abandoned, any purse race involved must be declared off.

13:70-6.51 Closed entries; declared off

No race, which has closed with sufficient entries, shall be declared off except by the stewards.

13:70-6.52 Post position

Post positions shall be determined publicly by lot in the presence of the racing secretary or his deputy, one or more stewards or their deputies, and at least one trainer licensed by the Racing Commission.

13:70-6.53 Eligibility; registration required

(a) In order to be eligible to enter and start in races exclusively for New Jersey bred foals, each New Jersey bred "accredited" and/or "non-accredited" foal must be registered with the Thoroughbred Breeders' Association of New Jersey.

(b) To qualify for such registration, the said horse must have been foaled in the State of New Jersey by a resident New Jersey mare or a non-resident New Jersey mare or conceived by a resident "New Jersey stallion."

1. A resident New Jersey mare is a mare that resides in New Jersey continuously from November 1 of the year prior to the foaling through the date of foaling. A mare purchased at public auction subsequent to October 17th of the year prior to foaling, is considered a resident New Jersey mare provided that she commences residence in New Jersey within two weeks of her purchase and continuously resides in New Jersey through the date of foaling. For the purpose of this paragraph, public auction is

defined as an auction generally regarded as a public auction in the thoroughbred horse industry and recognized as same by the Thoroughbred Breeders' Association of New Jersey.

2. A non-resident New Jersey mare is a mare that has not been returned to New Jersey by November 1 of the year prior to foaling. The resulting foal may still be registered as a New Jersey-bred provided the mare is bred to a registered New Jersey stallion the season of the birth of said foal and remain in New Jersey for a continuous period of 90 days after foaling.

3. "New Jersey stallion" is a stallion resident and standing in the State of New Jersey the full breeding season, commonly understood to be the period from February 1 through July 1 of the subject year. If a stallion is brought into New Jersey subsequent to the start of the breeding season, he may be approved as a "New Jersey stallion" by the New Jersey Racing Commission upon recommendation of the Board of Trustees of the Thoroughbred Breeders' Association of New Jersey provided that he stands and is resident in New Jersey for the remainder of the breeding season. For those stallions brought into New Jersey subsequent to the commencement of the breeding season, approval by the Thoroughbred Breeders' Association of New Jersey as a "New Jersey stallion" is only for the period from the date of approval through the end of the breeding season. All "New Jersey stallions" must be registered with the Thoroughbred Breeders' Association of New Jersey and all appropriate annual fees paid prior to February 1 of the breeding season or, in the case of a stallion entering the State subsequent to the start of the breeding season, prior to serving the first mare. Failure to meet the above criteria solely by reason of the death of the stallion does not disqualify said stallion as a "New Jersey stallion."

(c) Only New Jersey bred foals as defined below are eligible to enter and start in races exclusively for New Jersey bred foals. New Jersey bred foals are placed in two categories which are defined as follows:

1. An "accredited" New Jersey bred foal is a horse that is:
 - i. Registered with the Jockey Club;
 - ii. Foaled in New Jersey during a period in which the mare is considered a resident "New Jersey mare" as defined in (b)1 above; and
 - iii. Registered with the Thoroughbred Breeders' Association of New Jersey with all applicable fees paid prior to one year after the foaling date by the "breeder" of the foal.
2. A "non-accredited" New Jersey bred foal is a horse that is:
 - i. Registered with the Jockey Club;

ii. Foaled in New Jersey during a period in which the mare is considered a non-resident "New Jersey mare" as defined in (b)2 above;

iii. Conceived in New Jersey by a "New Jersey stallion" as defined in (b)3 above but not foaled in New Jersey; and

iv. Registered with the Thoroughbred Breeders' Association of New Jersey with all applicable fees paid.

(d) Awards, if any, for "horse owners," "breeders," and/or "stallion owners" from races exclusively for New Jersey bred foals may differ between "accredited" New Jersey bred horses and "non-accredited" New Jersey bred horses in accordance with rules established and changed from time to time by the Thoroughbred Breeders' Association of New Jersey.

1. "Horse owner" is owner or lessee of record of a horse with the Jockey Club and Race Secretary at the time of the race.

2. "Breeder" of a foal is owner of the dam at the time of foaling as stated on the foal's Jockey Club certificate of registration.

3. "Stallion owner" is the owner of record of the stallion at the time of conception of the subject foal. In order to be eligible for "stallion owner" awards, the subject foal must have been conceived in New Jersey.

(e) The breeder is responsible for the registering of the foal as an "accredited" or "non-accredited" New Jersey bred foal.

(f) A breeder who registers or attempts to register a foal based upon false or fraudulent information may be subject to any or all of the following sanctions by the Thoroughbred Breeders' Association:

1. The horse may no longer be considered a New Jersey bred foal;

2. Any New Jersey breeder awards earned by an ineligible horse shall be forfeited to the Thoroughbred Breeders' Association of New Jersey;

3. The breeder may be denied the privilege of registering any horses as New Jersey bred foals or as New Jersey stallions for a time period determined by the Thoroughbred Breeders' Association;

4. The breeder may be denied the benefit of any and all breeder awards in New Jersey for a time period determined by the Thoroughbred Breeders' Association.

(g) Any owner or breeder may appeal the decision of the Thoroughbred Breeders' Association of New Jersey concerning the registration of a horse under this rule to the New Jersey Racing Commission.

(h) All fees for registration of foals, horses of racing age and stallions as established by the Thoroughbred Breeders' Association of New Jersey shall be subject to the approval of the Commission, which approval shall be based upon the

Commission's review of a full accounting of fees received and the disposition and purposes for which the revenue collected by the Association is utilized in order to comply with the rules of racing and the terms of New Jersey statutes, the purposes of which are to improve and develop the thoroughbred breeding industry in the State.

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

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

As amended, R.1984 d.45, eff. February 21, 1984.

See: 15 N.J.R. 2147(a), N.J.R. 378(a).

(a)3. changed July to July 1st, (a)3. i and ii added.

New Rule R.1985 d.203, effective May 6, 1985.

See: 17 N.J.R. 271(a), 17 N.J.R. 1135(b).

Repealed old rule and adopted this new rule.

Amended by R.1995 d.617, effective December 4, 1995.

See: 27 N.J.R. 3304(b), 27 N.J.R. 4904(a).

Petition for Rulemaking.

See: 35 N.J.R. 4332(b), 4921(b).

Amended by R.2004 d.358, effective September 20, 2004.

See: 36 N.J.R. 2157(a), 36 N.J.R. 4319(b).

Rewrote the section.

Petition for Rulemaking: New Jersey Racing Commission: eligibility; registration required.

See: 38 N.J.R. 1609(a).

Petition for Rulemaking: New Jersey Racing Commission; Notice of Action on Petition for Rulemaking: Eligibility; Registration Required.

See: 38 N.J.R. 1880(b).

Amended by R.2007 d.121, effective May 7, 2007.

See: 39 N.J.R. 23(a), 39 N.J.R. 1765(a).

In the introductory paragraph of (b), inserted "a non-resident New Jersey mare or"; added new (b)2; recodified former (b)2 as (b)3; added new (c)2i; recodified former (c)2ii and (c)2iii as (c)2iii and (c)2iv; and updated internal reference at (c)2iii.

Petition for Rulemaking.

See: 40 N.J.R. 6236(a), 40 N.J.R. 6659(a).

Petition for Rulemaking.

See: 41 N.J.R. 2734(a), 2806(a).

Amended by R.2009 d.285, effective September 21, 2009.

See: 41 N.J.R. 2441(a), 41 N.J.R. 3460(b).

In (b)1 and (b)2, substituted "November" for "September"; in (b)1, substituted "October" for "August"; and in (b)2, inserted "been".

13:70-6.54 First time starters

(a) No first time starters will be allowed to enter without two published workouts within 45 days of racing.

(b) It shall be the trainers responsibility to see that all first time starters in their care have published workouts.

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

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Amended by R.2005 d.125, effective April 18, 2005.

See: 36 N.J.R. 4374(a), 37 N.J.R. 1212(a).

In (a), substituted "without two published workouts within 45 days of racing" for "without a published workout"; in (b), substituted "have published workouts" for "have a published workout".

13:70-6.55 (Reserved)

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

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

As amended, R.1982 d.183, eff. June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

As amended, R.1983 d.14, eff. February 7, 1983.

See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

Decreased non-racing period from 25 to 14 days for first time bleeders and added three month prohibition for second time bleeders. Also added last sentence.

Repealed by R.1988 d.245, effective June 6, 1988.

See: 20 N.J.R. 506(a), 20 N.J.R. 1207(a).

This rule appears at N.J.A.C. 13:70-14A.9(d).

13:70-6.56 Starters; published workouts

A horse which has not started for 30 days or more shall be ineligible to race unless it has a published timed workout at a racetrack within 30 days prior to entry. Workouts following the entry of a horse shall appear on the official daily program.

R.1983 d.14, eff. February 7, 1983.

See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

13:70-6.57 Workout program

(a) Each track association shall establish and maintain a workout program meeting the following requirements, as well as such other requirements and conditions as established from time to time by the Commission.

1. Training and workout hours for the main track and/or training track shall be designated by the racing association.

2. No horse shall be permitted onto either track for training or a workout except during the designated hours unless with the express permission of the Racing Secretary and Board of Stewards.

3. Access to the training track and/or main track during such hours shall be limited to such gaps as directed by the Board of Stewards where the association shall have at least one workout coordinator per gap.

4. The workout coordinator shall obtain the identity of all horses to workout at the time the horse enters through the appropriate gap. The workout coordinator shall also obtain from the trainer, custodian or rider of any such horse, the distance which the horse will workout and at what point on the track the workout is intended to begin. All such information shall then be promptly transmitted to the clockers who are responsible for timing and reporting all workouts.

5. The racing association shall maintain a communication system between the workout coordinators and clockers.

6. The trainer shall be responsible for insuring that horses in his care and custody comply with all provisions of this workout program.

7. The Board of Stewards shall have overall jurisdiction of this program, and may fine and/or suspend any persons who violate or attempt to violate the workout program requirements. The stewards may also fine and/or suspend any person who reports or submits inaccurate or false information concerning the identity of any horse and the particulars of any workout.

New Rule, R.1985 d.663, effective January 6, 1986.

See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b).

SUBCHAPTER 7. DECLARATIONS AND SCRATCHES

13:70-7.1 Purse races

Declaration and scratches from purse races shall be made to the racing secretary by the owner, his authorized agent, or some person deputed by him, at a time which shall be set by the racing secretary and so posted conspicuously.

13:70-7.2 Notice of declarations and scratches

No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent, or some person deputed by him shall have given due notice in writing to the racing secretary.

13:70-7.3 Scratches from overnight races

No horse shall be scratched from an overnight race without the approval of the stewards.

13:70-7.4 Irrevocability

The declaration or scratch of a horse out of an engagement is irrevocable.

13:70-7.5 Stakes Races

For stakes races, if a horse is not named through the entry box at the time appointed by the racing secretary, the horse is automatically out.

13:70-7.6 Time for scratches; stakes races

Scratches from stakes races will close 45 minutes before post time.

13:70-7.7 Miscarriage of declaration

If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant; otherwise, the declaration shall not be accepted as of the time alleged.

SUBCHAPTER 8. WEIGHTS

13:70-8.1 Obligatory penalties

Weight penalties are obligatory.

13:70-8.2 Weight allowances

Weight allowances must be claimed at time of entry, and shall not be abandoned after the posting of entries except by consent of the stewards.

13:70-8.3 Noncumulative penalties and allowances

Penalties and allowance of weight are not cumulative, unless so declared by the conditions of a race.