

13:70-5.24 Liability

All the parties in any multiple ownership and each of them shall be jointly and severally liable for all stakes, forfeits and other obligations.

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

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

"a partnership" deleted and "any multiple ownership" substituted.

SUBCHAPTER 6. ENTRIES AND SUBSCRIPTIONS**13:70-6.1 Qualified to start**

A horse shall not be qualified to start in any race unless it has been and continues properly entered therein.

Case Notes

Racing Commission has not regulated the right of a licensed horse owner to race his horse at a given track; Commission not proper forum for owner's dispute with racetrack for barring his horse, as the action was not taken under color of State law or regulation. *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 (1985).

13:70-6.2 Application for license

No horse shall be qualified in any race unless its owner, trainer and jockey have submitted application for license to the Racing Commission except as heretofore stated in N.J.A.C. 13:70-4.14.

13:70-6.3 Racing secretary

For all races, the racing secretary is the person authorized to receive entries and declarations.

13:70-6.4 Written entries and declarations

Entries and declarations shall be made in writing, and signed by the owner of the horse, or by his authorized agent or some person deputed by him, and each association shall provide blank forms on which entries and declarations are to be made.

13:70-6.5 Coupled horses

All horses owned wholly or in part by the same owner or the spouse of any such owner, or trained by the same trainer, must be coupled and run as an entry. For purpose of this section "ownership" shall be construed to mean any person required to be licensed as an owner pursuant to these rules and in the instance of multiple ownerships, persons possessing at least a five percent commonality of interest in each of the respective horses. Provided however that when a trainer enters two or more horses in a stake, handicap, futurity or other special event under bona fide separate ownerships, the horse may, at the request of the association and with the approval of the Commission, be permitted to race as separate wagering entities. If the race

is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible but the divisions in which they compete and their post positions shall be drawn by lot.

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

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

Section substantially amended.

Petition for Rulemaking.

See: 34 N.J.R. 3030(b).

13:70-6.6 Entries or scratches

(a) Entries or scratches may be made by telephone, but must be confirmed promptly in writing should the stewards, racing secretary, or his assistants so request.

(b) Entries made by telegraph must be confirmed in writing.

(c) In case of omission, through error, of the name or weight of a horse entered, the omission shall be rectified by the racing secretary.

13:70-6.7 Persons with recorded interest

Any person having a recorded interest in a horse may enter that horse, unless prohibited by the terms of partnership papers registered with the Commission.

13:70-6.8 Joint subscriptions and entries

Joint subscription and entries may be made by any one or more of the owners; however all partners and each of them shall be jointly and severally liable for all fees and forfeits.

13:70-6.9 Horse entered for first time

If entered for the first time at a meeting, a horse shall be identified by stating its name, color, sex, age and the name of its sire and dam, as registered.

13:70-6.10 Unreported racing starts

A horse during the past calendar year that has started in a race which is not reported in the daily racing form monthly chart books, or a maiden which at any time has started in such a race, shall not be entered at a New Jersey track until all pertinent data relating to such race is available to the racing secretary.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Grammar and punctuation.

13:70-6.11 Denial of nominations or entries

The nominations or entries of any person, or the transfer of any nomination or entry, may be cancelled or refused provided that notice and reason therefore is given to any affected person or persons.

As amended, R.1979 d.250, effective June 20, 1979.

See: 10 N.J.R. 509(a), 11 N.J.R. 400(a).

13:70-6.12 Registered horses

No horse shall be allowed to enter or start in any flat race unless duly registered and named at the registry office of the New York Jockey Club; and no horse shall be allowed to enter or start in a steeplechase unless duly registered and named at the Jockey Club, or with the National Steeplechase and Hunt Association.

13:70-6.13 Certificate and tattooing requirements

No horse shall be allowed to start unless a Jockey Club registration certificate is on file with the horse identifier, and unless it has been liptattooed, with the exception that the stewards may, in their discretion and for good cause, waive these requirements if the horse is otherwise properly identified. However, said horse shall be tattooed thereafter within a period of time that is reasonably practical.

13:70-6.14 Licensed trainer

No horse shall be permitted to enter or start unless it is in the care of and is saddled by a licensed trainer.

13:70-6.15 Horse to be fully identified

No horse shall be permitted to start that has not been fully identified.

13:70-6.16 Maiden horses; six years or older

No maiden over six years of age shall be permitted to enter a race at any thoroughbred track in the State of New Jersey without the express approval of the stewards, except in steeplechase or hunt races.

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

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

As amended, R.1981 d.489, effective December 21, 1981.

See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).

Added "without ... stewards."

13:70-6.17 Person attempting establishment of horse's identity

Any person attempting to establish the identity of a horse or its ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Grammar.

13:70-6.18 Stabling

No horse shall be permitted to enter or start unless stabled on the grounds of the association or at a farm approved by the Commission, except with the permission of the racing secretary.

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

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

"or at ... Commission" added, "in stabling ... association" deleted.

13:70-6.19 Ownership registered; true ownership

No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary; and the entry of a horse must be in the name of its true ownership.

13:70-6.20 Filing of interests or changes in interests

All interests in a horse, except a trainer's percentage of its winnings, shall be filed with the racing secretary before the horse shall start, as also shall every change in interest thereafter during the meeting.

13:70-6.21 Limit on number of races per day

No horse may be entered for two races on a single day.

13:70-6.22 Partnerships

No horse involved in a partnership shall be permitted to enter or to start until the rules for the registration of partnerships have been complied with.

13:70-6.23 Eligibility

To compete in a race, a horse must be eligible at the time of starting that race.

13:70-6.24 Disqualified persons

A horse shall not be qualified to be entered, or to start in any race, if owned in whole or part, or if under the management, directly or indirectly, of a disqualified person.

13:70-6.25 Return of money; disqualified persons

If any entry from any disqualified person or of a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed 45 minutes before post time for the race. Otherwise, any such money shall be paid to the winner.

13:70-6.26 Entering or starting disqualified horse

No horse, disqualified in any jurisdiction, shall be allowed to be entered or to start in any race without permission of the stewards.

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.