

3. Unless conditions prescribe to the contrary, declared stakes and futurities shall not be transferred to another meeting without the unanimous consent of the association and of all those having horses eligible to the event.

4. Overnight races may be postponed and carried over not more than two racing days.

Amended by R.1982 d.109, effective April 5, 1982.

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

(a): Substantially amended.

### 13:71-16.11 Rain checks

In the event of cancellation of any program after the completion of a numerical majority of the races scheduled to be run on such program, no rain checks or other similar forms of deferred admissions shall be issued or if issued on admittance, will be validated. In the event of cancellation of any program before the completion of a numerical majority of the races scheduled to be run on such program, rain checks or other similar forms of deferred free admissions shall be issued but no rain check or other form of deferred free admission shall be valid beyond the close of the meeting at which it is issued.

## SUBCHAPTER 17. STARTING

### 13:71-17.1 Starting gate

(a) The starter, under the direction, supervision and control of the presiding judge, shall have control of the horses from the formation of the parade until he gives the word "GO".

(b) After the preliminary warming up scores, the starter shall notify the drivers to come up to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.

(c) The horses shall be brought to the starting gate as near 1/4 of a mile before the start as the track will permit.

(d) Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:

1. For the first 1/8 mile, not less than 11 miles per hour;
2. For the next 1/16 of a mile not less than 18 miles per hour;
3. From that point to the starting point, the speed will be gradually increased to a speed in excess of 18 miles per hour to be determined by the starter in the exercise of his discretion so as to insure a good and fair starting in all races.

(e) The starting point will be a point marked on the inside rail at a distance of not less than 200 feet from the first turn. The starter shall give the word "GO" at the starting point.

(f) When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

(g) In case of a recall, a light plainly visible to the drivers shall be flashed and a recall sounded. The starting gate shall proceed, however, out of the path of the horses.

(h) There shall be no recall after the word "GO" has been given. Any horse, regardless to his position in an accident shall be deemed a starter from the time he entered into the starter's control unless dismissed by the starter.

(i) The starter shall endeavor to get all horses away in position and on gait but no recall shall be had for a bad actor, except as provided in paragraph 5 of subsection (j) of this section, or a breaking horse.

(j) The starter may sound a recall only for the following reasons:

1. A horse scores ahead of the gate;
2. There is interference;
3. A horse has broken equipment;
4. A horse falls before the word "GO" is given;
5. When a horse fails to come to the gate before the gate reaches the pole 1/16 of a mile before the start, the field may be turned. The term "failure to come to the gate" shall be interpreted to mean that the horse stops, turns and goes in a direction opposite from that of the starting gate, or is hopelessly outdistanced, or by reason of an intermittent or continuous break is considered by the starter not to be competitive;
6. Penalties may be imposed against any driver who deliberately creates such a situation.

(k) Penalties may be imposed against any driver by the starter, with the approval of the presiding judge for:

1. Delaying the start;
2. Failing to obey the starter's instruction;
3. Rushing ahead of the inside or outside wing of the gate;
4. Coming to the starting gate out of position;
5. Crossing over before reaching the starting point;
6. Interference with another driver during the start;
7. Failing to come up into position;
8. Charging the gate.

(l) No persons shall be allowed to ride in the starting gate except the starter and his driver or operator, and a patrol judge, unless permission has been granted by the Commission.

(m) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(n) The starter shall, at the end of each race day, submit to the presiding judge, a report indicating the speed of the gate at the starting point for each race run on that date.

As amended, R.1979 d.157, effective April 23, 1979.  
See: 10 N.J.R. 349(a), 11 N.J.R. 297(a).

### 13:71-17.2 Number of scores

Horses shall be permitted to take one or two scores before going to the post and upon completion of the scores, the horses shall be gathered by the starter and immediately moved into their positions behind the gate. Horses shall not be held in excess of two minutes before post time except when delayed by an emergency;

### 13:71-17.3 Vacancy in a tier

In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is withdrawn from any tier horses in their tier move in to fill up the vacancy. Should the second tier consist of one horse, that horse may start from any position in the second tier. Should the second tier consist of two or more horses, each horse must start from his drawn post position.

As amended, R.1979 d.349, effective August 31, 1979.  
See: 11 N.J.R. 352(a), 11 N.J.R. 522(b).

### 13:71-17.4 When race starts, drivers mounted at finish

The horses shall be deemed to have started when the word "GO" is given by the starter and all the horses must go the course except in the event of an accident, in which case the judges may deem it impossible to go the course. Drivers must be mounted at the finish of the race or the horse shall be placed as not finishing.

### 13:71-17.5 Unmanageable horses, scratches, refunds

(a) If the opinion of the judges or the starter a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, such horse may be sent to the barn in which case the declaration fees on the horse shall be refunded and deducted from the purse in added money events. When this action is taken, the starter shall notify the judges who shall in turn notify the public.

(b) Placing bad acting horses on outside positions. The starter may place a bad acting horse on the outside at his discretion but such action may be taken only where there is sufficient time for the starter to notify the judges. When so notified, the judges shall, prior to the sale of tickets on such horse, notify the public. If tickets have been sold, the bad acting horse must be scratched in accordance with the provisions of subsection (a) of this section.

### 13:71-17.6 Starting gate arms, screens or shields

The arms of all starting gates shall be provided with a screen or a shield in front of the position for each horse and such arms shall be perpendicular to the rail.

### 13:71-17.7 Starting gate and automatic timing device required

Every association shall utilize a mobile starting gate of a type and quality approved by the Commission. Every association shall further more maintain a stand-by mobile starting gate similarly approved. Every association shall utilize an automatic timing device of a type and quality approved by the Commission.

As amended, R.1979 d.157, eff. April 23, 1979.

See: 10 N.J.R. 349(a), 11 N.J.R. 297(a).  
As amended, R.1982 d.109, eff. April 5, 1982.  
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

"Every association . . . the Commission." added.

### 13:71-17.8 Operation of starting gate

The association may employ additional persons to assist the starter in the performance of his duties and such personnel shall be licensed and approved by the Commission.

### 13:71-17.9 Positions in winning heat

The horse winning a heat shall take the pole (or inside position) the succeeding heat, and all others shall take their positions in the order they were placed the last heat. When two or more horses shall have made a dead heat, their position shall be settled by lot.

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## SUBCHAPTER 18. BREATHALYZER TEST

### 13:71-18.1 Breathalyzer test

Officials, drivers, trainers and grooms shall, when directed by the presiding judge, submit to a breathalyzer test and if the results thereof show a reading of more than .05 percent of alcohol in the blood, such person shall not be permitted to continue his duties. The Judges may fine or suspend any participant who records a blood alcohol reading of .05 percent or more. Any participant who records a reading above the prescribed level on more than one occasion shall be subject to expulsion, or such penalty as the Judges may deem appropriate.