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SUBCHAPTER 1. GENERAL RULES

13:70-1.1 Applicability

These rules are to apply to all tracks, all race meetings and to all persons and all matters within the jurisdiction of the New Jersey Racing Commission.

Case Notes

Suspension of wife's license due to husband's criminal conviction upheld; rule not assailable on equal protection grounds; full constitutional safeguards observed in suspension. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

13:70-1.2 Gender

The definitions and interpretations of racing terms, as well as the Foreword, are to be considered in connection with the rules and as part of them. Wherever "he" is used, it shall be construed to mean "he" or "she".

13:70-1.3 Scope; authority of Executive Director

(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 (N.J.S.A. 5:5-22 et seq.) and by the New Jersey Racing Commission.

SUBCHAPTER 30. INITIAL TRACK APPLICATION

- 13:70-30.1 Permit to hold race meetings

(g) The number of entries (or starters) required is as follows:

1. As long as at least one horse remains within an entry or the field, that betting interest will not be deemed a scratch. If a betting interest is scratched or declared a non-starter, the actual favorite as evidenced by Breeders' Cup host track win pool at the start of the race will be substituted. If the win pool amounts are equal, the substitute will be the lowest program numbered betting interest.

New Rule, R.1992 d.200, effective May 4, 1992.
See: 23 N.J.R. 1769(b), 24 N.J.R. 1800(b).

13:70-29.58 (Reserved)

13:70-29.59 Cancellations

(a) Cancellations of mutuel tickets are prohibited on wagers purchased on the current race once the patron has left the window on all types of wagers where odds or probable payouts are displayed to the public.

(b) Mutuel clerks shall be permitted to cancel current race **mutuel** tickets during the delay period provided it is the last transaction before the bell sounds signaling the end of wagering. If it is determined by the Executive Director of the Racing Commission or his or her designee that mutuel clerks are abusing this cancellation privilege, they will be subject to fine and/or suspension.

(c) No cancellation of mutuel tickets is permitted after the delay period.

(d) Cancellation of all advance wagers is permitted up until the race immediately preceding the advance wager becomes official.

(e) Mutuel clerks are permitted to cancel mutuel tickets purchased at self-service terminals provided they are advance wagers or wagers where odds or probable payouts are not displayed to the public.

New Rule, R.1991 d.542, effective November 4, 1991.
See: 23 N.J.R. 2267(a), 23 N.J.R. 3340(a).

13:70-29.60 Expiration of mutuel tickets

All mutuel tickets shall expire six months and one day from the date of issue (that is, tickets purchased on January 1 will expire at the close of business of July 1).

New Rule, R.1991 d.543, effective November 4, 1991.
See: 23 N.J.R. 2267(b), 23 N.J.R. 3340(a).
Amended by R.2002 d.347, effective November 4, 2002.
See: 33 N.J.R. 3625(a), 34 N.J.R. 3782(a).

Deleted "and vouchers" following "tickets" throughout.

13:70-29.61 Superfecta

(a) The superfecta (or other approved name) is a form of pari-mutuel wagering where each bettor selects, in order, the first, second, third and fourth placed horses in the designated

superfecta race. The superfecta pool shall be held entirely separate from all other pools, and is not part of a daily double, exacta or other wagering pool.

(b) Superfecta tickets shall be sold in not less than \$1.00 denominations.

(c) Races in which superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) If a horse is scratched or declared a non-starter, no further superfecta tickets may be issued designating such horse and all superfecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(e) Where a field in a superfecta race is fewer than six at wagering time, said race shall not be run as a superfecta. A late scratch after wagering starts will not affect the superfecta.

(f) The net superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

1. As a single price pool to those whose combination finished in correct sequence as the first four different betting interests; but if there are no such wagers, then:
2. As a single pool to those whose combination included, in correct sequence the first three different betting interests; but if there are no such wagers, then:
3. As a single price pool to those whose combination included, in correct sequence, the first two different betting interests; but if there are no such wagers, then:
4. As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then:
5. The entire pool of superfecta wagers shall be refunded for that contest.

(g) If less than four different betting interests finish the race and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of different betting interests completing the race shall be ignored.

(h) If there is a dead heat for first involving:

1. Contestants representing four or more different betting interests, all of the wagering combinations selecting the four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
2. Contestants representing three different betting interests, all of the wagering combinations selecting the three dead-headed different betting interests, irrespective of

order, along with the fourth place different interest shall share in a profit split.

3. Contestants representing two different betting interests, both of the wagering combinations selecting the two dead-heated different betting interests, irrespective of order, along with the third place and fourth place different betting interest shall share in a profit split.

(i) If there is a dead heat for second involving:

1. Contestants representing three or more different betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three different betting interests involved in the dead heat for second shall share in a profit split.

2. Contestants representing two different betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated different betting interests, irrespective of order, and the fourth place betting interest shall share in a profit split.

(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 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.92, effective February 22, 1994.

See: 25 N.J.R. 5450(a), 26 N.J.R. 1106(c).

Petition for Rulemaking.

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

Amended by R.2003 d.490, effective December 15, 2003.

See: 35 N.J.R. 3462(a), 35 N.J.R. 5549(b).

In (e), substituted "six" for "seven".

13:70-29.62 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 as to running races, and as set forth in N.J.A.C. 13:71-27.60 as to harness racing. 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 conducting running races and to New Jersey racetracks conducting harness racing as set forth in N.J.A.C. 13:71-27.60. Such monies shall be used for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46b(1)(d) or 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(2)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), in

the case of running races. This money shall be distributed to those racetracks conducting running races 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 permitholders running races and N.J.A.C. 13:71-27.60 shall be applicable to the permitholder's harness races.

(b) Of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:71-27.60, 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. 13:71-27.60, 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 running 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 running races, pursuant to section 46b(1)(d) or 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(2)(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 racetracks conducting running races Statewide pursuant to section 46b(1)(d) and 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), and section 7f(2)(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 running races from the total moneys available for distribution pursuant to this section;

D = 60 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).

rate for a "Group Bet" wager shall, therefore, be the same as that applied to the standard win wager pool. The winning payout for a "Group Bet" wager shall be the same no matter which member of the particular group wagered upon wins the race.

1. The monies wagered as a "Group Bet" shall be allocated to the standard win wagering pool as follows. The racing association shall cause "Group Bet" wagers to be allocated to the win wagering pool for each horse within the specific group subject of the "Group Bet" wager, in proportion to the monies wagered upon each such horse to win the race in the standard win wagering pool. Specifically, this win pool wager allocation for an individual horse within a particular group shall be determined by adding the total monies wagered on all horses comprising the group (that is, Group (A) or Group (B)) as standard win wagers, then dividing such figure into the total amount wagered on the individual horse within the group (that is, Group (A) or Group (B)) as standard win wagers, and then multiplying the determined figure for that individual horse by the total wagered on the group to which it belongs as "Group Bets." For example, assume a race where the "Group Bet" is offered has five entries with horse 1 being the "non-group horse," horses 2 and 3 comprising Group (A), and horses 4 and 5 comprising Group (B). Assume further that, at the close of wagering, the following total wagers have been placed: \$1,000 in standard win wagers on horse 1; \$1,333 in standard win wagers on horse 2; \$1,000 in standard win wagers on horse 3; \$1,000 in standard win wagers on horse 4; \$667.00 in standard wagers on horse 5; \$1,000 in "Group Bet" wagers on Group (A); and \$1,000 in "Group Bet" wagers on Group (B). Applying the above described formula to Group (A), the win pool allocation for Group (A) would equal \$571.00 for horse 2 (that is, the total standard win pool wagers for each horse in the group ($\$1,333/\text{horse 2} + \$1,000/\text{horse 3} = \$2,333$), divided into the standard win wager total for horse 2 ($\$2,333$ divided into $\$1,333/\text{standard win wager total for horse 2} = .571$), times the total wagered on the Group ($.571 \times \$1,000/\text{total wagered on Group (A)} = \571.00)); and \$429.00 for horse 3.

2. Although the allocation described in (d)1 above shall be made as soon as possible after wagering has closed on the race, because the amount of money wagered upon each horse to win in any race is subject to change prior to the closing of the wagering pool, such allocation shall periodically be revised during the wagering process. Although the minimum wager for a "Group Bet" shall be the same as the minimum permissible wager for a standard win wager, such allocations may be made in fractional amounts less than the minimum permissible standard win bet wager.

3. The "Group Bet" probable win payout amount for each group shall be displayed to the public on a periodic basis prior to the closing of the wagering pools. Following the closing of the wagering pools, the actual win payout for

any winning group shall be displayed to the public. The probable win payout amounts and actual win payout amount for a "Group Bet" shall be displayed to the public based upon a \$2.00 wager, by the same method by which the probable win payout amounts and actual win payout amount for a standard win wager is displayed to the public.

4. The actual payout for a winning "Group Bet" shall be determined by multiplying the standard dollar win payout price for the race winner by the dollar amount allocated to the win wagering pool for the race winner (from the total dollar amount wagered upon the Group as "Group Bets" to which the race winner belongs), and then dividing the determined figure by the total wagered upon the Group (as "Group Bets") to which the race winner belongs. For example, and using the same hypothetical race example set forth in (d)1 above, after applying applicable breakage and assuming horse 2 wins the race, the standard win bet payout would be approximately \$3.30 per dollar wagered and the "Group Bet" payout would be approximately \$1.80 per dollar wagered (that is, $\$3.30$ (standard win payout price) multiplied by $\$571.00$ (amount allocated to the win wagering pool for horse 2 from the total dollar amount wagered upon Group (A) as "Group Bets"), which determined amount ($\$1,884.30$) is divided by $\$1,000$ (total bet on Group (A) as "Group Bets").

(e) In the event of a dead heat for win between two or more horses in the same group, the "Group Bet" winning payout shall be calculated in the same manner as if there was one winner of the race and such winner was a member of such group. In the event of a dead heat for win between one or more members of either group and the non-member of the group, or between one or more members of different groups, the "Group Bet" payout shall be determined in the same manner as the calculation of the win payoff, that is, by dividing the "net win wagering pool" (that is, for purposes of this section, the total win wagering pool, which includes standard win wagers and "Group Bet" wagers, less takeout).

(f) In the event the "non-group horse" is scratched or declared a non-starter, group betting shall cease and all "Group Bet" wagers previously placed on the race shall be refunded. In the event of a scratch or a declaration of non-starter of all of the members of Group (A) or all of the members of Group (B), group betting on the race shall cease and all "Group Bet" wagers previously placed on the race shall be refunded. In the event of a scratch or declaration of non-starter of a member of Group (A) or a member of Group (B), monies previously allocated to the scratched horse or non-starter shall be reallocated amongst the remaining member or members of that particular group.

(g) A racing association may not offer a "Group Bet" unless the format associated with the particular "Group Bet" wagering event is first approved by the Racing Commission Executive Director (Executive Director). A racing association desiring to offer a "Group Bet" must file a written approval request with the Executive Director at least three days prior to the

commencement of public wagering on the proposed "Group Bet," and the licensee may not offer public wagering on the proposed "Group Bet" until written approval of the Executive Director is issued. The written approval request of the racing association shall contain: the date of and race where the "Group Bet" is proposed to be offered; the name of each group, in the event the racing association intends to identify each group by a designation other than Group (A) and Group (B); the patron base to which the wager will be offered (for example, to racetrack patrons, account wagering patrons, casino simulcast facility patrons, simulcast outlets, off-track wagering facility patrons); and the method and time of advertisement of the "Group Bet" rules to the wagering public. Such a request may be approved by the Executive Director, subject to a determination by the Executive Director that the proposed "Group Bet" complies with this section in all aspects. In approving any request of a racing association related to a "Group Bet," the Executive Director shall impose such conditions as are consistent with the best interests of racing and the interests of the wagering public. Any approval shall, however, be subject to the condition that the rules of the "Group Bet" be made available to the public at least 24 hours prior to the commencement of wagering. Although a "Group Bet" may be advertised to the public prior to the racing association obtaining such approval, any advertisement must contain language that "the offering of this wager is contingent upon and subject to the prior approval of the New Jersey Racing Commission."

(h) In the event circumstances occur which are not specifically addressed by this section, questions arising thereby shall be resolved by the Racing Commission Board of Stewards in accordance with the general pari-mutuel practice as set forth in this Chapter. The Racing Commission Board of Stewards shall resolve any question regarding the distribution of the wagering pool consistent with this rule.

New Rule, R.2006 d.83, effective February 21, 2006.
See: 37 N.J.R. 3790(a), 38 N.J.R. 1219(a).

SUBCHAPTER 30. INITIAL TRACK APPLICATION

13:70-30.1 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 judgement 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 purposes 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;