

**13:70-25.4 Drawing lots**

Owners shall divide equally all moneys and other prizes; and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

**13:70-25.5 Jockey fees**

In a dead heat for first place, the jockeys involved shall each receive 10 percent of the purse money awarded to the owner by whom he is engaged. In all other dead heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other. Likewise, the owners of the horses involved shall pay their equal share of the jockey fees.

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

**SUBCHAPTER 26. PRODUCE RACES****13:70-26.1 Naming entries**

In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires.

**13:70-26.2 Mares**

If a mare entered in a produce race drops her foal before January 1, or if she has a dead foal, or is barren, the entry of such mare is void.

**13:70-26.3 Return of entrance money**

Entrance money shall be returned if the nominator or transferee notifies the association of proper grounds for voiding an entry in a produce race, in advance of the date specified for such notice in the conditions of the race.

**13:70-26.4 Weight allowances**

Weight allowances for the produce of untried horses must be claimed at the time of entry, and said allowances are not lost by subsequent winnings, unless so provided by the conditions of the race.

**13:70-26.5 Failure to register foal**

Failure to register a foal shall not exempt the nominator from any liability he may incur under the rules.

**13:70-26.6 Nominator liability**

The nominator in produce races, or races in which nominations of foals are made, shall be released from further liability with regard to the entry by filing an acceptable transfer of entry prior to the declaration date stated in the conditions of the race.

**SUBCHAPTER 27. VENDORS****13:70-27.1 Licenses**

All persons, including the employees and agents thereof, who engage in the profession or business of selling, at retail or wholesale, or otherwise disposing thereof, of any kind of merchandise, equipment, drugs or medication for animals or humans, or pharmaceutical horse food or nutrient of any kind, providing that such substances, or the sale or disposition thereof is not otherwise prohibited by law, shall be licensed by and be subject to the jurisdiction of the Racing Commission. All applicants for vendor license shall be recommended by the director of security of the track where application for license is made.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
"Security officer" changed to "director of security".

**Case Notes**

Failure to disclose prior criminal convictions; licensure as a racetrack vendor. *Stowman v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 1.

**13:70-27.2 Labelling drugs and medication**

All drugs, medications, pharmaceutical products and any other substances of a similar nature possessed or used within the grounds of a racing association shall at all times bear appropriate labelling displaying the contents thereof.

**SUBCHAPTER 28. WINNINGS****13:70-28.1 Computation of value of winnings**

(a) The value of a race to a winner shall be computed by deducting from the sum total of the prize money:

1. The amount of the winner's fee;
2. The money payable to other horses or persons (except jockey's fees) thus arriving at net money winnings.

**13:70-28.2 Stake races**

The winnings of a horse in a stake race shall be computed on the value of the gross earnings.

**13:70-28.3 Net moneys won**

Winnings shall include all net moneys won in all countries, up to the time appointed for the start, including walkovers and forfeits, but not second and third money nor the value of a prize not in money.

**13:70-28.4 Calendar year**

Winnings during a year shall be reckoned from January 1 of that year.

**13:70-28.5 Winner or nonwinner of money**

Winner or nonwinner of a specified sum means winner or nonwinner of a single race of that value to the winner, unless otherwise stated.

**13:70-28.6 Series of races**

In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horse's winnings until the series, or that part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained, it shall be added to the race which determined the extra amount.

**13:70-28.7 Foreign winnings**

Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winning.

**13:70-28.8 Entrance money and fees**

The entrance money, starting and subscription fees, in every race, shall go to the winner, unless otherwise provided in its conditions.

**13:70-28.9 Horse registration**

To be eligible to start in races exclusively for horses foaled in New Jersey, each horse must be registered with the Thoroughbred Breeders Association of New Jersey. To qualify for such registration the said horse must have been dropped by a mare in the State of New Jersey.

**13:70-28.10 Where is horse bred**

A horse is bred where it is foaled. The breeder is the owner of the dam at the time of foaling.

**13:70-28.11 Horse registration rules; authority**

The Thoroughbred Breeders Association of New Jersey shall make rules for the registration of horses foaled in New Jersey.

**13:70-28.12 Appeal; horse registration**

Any owner or breeder may appeal from the refusal of the Thoroughbred Breeders Association of New Jersey to register a horse under this rule to the New Jersey Racing Commission, and the decision of the Commission shall be final.

**SUBCHAPTER 29. MUTUELS****Subchapter Historical Note**

Petition for Rulemaking: Allowing of two forms of pari-mutuel wagering. 37 N.J.R. 1895(a).

**13:70-29.1 Supervisor of mutuels**

(a) The supervisor of mutuels shall be a Certified Public Accountant of the State of New Jersey. He shall be appointed by the Commission and a rate of compensation set by the Commission that is to be paid weekly by the track association where he serves.

(b) The supervisor of mutuels shall be represented daily in the mutuel department supervising its operation, determining calculations, overpays and underpays and directing the necessary adjustments to the race totals.

(c) He shall investigate all tote and other discrepancies and shall see that corrections are made where warranted.

(d) He shall check the machine computation of all daily double, exacta and any other multiple wagering pool.

(e) He shall review all necessary computer sheets and have the State-appointed verifiers test check the machine calculations of the pay out, breaks, commission and prove each race pool.

(f) He shall prepare a daily summary result from the pari-mutuel operations and submit his findings to the Racing Commission. He shall also prepare a seven day financial report and a seven day comparative statistic report for submission to the Commission.

(g) He shall, on a daily basis, reconcile the pari-mutuel department daily sales and the track association treasurer's statement with the Racing Commission daily summary of results from pari-mutuel wagering.

(h) He shall check on the sellers and cashiers employed by the mutuel department to determine if they are over or short. Any material overages or shortages shall be investigated and reviewed with the director of mutuels and a full report made to the Racing Commission.

**13:70-29.2 Post time**

Post time of each race shall be set by the manager of the pari-mutuel department, and shall not be changed after being posted on the odds-board without permission of the stewards.

**13:70-29.3 Public notice**

Public notice shall be given at the earliest practicable time if a published race is declared off.

**13:70-29.4 Number of entrants**

If the number of entrants in an overnight race exceeds the number deemed safe and expedient by the stewards, the racing secretary shall reduce the number of starters to the proper number by lot.

**13:70-29.5 List of eliminated horses**

The racing secretary shall keep a list of horses thus eliminated from races, and they are to have precedence in any race of a similar distance and similar conditions for which they may be entered thereafter; when a horse's name

appears in the entries and it is also entered for the following day, such entry will be given no consideration on the preferred list. Preference must be claimed at time of entry, and the signed entry must indicate that preference was claimed. The racing secretary will adjust no claims which do not comply with this procedure.