

**CHAPTER 71
HARNESS RACING**

Authority
N.J.S.A. 5:5-30.

Source and Effective Date

R.1995 d.103, effective January 25, 1995.
See: 26 N.J.R. 4744(a), 27 N.J.R. 733(b).

Executive Order No. 66(1978) Expiration Date

Chapter 71, Harness Racing, expires on January 25, 2000.

Chapter Historical Note

Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969. Amendments were adopted as R.1975 d.38, effective February 24, 1975. See: 7 N.J.R. 11(b), 7 N.J.R. 170(a). Subchapter 14, Claiming, was repealed and new rules on claiming were adopted as R.1980 d.95, effective February 27, 1980. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c). Subchapter 3, Appeals, was repealed and new rules on appeals were adopted as R.1982 d.109, effective April 5, 1982. As a part of R.1982 d.109, Subchapters 24, 25, 26, 27, and 28 were also adopted, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a). Pursuant to Executive Order No. 66(1978), Subchapters 5, 9, 21, and 23 were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a). Subchapters 7, 8, and 17 were readopted as R.1984 d.103, effective March 19, 1984. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a). Subchapter 4 expired on December 19, 1984, and subsequently was adopted as new rules by R.1984 d.621, effective January 21, 1985. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b). Subchapter 23, Stimulation and Tests, was repealed and a new Subchapter 23, Medication and Testing Procedures, was adopted as R.1985 d.58, effective February 19, 1985. See: 16 N.J.R. 3182(a), 17 N.J.R. 471(a). Pursuant to Executive Order No. 66(1978), Subchapter 14 was readopted as R.1985 d.137, effective February 25, 1985. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c).

Pursuant to Executive Order No. 66(1978), Chapter 71, was readopted as R.1990 d.126, effective January 25, 1990. See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a). Subchapter 29, Sulky, was adopted as R.1994 d.143, effective March 21, 1994. See: 26 N.J.R. 95(a), 26 N.J.R. 1357(a). Pursuant to Executive Order No. 66(1978), Chapter 71 was readopted as R.1995 d.103. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL RULES

13:71-1.1 General provisions

(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 and by the New Jersey Racing Commission.

(b) If at any time there is a conflict between the rules of the New Jersey Racing Commission and the rules of the United States Trotting Association, the rules of the Commission shall govern.

(c) The Executive Director or his or her designee shall possess the same authority of the Racing Commission stewards and judges with respect to all provisions contained in the Administrative Code governing racing in New Jersey.

Amended by R.1992 d.88, effective February 18, 1992.
See: 23 N.J.R. 3432(a), 24 N.J.R. 647(b).
Added (c).

Law Review and Journal Commentaries

Horse Drugging—The New Jersey Trainer Absolute Insurer Law. Luke P. Iovine, III John E. Keefe, Jr., 1 Seton Hall J. Sport L. 61 (1991).

Case Notes

Private harness track required to abide by the rules and regulations of the United States Trotting Association, subject to conflict with Commission rules. *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 (1983).

13:71-1.2 Owners and trainers

All owners and trainers of horses and their stable employees are subject to the laws of the State of New Jersey and the rules promulgated by its Racing Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners and/or trainers shall furnish to the Racing Commission a badge list of all employees. Said owners, trainers and stable employees shall abide by said laws and rules and accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the Racing Commission.

13:71-1.3 Race participants and patrons

Every person participating in and every patron of a licensed race meeting shall abide by said laws and rules, and accept the stewards' decisions on any and all questions to which their authority extends subject to the right of appeal to the Racing Commission.

Case Notes

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function. *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div.1982), affirmed 93 N.J. 1, 459 A.2d 295 (1983).

13:71-1.4 Discharge of groom or attendant; notice

When an owner or trainer discharges a groom or other attendant, or when a groom or other attendant voluntarily leaves the employ of an owner or trainer, the said owner or trainer shall immediately notify the track security of such discharge of or resignation by such employee. The failure to so notify the track security shall subject the owner or trainer to a fine or suspension or both.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
"security" was "police".

13:71-1.5 Notification to track security on discharge of groom

When a groom or other attendant is discharged by or voluntarily leaves the employ of an owner or trainer he shall immediately notify the track security of his discharge or resignation. The failure to so notify the track security shall subject the groom or other attendant to a fine or suspension, or both.

As amended, R.1982 d.109, eff. April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
"security" was "police".

13:71-1.6 Language

No person shall use improper, profane or indecent language to a racing official.

13:71-1.7 Disturbing the peace

No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

13:71-1.8 Handbooks

No person shall make a handbook or a foreign book on the ground of an association nor shall any person solicit for or bet with a handbook or foreign book on the grounds of an association or fair race.

As amended, R.1982 d.109, eff. April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-1.9 (Reserved)**13:71-1.10 Reciprocity**

Full force and effect shall be given to the denial, revocation or suspension of any license by any other racing commission or turf governing body.

As amended, R.1982 d.109, eff. April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-1.11 Unrecognized meetings

Any person who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or driver, may be adjudged guilty of conduct detrimental to racing.

13:71-1.12 Suspended person or horse

No person or horse ruled off by, or under suspension by, any recognized turf authority, trotting association included, shall be admitted to the grounds of any association.

13:71-1.13 Narcotic or drug convictions

No person who has been convicted for illegal possession, sale or distribution of narcotics or hallucinogenic drugs or other "controlled dangerous substances" as defined by Title 24 of the New Jersey Statutes shall be permitted on the grounds of any association.

As amended, R.1982 d.109, eff. April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-1.14 Crimes regarding moral turpitude

No person shall be employed in any capacity whatsoever at any place, track or enclosure where a horse race meeting is permitted who has been convicted of a crime involving moral turpitude.

13:71-1.15 Reinstatement of horses

When a person is ruled off a course or suspended, every horse owned in whole or part by him shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his owner's penalty or by his transfer through bona fide sale to any ownership acceptable to the stewards.

13:71-1.16 Qualifications for reinstatement

When a person is ruled off a course or suspended, any horse which is under his care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hands of a licensed trainer and the approval of the transfer by the stewards.

13:71-1.17 Recision of penalties

When a person is ruled off a course or suspended, he shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in his own name or in that of any other person until the rescinding of that person's penalty.

13:71-1.18 (Reserved)

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

13:71-1.19 Stewards determination of fines

The steward and the Board of Judges may fine, suspend or rule off any person who, in their opinion, has acted to the detriment of racing or violated the rules.

As amended, R.1982 d.109, eff. April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
"Stewards" changed to "steward"; "Board of Judges" added.

13:71-1.20 Authority to impose penalties; report; payment

(a) The authority of the steward and the Board of Judges shall extend to any and all situations which are not specifically covered by these rules.

(b) No race official other than the steward, the Board of Judges, and the starter shall have the right to impose a fine or suspension, in the first instance. (see N.J.A.C. 13:71-3, Appeal for exception). A race official imposing a fine or suspension shall report it promptly to the Executive Director of the Racing Commission and the race secretary, in writing. All fines imposed shall be paid to the race secretary within 48 hours after the imposition thereof. Fines collected by the race secretary shall be paid promptly to the Racing Commission. An unpaid fine may not be rescinded except with the approval of the Racing Commission.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
Added reference to N.J.A.C. cite for appeals.

Case Notes

Imposition of penalty by State Steward proper. Gallo v. New Jersey Racing Commission, 6 N.J.A.R. 381 (1983).

13:71-1.21 Financial irresponsibility

No licensee shall accumulate unpaid obligations or default in obligations, or issue drafts or checks that are dishonored or payment refused, or otherwise display financial irresponsibility reflecting on the track or the sport.

13:71-1.22 Designation of Commission agents

In enforcing the racing laws and the rules and regulations of the Commission, the Commission may designate enforcement personnel assigned to it by the New Jersey Department of Law and Public Safety. Such personnel, while so acting, shall be designated as agents of the Commission.

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

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

13:71-1.23 Modification of penalties

The Commission may modify on its own motion any penalty or decision imposed by a racing official pursuant to the rules and regulations as herein contained.

New Rule, R.1982 d.109, effective April 5, 1982.

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

13:71-1.24 Smoking prohibited

Smoking is prohibited under the shed row of any barn. Persons found violating this rule will be reported to the judges and shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the second offense and to suspension for the third or subsequent violation.

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

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

R.1983 d.337, effective August 15, 1983.

See: 15 N.J.R. 873(b), 15 N.J.R. 1383(a).

13:71-1.25 Horsemen associations

(a) It shall be the intent of this section to establish guidelines that ensure that funds allocated to the horsemen's organizations by statute (N.J.S.A. 5:5-66) are used to finance programs to benefit all New Jersey horsemen and that administrative and overhead costs are reasonably related to such programs.

(b) Funds allocated to the horsemen's organizations by statute must be used to benefit all New Jersey horsemen. Membership in the horsemen's organizations shall not be a condition for receiving benefits.

(c) Amounts collected as voluntary dues from members are excluded from this rule. However, funds acquired from sources other than the statutory allocation to these associations must be kept separate and apart from funds obtained from the statutory allocation.

(d) The horsemen's organizations shall maintain adequate records concerning receipt of and distribution of funds allocated to them by statute. The New Jersey Racing Commission shall have access to all records maintained by the horsemen's organizations which relate directly or indirectly to funds allocated by statute.

(e) The horsemen's organizations shall submit detailed budgets to the Racing Commission by December 15 of each year, for the following calendar year, identifying the source

and use of funds and any surplus or deficit that may result. The budget must include the actual prior year's expenses in each category for comparison purposes. In addition, quarterly budget reports must be filed with the Commission 45 days after the close of each quarter. These reports must reflect actual income and expenses to date, as well as projected income and expenses for the remainder of that year. Prior approval must be obtained from the Commission for all expenditures that exceed the approved budget levels.

(f) Audited financial statements, including balance sheet, income statement and source and use of funds, prepared by a certified public accountant of New Jersey, must be filed with the Commission by February 28 of each year for the preceding calendar year.

(g) Funding for benevolent programs, including but not limited to pension plans, health and life insurance plans, etc. will be considered reasonable if such program funding on an annual basis is at least 70 percent of the total statutory allocation. Whether or not a program will be considered a "benevolent program" will be decided upon application to the Racing Commission. Annual benevolence program funding below 70 percent of the total statutory allocation requires justification satisfactory to the Commission. The administrative costs and overhead expenses of administering the horsemen's organizations', including benevolent, programs may not exceed 30 percent of the total allocated by statute unless and to the extent specifically authorized in advance by the Racing Commission.

(h) General administration and overhead expenses are considered reasonable if they are less than 30 percent of the statutory allocation. Funding above 30 percent of the total statutory allocation requires justification satisfactory to the Commission. Within this category, expenses for travel, entertainment, meals and lodging are considered reasonable if they conform to the horsemen's organizations' travel and expense reimbursement guidelines on file and approved by the Commission. For expenses in excess of amounts allowed under these guidelines, the Racing Commission may require special justification and/or prior approval.

(i) Payments to national programs are allowed only to the extent that the horsemen's organizations can clearly show that the payments benefit all New Jersey horsemen, not just members of these organizations.

(j) If the accumulated surplus exceeds \$250,000 at the end of a calendar year, horsemen's organizations are required to utilize the amount in excess of the \$250,000 for new or expanded benevolent programs or justify to the Racing Commission why they do not intend to utilize the excess funds.

(k) Violation of this section may subject the organization to a fine not to exceed \$1,000 per violation.

New Rule, R.1988 d.76, effective February 16, 1988.
See: 19 N.J.R. 856(a), 20 N.J.R. 405(b).
Amended by R.1988 d.401, effective August 15, 1988.
See: 20 N.J.R. 1174(a), 20 N.J.R. 2071(a).

Substantially amended.

Amended by R.1989 d.109, effective February 21, 1989.
See: 20 N.J.R. 2997(a), 21 N.J.R. 451(d).

Repealed old (j) and substituted new (j).

13:71-1.26 Commission employees/appointees; prohibited affiliations with permitted racetracks

No employee or appointee of the New Jersey Racing Commission shall provide any services to a permitted race-track facility in this State, whether or not for compensation, where those services are outside the scope of his or her duties on behalf of the Commission.

New Rule, R.1993 d.686, effective December 20, 1993.
See: 25 N.J.R. 4459(a), 25 N.J.R. 5939(a).

SUBCHAPTER 2. VIOLATIONS

Cross References

Judges and patrol judges, see N.J.A.C. 13:71-8.5.

13:71-2.1 Liability

Any person or association licensed by the Commission or any person or association subject to the jurisdiction of the Commission violating any of its rules or regulations shall be liable to the penalties herein provided, unless otherwise limited in and by the rules and regulations of the Commission.

13:71-2.2 Attempt to violate

Any attempt to violate the law or any of the rules and regulations of the Commission falling short of actual accomplishment shall constitute an offense and shall be punishable as if consummated.

13:71-2.3 Penalties

(a) The penalties for violation of the law or the rules of the Commission shall be as follows:

1. Denial, revocation or suspension of license;
2. Monetary fines not exceeding \$5,000 for each violation. The stewards may not impose directly a fine in excess of \$500.00;
3. Suspension from one or more activities at one or more tracks;
4. Expulsion from racing in New Jersey;
5. Forfeiture of purse;

6. In addition to the foregoing, the Commission may impose as a condition to licensing such conditions as it shall deem appropriate to secure compliance with the rules, regulations and directives of the Commission.

(b) Any penalty of suspension from driving shall commence after a hearing before the judges and shall be served on a continuing basis. Where the term of suspension equals or is less than the normal number of scheduled live race days during a week at the track association where the infraction occurred, the continuous suspension shall be imposed as soon as practical following the hearing and on dates where live racing there occurs. Where the term of suspension exceeds the normal number of scheduled live race days during a week at the track association where the infraction occurred, the continuous suspension shall be imposed as soon as practical following the hearing and on dates so as to encompass the maximum number of live race days there possible. However, where the term of suspension cannot be imposed consistent with the formulas set forth in this subsection due to the suspension of racing at the track where the infraction occurred, or where the judges determine that the application of such formulas would otherwise not be practical, the judges shall, in their discretion, determine the continuous dates over which the suspension is to be served. There shall be no exceptions for stakes, futurities, early closures, or feature races during the period of suspension.

(c) The penalties provided above, where applicable, shall be exacted from all persons, whether licensed by the Commission or not.

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.1976 d.292, effective September 16, 1976.
See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).
As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Amended by R.1993 d.484, effective October 4, 1993.
See: 25 N.J.R. 2647(b), 25 N.J.R. 4600(c).

13:71-2.4 Betting restrictions; owner, trainer and driver

No owner, trainer or driver of a horse entered in a race shall bet or cause any other person to bet on his behalf on any horse other than his own horse. In the case of exotic pools all tickets purchased by an owner, trainer or driver must include his horse entered to race.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:71-2.5 Termination of indefinite suspension

An indefinite suspension shall only be terminated by the New Jersey Racing Commission.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:71-2.6 Violations by track associations and penalties

Notwithstanding any provision of N.J.A.C. 13:71-2, any track association licensed by the New Jersey Racing Commission that violates a law, rule or regulation or directive of this Commission and continues in deliberate violation for a period of 72 hours following notification from the Commission office that such violation exists, shall be subject to a fine of not more than \$5,000 per day for each and every day said track association remains in violation of the law, rule or regulation, or directive of this Commission. Any association fined pursuant to this rule may, within three days after service of such notice of the imposition of a fine or fines, request a hearing by petition in writing, which hearing shall be held within four days after the petition has been served upon the chairman or executive director of the Commission.

R.1976 d.292, effective September 16, 1976.
See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

SUBCHAPTER 3. APPEALS**Case Notes**

Discussion of disciplinary appeals. Gallo v. New Jersey Racing Commission, 6 N.J.A.R. 381 (1983).

13:71-3.1 Right of appeal

Any person disciplined by the board of judges, State steward or any official representing the Commission may appeal the penalty pursuant to the procedures of this subchapter.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Added "board", "State", "the penalty pursuant to the procedures of this subchapter"; deleted "pursuant to the law of New Jersey or rules of the Commission, said penalty" and "to the Commission and a hearing requested".

13:71-3.2 Imposition of penalty; Commission

The Commission may directly impose any disciplinary action provided for in its rules.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).
Deleted "and regulations".

13:71-3.3 Steward or Board of Judges hearing; finality of decision absent appeal

(a) Subject to N.J.A.C. 13:71-1.23, when the State Steward or Board of Judges conduct a hearing in the first instance with regard to the provisions of this chapter, the respective decision of the State Steward or Board of Judges shall be final unless an appeal, in accord with N.J.A.C. 13:71-3.1 and 3.4, is filed with the Commission. The appeal hearings of such matters shall be de novo proceedings conducted by the Commission in accord with N.J.A.C. 13:71-3.5.

(b) Nothing contained in this section shall in any way be construed to disallow the Commission from directly conducting a hearing with respect to the provisions of this chapter and directly imposing disciplinary action, or from modifying on its own motion any imposed penalty or decision.

Repeal and New Rule, R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Former section "Exhaustion of remedies".
Amended by R.1992 d.266, effective July 6, 1992.
See: 24 N.J.R. 555(b), 24 N.J.R. 2461(b).

Revised (a).
Repeal and new rule, R.1995 d.164, effective March 20, 1995.
See: 26 N.J.R. 4969(a), 27 N.J.R. 1193(a).
Formerly "Stewards hearing".

13:71-3.4 Appeal procedure

Any appeal must be filed in writing at the office of the Commission within three days of the date of imposition of penalty by the Commission, State steward or board of judges.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section recodified from N.J.A.C. 13:71-3.5. Former section 13:71-3.4 was "Nature of proceedings".

Deleted "in taken to the Commission, said appeal"; added "State" and "board".

13:71-3.5 Hearings

(a) Hearings in any appeal to the Commission shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B and 52:14F, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(b) If a license has been suspended pending hearing, the hearing shall be expedited.

Repeal and New Rule, R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).
Former section "Acting on appeals".

13:71-3.6 Frivolous appeals

Withdrawal by the appellant of a notice of appeal filed with the Commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the Commission shall be deemed a frivolous appeal and referred to the Steward for further disciplinary action in the event the appellant fails to show good cause to the Steward why such withdrawal should not be deemed frivolous.

Amended by R.1991 d.380, effective August 5, 1991.
See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).
Section recodified from 13:71-3.7.

13:71-3.7 Hearing costs

The applicant shall be responsible for any costs incurred in connection with any hearing held pursuant to this subchapter.

Amended by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section recodified from 13:71-3.9. Deleted "the right of appeal contained in" and "and the laws of the State of New Jersey".

13:71-3.8 Stay pending appeals

(a) A notice of appeal filed with the Commission pursuant to this subchapter may be accompanied by a request for a stay pending a final decision by the Commission. Such a request for a stay shall be made on a form prescribed by the Commission. The Executive Director of the Commission may approve such stay requests in matters involving:

1. The loss by an owner of purse money of \$250.00 or more;
2. A fine of \$200.00 or more;
3. Suspension from one or more racing activities for seven days or more.

(b) Such a request for stay may be denied by the Executive Director of the Commission where to grant the same would be adverse to the best interests of racing or inimical to the integrity of the sport.

Amended by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section recodified from 13:71-3.10. Former section was "Steward's hearing".

Amended by R.1992 d.267, effective July 6, 1992.

See: 24 N.J.R. 556(a), 24 N.J.R. 2461(c).

Revised (a).

Case Notes

Board of Judges' ruling appealable to State Steward, to be heard in a de novo proceeding; driver's due process rights not violated by State Steward's testifying at administrative hearing. *DeVitis v. New Jersey Racing Commission*, 202 N.J.Super. 484, 495 A.2d 457 (App.Div.1985), certification denied 102 N.J. 337, 508 A.2d 213 (1985).

13:71-3.9 (Reserved)

Repealed by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section was "Hearing; costs" and was recodified to 3.7.

13:71-3.10 (Reserved)

Repealed by R.1991 d.380, effective August 5, 1991.

See: 23 N.J.R. 1282(a), 23 N.J.R. 2319(a).

Section was "Stay pending appeals" and was recodified to 3.8.

Case Notes

Stay of suspension upon posting of necessary bond noted. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

SUBCHAPTER 4. DEFINITIONS

13:71-4.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Added money event" means event closing in the same year during which it is to be contested in which all entrance, sustaining and declaration fees received are added to the purse.

"Age, how reckoned" means age of a horse shall be reckoned from the first day of January of the year of foaling.

"Amateur driver" means a driver who has never accepted any valuable consideration by way of or in lieu of compensation for his services as a trainer or driver during the past 10 years.

"Advance wagers" means any wager placed at least one race in advance of the current race.

"Claiming race" means one in which any horse starting therein may be claimed for a designated amount in conformance with the rules. Only those owners who have started or declared a horse or horses at the meeting or the authorized agents of such owners may be eligible to claim a horse. The authority of an agent must be in writing and signed by the owner on whose behalf the agent is acting. One copy of said authorization shall be filed with the racing secretary and one with the Racing Commission.

"Commission" means the New Jersey Racing Commission.

"Conditioned race" means an overnight event to which eligibility is determined according to specified qualifications. Such qualifications may be based upon:

1. Horses' money winnings in a specified number of previous races or during a specified period of time;
2. A horse's finishing position in a specified number of previous races or during a specified period of time;
3. Age;
4. Sex;
5. Number of starts during a specified period of time;
6. Or any one or more combinations of the qualifications herein listed;
7. Use of records or time bars as a condition is prohibited.

"Dash" means a race decided in a single trial. Dashes may be given in a series of two or three governed by one entry fee for the series, in which event a horse must start in all dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

"Declarations" means declarations shall be taken not more than three days in advance of all races except those for which qualifying dashes are provided.

“Delay period” means the set period of time between the sounding of the bell to signal the end of wagering in each race and the time mutuel machines will not accept cancellations and are completely deactivated for the current race. This delay period can be adjusted at the discretion of the Commission from zero to 20 seconds and is available only for the protection of the mutuel clerks by permitting them to cancel wagers that patrons place and refuse to accept immediately before the beginning of the delay period.

“Disqualification” means a person disqualified shall be barred from acting as an official or from starting or driving or otherwise participating in racing. The spouse of a disqualified person is likewise barred from participation. In the case of a disqualified horse, the horse shall not be allowed to start.

“Drug” means:

1. Articles recognized in the official U.S. Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and
2. Articles intended for use in the diagnosis, cure mitigation, treatment, or prevention of disease in man or other animals; and
3. Articles (other than food) intended to affect the structure or any function of the body or other animals; and
4. Articles intended for use as a component of any article specified in paragraph 1, 2 or 3, but does not include devices or their components, parts or accessories.

“Early bird wagering” means wagering that occurs on races in advance of the normal time racetracks open mutuel machines for their live racing program.

“Early closing race” means a race for a definite amount to which entries close at least six weeks preceding the race. The entrance fee may be on the installment plan or otherwise, and all payments are forfeits.

“Elimination heats or dashes” means heats or dashes of a race split according to these rules, to qualify the contestants for a final heat or dash.

“Entry” means two or more horses starting in a race when owned or trained by the same person, or trained in the same stable or by the same management. Such horses are coupled as an “entry”. A wager on one shall be a wager on all of them. Provided, however, that when a trainer enters two or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may, at the request of the association and with the approval of the Commission be permitted to race as separate betting entries. The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses may be coupled as an entry where it is necessary

to do so to protect the public interest for the purpose of pari-mutuel wagering only. Entries shall not be permitted in overnight events without approval of the Commission.

“Expulsion” means the unconditional exclusion and disqualification from any participation, either directly or indirectly in the privileges and uses of the course and grounds of an association by a licensee or patron.

“Field” means when the individual horses competing in a race exceed the numbering capacity of the tote, the highest numbered horse within the capacity of the tote, and all horses of a higher number shall be grouped together and called the “field”.

“Forensic analysis” means when samples are analyzed by scientifically qualified personnel within the Forensic Science Bureau of the Division of State Police.

“Futurity” means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

“Green horse” means one that has never trotted or paced in a race or against time.

“Guaranteed stake” means a stake with a guarantee by the party opening it that the sum shall not be less than the amount named.

“Handicap” means a race in which performance, sex or distance allowance is made. Post positions for a handicap may be assigned by the racing secretary. Post positions in a handicap claiming race may be determined by claiming price.

“Heat” means a single trial in a race two in three, or three heat plan.

“In harness” means that the horses participating are attached to a sulky. Jog carts shall not be used for racing. All sulkies used in a race must be equipped with (wheel discs) unicolored or colorless wheel discs on the inside and outside of the wheels, of a type approved by the stewards or by the Racing Commission.

“Interference” means any act, which by design or otherwise, hampers or obstructs any competing horse or horses.

“Invitation race” means a race to which only those horses named by the race secretary and listed by him with the presiding judge shall be eligible.

“Jersey Bred” means a horse dropped by a mare in the State of New Jersey, which circumstance is necessary to qualify for registration with the Standardbred Breeders Association of New Jersey. Such registration is a requirement for eligibility to be entered or to start in races exclusively for horses foaled in New Jersey.

“Late closing race” means a race for a fixed amount for which nominations or declarations close less than six weeks and more than three days before the race is to be contested.

“Law or Laws” means Chapter 17, Laws of 1940, as amended and supplemented.

“Length of race and number of heats or dashes” means races or dashes shall be given at a stated distance in units not shorter than $\frac{1}{6}$ of a mile. The length of a race and the number of heats shall be stated in the conditions. If no distance or number of heats or dashes are specified all races shall be a single mile dash. No two-year old shall be permitted to start in a dash or heat exceeding one mile in distance. Except where elimination heats or dashes are required, two-year olds may start only in races conditioned not to exceed two dashes or in a two in three race which shall terminate in three heats or dashes. In two-year old races any colt may default at the end of a second heat or dash and the remaining colt shall be declared the winner. Any colt withdrawing under this rule shall forfeit all right to the winners’ share of the purse or to the award of the trophy. In the event all eligibles withdraw, the sponsor may retain the 10 percent and the trophy.

“Maiden” means a stallion, mare or gelding that has never won a heat or race at the gate at which it is entered to start and for which a purse is offered.

“Match race” means a race which has been arranged and the conditions thereof agreed upon between the contestants.

“Matinee race” means a race with no entrance fee in where the premiums, if any, are other than money.

“Meeting race” means the period (Sundays excluded), for which a license to race has been granted to any one association by the Commission.

“Overnight event” means a race for which entries close not more than three days (omitting Sundays) before such race is to be contested. In the absence of conditions or notice to the contrary all entries in overnight events must close not later than 12 Noon the day preceding the race. An association shall not demand entry fees from owners or trainers of horses competing in an overnight event.

“Owner” means sole owner, part owner or lessee, of a horse.

“Paddock” means a man tight enclosure in which horses scheduled to compete in a race program are confined prior to racing under the supervision of paddock judge.

“Positive analysis” means when the analyst has accumulated sufficient scientific data to specifically identify the suspected drug(s) or foreign substance(s) present in the biological test sample.

“Post position” means race positions shall be determined publicly by lot in the presence of one or more Judges or their deputies, and at least one trainer licensed by the Racing Commission. Post positions shall be drawn at scratch time. Beginning from the inside rail, the horse shall take their positions at the post in keeping with the numerical order resulting from the public drawing.

“Protest” means a protest, except a protest involving fraud may be filed only by the owner (or his authorized agent), trainer or driver of a horse engaged in the race over which the protest is made or by a racing official of the meeting. A protest involving fraud may be made by any person. A protest, except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant, and filed with the Judges at least 60 minutes before post time of the race in question. To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the Judges at least two hours before and programmed post time for the race in which the protested maiden is scheduled to run. A protest against a horse engaged in a race, and filed with the Judges not less than 60 minutes before post time, shall receive immediate consideration; and in default of proof within 30 minutes of post time that the horse is qualified to start, the horse may be disqualified from starting. To merit consideration, a protest against the programmed distance of a race must be made at least 30 minutes before post time for that race. To merit consideration, a protest against a horse based on a happening in a race must be made to the Judges before the placing of the horses for that race has been officially confirmed. If a driver wishes to protest a happening in a race, he must so notify the Judges immediately after the finish of said race. Before the consideration of a protest, the Judges may demand a deposit of \$25.00 to be made with the racing secretary. This deposit shall be applied to the costs and expenses, as provided by this rule. Any excess shall be refunded unless the protest is found to be frivolous, in which case the deposit may be assessed as a fine. A person or persons lodging a protest must pay all the costs and expenses incurred in determining the objection unless his objection is upheld in which case the cost shall be paid by the offender. Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be paid to and held by the racing secretary until the protest is determined. The Judges are vested with power to determine the extent of disqualification in cases of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last. A protest may not be withdrawn without permission of the Judges. No person shall make frivolous protests. The Judges shall keep a record of all protests and complaints, and of any action taken thereon, and shall report both daily to the Racing Commission.

“Race officials” includes the following, Racing Commission representative and:

1. State steward and/or presiding judge;
2. Associate judges;
3. Finish wire judge;
4. Patrol judges;
5. Paddock judges;
6. Starter;
7. Timer;
8. Clerk of the course;
9. Race secretary;
10. Program Director.

11. The Commission may adjust the above roster as it deems necessary.

“Record” means the fastest time made by a horse in a heat or dash which he won or in a performance against time.

“Respiratory bleeder” means a horse that shows evidence of hemorrhaging from the blood vessels of the nose, accessory nasal cavities, the pharynx, larynx and/or lung.

“Rules” means the rules and regulations promulgated by the Commission.

“Scoring” means those preliminary practice starts taken by the horses in a race after the post parade and before they are called by the starter to line up for the start.

“Stake” means a race which shall be contested in a year subsequent to its closing in which the money given by the association conducting the same is added to the money contributed by the nominators all of which except deductions for breeders or nominators awards belong to the winner or winners. In any event all of the money contributed in nominating, sustaining and starting payments must be paid to the winner or winners.

“Suspicious analysis” means when the biological sample being tested is suspected of containing any drug(s) or foreign chemical substance(s), however, the presence of other foreign substance(s) interferes with the isolation, detection and identity of the suspected substance(s).

“Total calculator” means an electronic calculator (commonly referred to as a totalizator), the design and function of which must be approved by the Commission, installed for the purpose of designating straight win, place and show wagering in the manner prescribed by the rules.

“Two in three” means in a two in three race, a horse must win two heats or dashes to be entitled to first money.

“Walk-over” means when only horses of the same interest start, a “walk-over” is entitled to all the stake money and forfeits unless otherwise provided in the published conditions. To claim the purse, the entry must start and go once over the course unless this requirement is waived by the judges.

“Winner” means the horse whose nose reaches the wire first. If there is a dead heat for first, both horses shall be considered winners. Where two horses are tied in the summary, the winner of the longer dash or heat shall be entitled to the trophy:

1. Where the dashes or heats are of the same distance and the horses are tied in the summary, the winner of the faster dash or heat shall be entitled to the trophy.

“Wire” means a real or imaginary line from the center of the judge’s stand to a point immediately across, and at right angles to the track.

Amended by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Stylistic changes and “stewards” changed to “Judges” throughout.

Amended by R.1991 d.545, effective November 4, 1991.

See: 23 N.J.R. 2267(c), 23 N.J.R. 3341(b).

Added definitions for “Advance wagers”, “Delay period”, “Early bird wagering”.

Case Notes

Improper eligibility protest; State Steward should have considered protest. *Bunny Stables v. New Jersey Racing Commission*, 3 N.J.A.R. 148 (1981).

SUBCHAPTER 5. TRACKS

13:71-5.1 Policing requirements

(a) An association conducting race meetings under license from the Racing Commission shall properly police its grounds, including the stable area and paddock, and shall eject therefrom all unauthorized persons, known undesirables, touts, persons believed to be bookmakers or connected with bookmakers, persons under suspension or ruled off, persons of lewd or immoral character, and persons guilty of boisterous or disorderly conduct or other conduct detrimental to racing or the public welfare.

(b) When the State Police in the normal performance of their duties at an association meeting observe an individual deemed to be undesirable within the meaning of this rule, they will so advise the director of security and the Executive Director of the Racing Commission. The director of security shall, in writing, advise the Racing Commission and State Police within 48 hours of the action taken thereon.

Amended by R.1977 d.331, eff. August 29, 1977.

See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).
Amended by R.1986 d.358, effective September 8, 1986.
See: 18 N.J.R. 820(a), 18 N.J.R. 1830(a).
Deleted sentence in (a) "Where practical a . . . of such persons."

13:71-5.2 Police reports

The track security police and any other law enforcement agency acting in, or on or about the licensed premises of any race track, or any approved farms or stabling facilities, shall furnish two copies of their daily police report, together with any additional pertinent information available to the said police agency, obtained either orally or in writing. The two copies shall be delivered to the New Jersey State Police detail assigned to the race track at the close of each racing day. One copy, with evaluation, comments and further action by the said State Police shall be delivered to the New Jersey Racing Commission.

Case Notes

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function. *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div.1982), affirmed 93 N.J. 1, 459 A.2d 295 (1983).

13:71-5.3 Persons ejected; reports

Each association shall furnish to the commission the names and addresses of all persons ejected by the association from its grounds, together with the offense or offenses alleged against them, and any other material information relating hereto.

13:71-5.4 Complaints in writing

Complaints against a race official or his assistant shall be made to the stewards in writing and be signed by the complainant.

13:71-5.5 Attendance reports

Each association shall make daily reports to the commission of the total attendance showing number of paid admissions, established price of each class of admission, together with number of free passes.

13:71-5.6 Badges of admission

No badge of admission shall be issued to any owner, trainer, driver, groom, stable help, plater or other employees including concessionaires and their employees unless such person has applied for and/or been fingerprinted and/or paid to the Racing Commission the license fee required by law. Application for licenses shall be made on forms supplied by the Racing Commission.

13:71-5.7 Offices and parking; Racing Commission use

Each association shall provide within its grounds approved adequate offices and parking areas as required for use and to be at the disposal of the Racing Commission and all of its representatives.

13:71-5.8 Free access to grounds by employees of commission

The commission shall have such employees or inspectors as provided by law, who shall perform such duties as may be assigned to them by the commission, such employees to have free access to all parts of the grounds while on duty.

13:71-5.9 Photographic device for finishes

The Racing Commission shall require an association to install and maintain in good service a satisfactory photographic device, and where installed, it shall be required that all finishes be recorded by the photographic device.

13:71-5.10 Numbers for horses

When finishes are so recorded, each horse in each race shall wear a saddle cloth number and a head number of adequate size, on the side which at the finish will be towards the camera, corresponding to his number on the official program.

13:71-5.11 Betting prohibited on grounds

No association shall permit on its grounds any betting or other operations in contravention of any law of the State of New Jersey or of the United States.

13:71-5.12 Betting prohibited outside grounds

No association shall permit bets to be made on the grounds on any race run outside said grounds.

13:71-5.13 Handbooking prohibited on grounds

Handbooking shall be prohibited on the grounds and its operator shall be excluded therefrom.

13:71-5.14 Gambling device

No gambling device, other than permitted by law, shall be permitted on the grounds.

13:71-5.15 Petty games of chance

Petty games of chance are prohibited.

13:71-5.16 Disqualified personnel kept off grounds

During the term of disqualification of any participant in racing, it shall be the duty of the association to see to it that the privileges of his admission badge are revoked, and that he is kept out of the grounds, unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in these rules.

13:71-5.17 Ejected personnel; readmission; notice

Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the official issuing the ejection order. Notification of such permission for reentry shall be filed with the Racing Commission.

13:71-5.18 Age limits

Any child under 18 years of age must be accompanied by an adult, parent or guardian to be admitted to any race track enclosure as a spectator during the hours when the running of races is being conducted. No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Amended by R.1978 d.353, effective October 2, 1978. See: 10 N.J.R. 349(b), 10 N.J.R. 510(b). Amended by R.1989 d.546, effective November 6, 1989. See: 21 N.J.R. 1972(b), 21 N.J.R. 3476(a). Deleted "daytime" to describe race track. Deleted text regarding requirement that children (12-16) must be accompanied by an adult to be admitted to nighttime races. Amended by R.1993 d.485, effective October 4, 1993. See: 25 N.J.R. 2648(a), 25 N.J.R. 4600(d).

13:71-5.19 Weekly reports on employees

(a) Each harness race track association and each concessionaire shall make weekly detailed reports and deliver such reports to the Racing Commission, of all employees (including racing officials) actually engaged during the past week, stating the name, department, license number (if license is required) and position therein, and "yes" or "no" to indicate whether a resident of New Jersey, under columns so entitled. Such lists shall be compiled by departments, and if any employee is engaged in two departments, a notation opposite his name shall so state.

(b) The weekly reports of each department shall have the following endorsement signed by the department manager:

1. The above list of employees and information contained therein is a complete report of all employees engaged in my department for the week ending, _____ 19____. None of the above names appears on the security guide list for the year 19 _____. As indicated on the above list, the number of employees is as follows:

- Residents
- Nonresidents
- Exemptions requested

Department Manager.

13:71-5.20 State Police; reports

When the State Police in the normal performance of their duties at an association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing Commission with a copy to the State Police, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

SUBCHAPTER 6. ASSOCIATIONS

13:71-6.1 Compensation insurance

(a) Associations are required to carry adequate compensation insurance covering all persons in their employ.

(b) All owners and trainers shall carry compensation insurance covering all their employees, including drivers, grooms and all others acting in the capacity of training horses.

(c) All concessionaires shall carry compensation insurance covering all their employees.

(d) An individual or entity shall provide adequate proof of compliance with (b) and (c) above before he or she will be licensed as an owner, trainer, and/or concessionaire by the New Jersey Racing Commission. Such proof shall be in the form of:

1. A certificate of insurance, valid for the year through December 31 (for which licensing is sought), issued by an insurance company authorized to do business in the State of New Jersey.

i. A certificate, if offered and found not to be valid, may result in penalties provided in N.J.A.C. 13:71-2.3 up to and including revocation of license of the person who submitted the certificate; or

2. Proof of payment of the required premium entitling an individual or entity to participate in a workmen's compensation insurance group program.

i. Any group or organization sponsoring such a program shall guarantee worker's compensation coverage for those eligible individuals or entities which pay the required premium. A copy of the worker's compensation insurance group program and eligibility requirements shall be filed by the sponsoring group or organization with the New Jersey Racing Commission each year.

(e) A certificate of compliance with this rule, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the race secretary.

(f) Prior to the commencement of any construction, alteration, change or improvement by a permit holder of any building, structure or physical layout at, about or within its licensed premises or track enclosure by a permit holder, plans and specifications regarding such construction, alteration, change or improvement must be reviewed and approved by the Racing Commission.

(g) Each association shall file a complete financial statement with the Commission on or before February 15 of the calendar year following the association's last meeting.

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

(g) deleted.

Amended by R.1987 d.43, effective January 5, 1987.

See: 18 N.J.R. 2117(a), 19 N.J.R. 138(b).

Deleted text from (d) "before a license is issued".

Amended by R.1990 d.573, effective November 19, 1990.

See: 22 N.J.R. 1717(a), 22 N.J.R. 3500(a).

Added (b), requiring proof of adequate worker compensation coverage.

13:71-6.2 Judge's stand

The judge's stand shall be so located and constructed as to afford to the officials thereupon, an unobstructed view of the entire track and no obstruction shall be permitted upon the track or the centerfield which shall obscure the official's vision of any portion of the track during the race.

13:71-6.3 *Bona Fide* contests

All races shall be *bona fide* contests with the winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No hippodroming or other arrangement for equal distribution of the purse money among the contestants is permitted.

13:71-6.4 Default in payment of premiums

(a) Any association that defaults in the payment of a premium that has been raced for shall together with its officers be penalized. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payments to be made to the owners, nominators or breeders of money winning horses and organizations or promotion expenses stipulated for stakes and futurities.

(b) Other than a stake or futurity as covered in (a) above, no association may enter into any agreement with any organization requiring a deduction from the purse payable to owners of money winning horses, unless such agreement provides that a deduction may be made only from those owners entitled to winnings who have expressly consented to the deduction or unless provided by law.

As amended, R.1982 d.109, eff. April 5, 1982.

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

(b): added "or unless provided by law."

13:71-6.5 (Reserved)

As amended, R.1982 d.109, eff. April 5, 1982.

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

13:71-6.6 (Reserved)

As amended, R.1982 d.109, eff. April 5, 1982.

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

13:71-6.7 Awards

Except as herein stated, no association shall advertise to pay any awards other than to the owners, nominators or breeders of money winning horses. Awards may be made to drivers of horses breaking or equaling track or world records, or to leading drivers at meetings.

13:71-6.8 Paddock

(a) Every association shall provide a paddock or receiving barn containing a minimum of 80 stalls or such number as the Commission may designate.

(b) The paddock or receiving barn must be completely enclosed with a man tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.

13:71-6.9 Photo finish; head numbers; saddle pads; starting gate

At all associations, a photo finish, head numbers saddle pads and a starting gate must be used. Whenever the judges use a photograph to determine the order of finish, it shall be posted for public inspection. Photo finish equipment shall not be acceptable unless it is of a type approved by the Commission.

13:71-6.10 Interference with race officials

Although associations are obligated to supervise their meetings, their interference with the proper performance of duties of any official is prohibited.

13:71-6.11 Driver's stand

Each association shall provide a stand located conveniently to the gate through which the horses enter the race track from the paddock or receiving barn, for the use of drivers scheduled to race. The location of the stand shall permit a clear and adequate view of the race course.

13:71-6.12 Paddock rules

Horses must be in the paddock at the time prescribed by the presiding judge, but in any event not less than one hour but not more than two hours prior to post time of the race in which the horse is to compete unless required to be in the paddock pursuant to N.J.A.C. 13:71-23. Except for warm-up trips, no horse shall leave the paddock until called to the post.

As amended, R.1982 d.109, effective April 5, 1982.

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

"Unless . . . N.J.A.C. 13:71-23" added.

13:71-6.13 Admission to paddock

(a) The persons entitled to admission to the paddock are as follows:

1. Owners of horses competing on the date of the race and whose horses are in the paddock;
2. Trainers of horses competing on the date of the race and whose horses are in the paddock;
3. Drivers of horses competing on the date of the race and whose horses are in the paddock;
4. Grooms and caretakers of horses competing on the date of the race and whose horses are in the paddock;

5. Officials whose duties require their presence in the paddock or receiving barn;

6. Such other persons as are authorized by the Commission.

13:71-6.14 Leaving of paddock

No driver, groom or caretaker, once admitted to the paddock or receiving barn, shall leave the same other than to warm up said horse until such race, or races, for which he was admitted is contested; provided however, that in the event of an emergency, trainers or grooms may leave the paddock but only with the permission of the paddock judge in which case the paddock judge shall maintain a written record thereof. Such record shall be delivered to the presiding judge. A trainer may leave the paddock before his horse completes its engagement, but may not return to the paddock unless approval by the presiding judge has been given.

Amended by R.1988 d.402, effective August 15, 1988.
See: 20 N.J.R. 1175(a), 20 N.J.R. 2071(b).

Added text "A trainer may ..."

13:71-6.15 Returning to paddock

No person except an owner, who has another horse racing in a later race, or an official, shall return to the paddock until all races of that program shall have been completed.

13:71-6.16 Two members of a stable admitted to paddock on one day

No more than two members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any one racing day, except by permission of the presiding judge.

13:71-6.17 Blacksmith provided by association

During racing hours each association shall provide the services of a blacksmith within the paddock.

13:71-6.18 Extra equipment provided

During racing hours each association shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.

13:71-6.19 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-6.20 Supervision of the paddock

The paddock at all times shall be under the supervision of the paddock judge.

13:71-6.21 Required time drivers should be present in paddock prior to race

Drivers shall be in the paddock at least one hour before post time for the races in which they are scheduled to drive.

13:71-6.22 Post parade from paddock

Fifteen minutes before the post time for a heat or dash, the paddock judge shall cause all horses entered in such heat or dash to be formed in a parade line. Such horses shall be attended by their drivers unless specifically excused by the paddock judge. All horses in a heat or race shall parade from the paddock upon the track and before the grandstand not later than five minutes before post time. A horse failing to parade without being excused by the judges may be scratched from the race or its driver or trainer may be penalized. Drivers shall not engage in conversation during the post parade.

13:71-6.23 Ambulances

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds.

13:71-6.24 Track entrance; Coggins test requirement for horses, ponies or equine mascot

(a) No horse shall enter the grounds of any track association absent presentation of a valid certificate of a negative Coggins test. Said certificate shall:

1. Identify the horse by tattoo number;
2. Indicate said test was performed within one year prior to the date of presentation to the racing secretary;
3. Indicate said test was conducted by a laboratory approved by the United States Department of Agriculture; and
4. Be attached to the appropriate foal certificate.

(b) In the event that a horse arrives at a track association without a valid certificate of a negative Coggins test, the horse will be permitted to be stabled in an area designated by the State Veterinarian. A certificate must be presented to the Racing Secretary within 12 hours or a new certificate must be obtained as soon as possible. The State Veterinarian shall be notified immediately if any horse enters the grounds under these conditions.

(c) In the case of any pony or equine mascot, evidence of a negative Coggins test, together with a photograph of the animal, must be filed with the racing secretary.

(d) The racing secretary shall be responsible for ensuring compliance with this rule. Violation of this rule may subject the racing secretary and/or track association to penalties, provided for in these rules and regulations.

(e) This rule does not affect eligibility to race or claims. However, the trainer of a horse which races in violation of this rule without evidence of a negative Coggins test and/or a vaccination for equine encephalitis, is subject to penalties provided for in these rules.

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

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
 As amended, R.1983 d.13, eff. February 7, 1983.
 See: 14 N.J.R. 1147(a), 15 N.J.R. 158(c).
 Deleted old text and added new text.
 Amended by R.1986 d.415, effective October 6, 1986.
 See: 18 N.J.R. 402(b), 18 N.J.R. 1448(b), 18 N.J.R. 2055(a).
 New Rule was proposed at 18 N.J.R. 402(b).
 Amendments to the new rule were proposed at 18 N.J.R. 1448(b),
 and adopted at 18 N.J.R. 2055(a).

13:71-6.25 Ownership approval

No person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership comprising a five percent or greater interest in any association or corporation which has been or shall be granted a permit to hold or conduct a horse race meeting without first obtaining the approval of the New Jersey Racing Commission pursuant to these rules and regulations. For purposes of this section "person" shall be construed to include the spouse and/or children of any such applicant and compliance with this section shall be required of all such persons holding any interest whatsoever whenever the total interest held by such persons as an aggregate exceeds the five percent requirement. Failure to comply with this regulation shall subject the applicant to disqualification and the permit holder to the penalties and sanctions provided by law.

R.1984 d.44, eff. February 21, 1984.
 See: 15 N.J.R. 1928(b), 16 N.J.R. 378(a).

13:71-6.26 Annual listing of shareholders

Racing associations shall file on an annual basis with the commission a list of all persons possessing directly or indirectly any shares of stock or certificates or other evidence of ownership of any interest in any association or corporation. Said filing shall take place prior to June 1 of each calendar year.

R.1984 d.44, eff. February 21, 1984.
 See: 15 N.J.R. 1928(a), 16 N.J.R. 378(a).

13:71-6.27 Application forms; approval

Approval may only be given to such persons who make application therefor on the form prescribed by the New Jersey Racing Commission and only when such application is filed with the Director of the Racing Commission properly completed and executed in all respects.

New Rule, R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 1928(a), N.J.R. 378(a).

13:71-6.28 Investigation

The commission may investigate the applicant or any person named in the application, with respect to such person's criminal record, subversive activities record and any other reports concerning such persons, in order to determine whether the applicant or a person for whom ownership is directly or beneficially to be held has not been convicted of a crime of moral turpitude, has not violated any rules and regulations previously or presently prescribed by the New Jersey Racing Commission, and who possesses sufficient moral responsibility so as not to be detrimental to the best interests of racing in New Jersey.

New Rule, R.1984 d.44, effective February 21, 1984
 See: 15 N.J.R. 1928(a), 16 N.J.R. 378(a).

13:71-6.29 Review of application approval

Applications may be approved, after due consideration by the Executive Director of the Racing Commission to whom such power is delegated, but the New Jersey Racing Commission may, in its discretion, review any such findings made by the Executive Director to determine whether any applicant merits approval.

New Rule, R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 1928(b), 16 N.J.R. 378(a).

13:71-6.30 Application denials; notice

When an applicant, after due consideration, cannot be approved for reasons expressed in N.J.S.A. 5:5-22 et seq., as amended and supplemented, or if, in the opinion of the New Jersey Racing Commission, approval of such person will be detrimental to the best interests of racing in New Jersey, or if an applicant will hold ownership for another whose interest is beneficial, indirect or otherwise and the indirect or beneficial owner could not qualify, to hold direct ownership for reasons expressed herein, the Commission may disapprove such applicant by notifying by registered mail the Secretary of the association or corporation licensed to conduct a horse race meeting. Such disapproved person may request, and the Commission shall hold, a hearing which request and hearing shall be made and had as provided for in N.J.S.A. 5:5-22 et seq.

New Rule, R.1984 d.44, effective February 21, 1984.
 See: 15 N.J.R. 192(a), 16 N.J.R. 378(a).

SUBCHAPTER 7. LICENSING

13:71-7.1 Persons required to have licenses; fingerprints and photographs

(a) The following persons shall be required to take out a license from the New Jersey Racing Commission and the annual fee therefor shall be as follows:

1. Driver/Trainer:	\$50.00
2. Owner:	\$50.00
3. Pari-Mutuel Employee:	\$25.00
4. Stable Employee:	\$ 5.00
5. Stable Name:	\$50.00
6. Starter:	\$10.00
7. Plater:	\$20.00
8. Timer:	\$10.00
9. Vendor:	\$50.00
10. Identification License:	\$10.00
11. Authorized Agent:	\$50.00
12. Veterinarians:	\$50.00

(b) All persons licensed by the Commission and all employees of the racing associations and/or employees of contractors doing work for the track associations will be required to be fingerprinted and photographed at the discretion of the Commission. The applicant must pay for the cost of the fingerprints and card checks. The Commission will direct the fee, which will be consistent with the charge set by the reviewing agency for the type of inquiry requested; for example, State, Federal, State and Federal, name check. Owners who, because of extenuating circumstances, cannot come into New Jersey to be fingerprinted and photographed during a racing year, will be issued conditional licenses only and will not be permitted access to the stable area or paddock at any New Jersey track until photographed and fingerprinted by the Racing Commission. Holders of a conditional license will not be eligible for passes at any of the tracks in New Jersey.

Amended by R.1977 d.8, effective January 17, 1977.
See: 8 N.J.R. 531(c), 9 N.J.R. 94(d).
Amended by R.1979, d.14, effective April 12, 1979.
See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).
Amended by R.1983 d.104, effective April 4, 1983, operative January 1, 1984.
See: 14 N.J.R. 1445(a), 15 N.J.R. 554(a).
Fees increased and (b) added.
Amended by R.1985 d.640, effective December 16, 1985 (operative January 1, 1986).
See: 17 N.J.R. 2364(a), 17 N.J.R. 2996(b).
(a)12 added; (b) substantially amended.
Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
"Fingerprints and photographs" added to tagline.
Amended by R.1993 d.52, effective January 19, 1993.
See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).
Revised (a).

13:71-7.2 False or misleading statements

Any person making any false, untrue or misleading statement on an application for a license or registration or in a written or oral examination in connection with such an application may be disciplined as provided for in this chapter.

Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-7.3 Refusal to issue or renew license

The Commission may refuse to issue or renew a license or may suspend or revoke a license issued pursuant to this section if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person or persons who has been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with, or has consorted with bookmakers, touts or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to

violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the Commission, or shall have violated any rule of racing which shall have been approved or adopted by the Commission, or has been guilty of or engaged in similar related or like practices.

Case Notes

Harness rules express concern for an affinity between any applicant for licensure and another person convicted of a crime, entirely apart from the persons' marital relationship. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

Arrest record with no convictions may not be considered by the Commission in assessing the moral character of an owner/licensee (citing former N.J.A.C. 13:71-4.2). *Costanzo v. New Jersey Racing Commission*, 126 N.J.Super. 187, 313 A.2d 618 (App.Div.1974).

Commission's denial of harness driver's license not arbitrary, capricious or unreasonable; applicant's burden to demonstrate complete qualification for licensure not met; other licensing decisions not relevant to petitioner's application since decisions are based on individual records, not comparative tests. *Primeau v. New Jersey Racing Commission*, 8 N.J.A.R. 509 (1985).

13:71-7.4 Age requirements

No application for a license will be considered for or granted to a person under 16 years of age.

13:71-7.5 Items requiring registration

(a) The following must be registered with the Racing Commission annually and the fee payable for such registration shall be as follows:

1. Each stable name must be duly registered with the Racing Commission. The fee shall be \$50.00.
2. Corporate stable names must be registered with the Commission. The initial fee shall be \$50.00 and renewals thereafter shall have a fee of \$50.00.
3. Multiple ownership initial registration with the Commission shall be \$50.00 and renewals thereafter shall also have a fee of \$50.00.
4. Partnerships (two individuals or any combination of entities and/or individuals) shall be registered with the Commission. The fee shall be \$25.00 annually.

Amended by R.1979 d.144, effective April 12, 1979.
See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).
Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
(a) 2 and 3 added.
Amended by R.1993 d.52, effective January 19, 1993.
See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).
Revised (a) and (a)1; added new (a)4.

13:71-7.6 Fees

The fee shall accompany each application for licenses and/or registration. All licenses and/or registration expire December 31 of the year of issue.

13:71-7.7 Applications

(a) All applications for owner, driver and trainer license and registration of stable name and multiple owner registration must be examined by the steward for and on behalf of the New Jersey Racing Commission. The steward shall ascertain if the applicant is qualified as to ability and integrity, and shall report his findings to the New Jersey Racing Commission.

1. In considering each application for a license, the steward may require the applicant, as well as the applicant's endorsers, to appear before him.

2. The burden shall be upon the applicant to show that he, she or it is qualified in every respect to receive the license applied for.

3. Ability, as well as integrity, must be clearly shown by the applicant in order to receive the steward's recommendation to the New Jersey Racing Commission for the granting of the license.

As amended, R.1982 d.109, effective April 5, 1982.

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

Amended by R.1985 d.138, effective March 18, 1985.

See: 17 N.J.R. 57(b), 17 N.J.R. 711(a).

Added (a)1.-3.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Grammatical correction in (a).

Case Notes

Commission's denial of harness driver's license not arbitrary, capricious or unreasonable; applicant's burden to demonstrate complete qualification for licensure not met; other licensing decisions not relevant to petitioner's application since decisions are based on individual records, not comparative tests (citing former regulation). *Primeau v. New Jersey Racing Commission*, 8 N.J.A.R. 509 (1985).

13:71-7.8 Liable for all penalties

All persons listed in a registered stable shall be liable for all penalties against horses raced under such stable name. If one of the persons listed under such stable name is suspended, all the horses in such stable shall be included.

13:71-7.9 Changes in identities

Changes in identities must be reported immediately and approval obtained from the Commission.

13:71-7.10 Notice to the Racing Commission

A person who has registered under a stable name may at any time cancel it after giving written notice to the Racing Commission.

13:71-7.11 Changing of stable name

A stable name may be changed at any time by registering a new stable name and by paying the fee required in N.J.A.C. 13:71-7.5.

13:71-7.12 Existing stable name

A person cannot register as his stable name one which has been registered by any other person with any association conducting a recognized meeting.

13:71-7.13 Registered stable; member

A person may be registered in more than one stable name. No person, however, will be permitted to enter more than one horse, in which he has an interest, in any one race without said horse being coupled as an entry.

As amended, R.1977 d.8, effective January 17, 1977.

See: 8 N.J.R. 531(c), 9 N.J.R. 94(d).

13:71-7.14 Distinguished name

A stable name shall be plainly distinguishable from that of another duly registered stable name.

13:71-7.15 Transfer of name

With the consent of the Racing Commission a stable name may be transferred. The fee for a transfer shall be \$10.00 and a new application must be made.

13:71-7.16 Corporations

(a) No license as an owner shall be granted to a corporation or to the lessee or lessor of any corporation unless all corporate officers, members of the Board of Directors, managers and stockholders directly or indirectly owning five percent or more of said corporation's issued stock have been licensed.

(b) Each such person must file an application for an owner's license.

(c) Any and all changes in either the corporate structure or the respective interest of stockholders as described in (a) above must be promptly filed with the Commission.

(d) All corporations shall race under a stable name approved by the Commission and shall be required to file application for same on a form prescribed by the Commission.

As amended, R.1982 d.109, effective April 5, 1982.

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

(a) deleted and (a) through (d) added.

13:71-7.17 Multiple ownership

Each and every multiple ownership must be registered with the Racing Commission. All multiple ownerships with the exception of partnerships wherein no more than two persons are involved shall race in a multiple ownership stable name. No license shall be granted to any partnership, syndicate or other form of multiple ownership or to the lessee of any such entity excluding corporations wherein the number of persons having a beneficial interest therein exceeds 35. Each and every partnership must be registered with the Commission.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 13 N.J.R. 347(a).
Substantially amended.

13:71-7.18 Multiple ownership; applications

(a) Multiple ownership applications shall, among other things, set forth the following:

1. The name and address of each and every person having any interest in the horse or horses involved;
2. The relative proportions of such interests;
3. To whom the winnings are payable;
4. In whose name the horse or horses shall race;
5. With whom the power of entry and declaration shall rest;
6. The terms of any contingency, lease or any other arrangement.

13:71-7.19 Alteration in a multiple ownership

Any alteration in a recorded multiple ownership registration, to be effective, must be reported in writing to the Racing Commission and be signed by all the partners.

13:71-7.20 Liability

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

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-7.21 Employment application blank

(a) Every person employed at any harness race track or by any concessionaire thereof must fill out an employment or license application, which must contain a statement of permanent residence and the following questions: Have you ever been convicted of a crime? ... ruled off? ... set down for other than the usual driving infractions? ... Suspended or otherwise debarred from participating in racing by any racing organization, commission of other recognized turf authority in the United States or elsewhere? ... Has an indictment or information been returned or complaint made against you by the United States or any state, charging sale use of possession or narcotics? ... State full details.

(b) All such employment application records must be kept by any harness race track association or by any concessionaire for a period of two years, and must be made available for inspection by the New Jersey Racing Commission, if so requested.

13:71-7.22 Nonresident defined

(a) Any person who has voted within two years in any state other than New Jersey since casting his last vote in

New Jersey, or who has made representation within two years that he is a citizen or resident of a state other than New Jersey shall be considered not a resident of New Jersey.

(b) The Commission shall make decision of the citizenship and residence of each employee under the laws of the State of New Jersey and the rules, regulations and conditions of the Commission which shall be binding upon the employees and the race track association.

Case Notes

Finding that no domiciliary ownership or control requirements were in existence on day of race; horse not disqualified from "owned and bred" race; owner was New Jersey domiciliary on race date (also cited as N.J.A.C. 13:71-7.11). *Bunny Stables v. New Jersey Racing Commission*, 3 N.J.A.R. 148 (1981).

13:71-7.23 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-7.24 Loss of identification card

All persons who have in their possession an identification card issued by the New Jersey Racing Commission and lose same are subject to a fine of not less than \$2.00 or more than \$10.00, to be paid before a duplicate card can be issued.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Maximum and minimum fines established, change from fine of \$1.00.

13:71-7.25 Application for driver's license

(a) Every person desiring to drive a harness horse at a race meeting licensed by the Commission shall be required to obtain a license from the Commission. Such application shall be on forms provided by the Commission; applications may be filed at any Commission office. Such license shall be presented to the clerk of the course before driving.

(b) Every applicant for a license to drive a harness horse at a race meeting licensed by the Commission shall, in addition to any other requirements mentioned herein:

1. Be at least 16 years of age;
2. Submit evidence of good moral character;
3. Have a minimum of 20-40 vision in one eye, corrected, according to certification by a licensed optometrist, or ophthalmologist. All drivers must be examined at least biannually by one of the aforementioned doctors. A proof of such examination must be submitted with the license application;
4. Furnish a completed application form;
5. When requested, submit evidence of physical and mental ability and/or submit to a physical examination;

6. When requested, submit to a written examination at a designated time and place to determine his qualification to drive and his knowledge of racing and the rules;

7. Submit evidence of ability to drive in a race and, if a new applicant, this must include the equivalent of one year's experience.

(c) Any applicant who has complied with the requirements of (a) and (b) above, may be eligible for a license in New Jersey in the following categories:

1. (F)(Fair) A license valid for fair meetings. Drivers holding a license valid for fairs only who have driven at fairs must demonstrate an ability to drive satisfactorily before they will be granted a (Q) license valid for qualifying races.

2. (Q)(Qualifying) A license valid for fairs and a license for qualifying races at pari-mutuel meetings with the approval of the Presiding Judge. The Presiding Judge shall make a report to the United States Trotting Association relating to the performance of such a driver in a qualifying race. Drivers holding a qualifying license must demonstrate an ability to drive satisfactorily before a Presiding Judge before they will be granted a (P) Provisional license.

3. (P)(Provisional) A license valid for fairs and for pari-mutuel meetings subject to satisfactory performance and with the permission of the Racing Association. In cases where drivers are Provisional (P), it shall be noted on the program. Drivers holding a provisional license will not be considered for advancement to an "A" (full) license until he or she has qualified in one of the three following categories:

i. Had at least one year's driving experience while holding a "P" (Provisional) license plus 25 satisfactory pari-mutuel starts in the calendar year prior to application;

ii. Or had less than one year's driving experience while holding a "P" (Provisional) license but with at least 50 satisfactory pari-mutuel starts and the written approval from a licensed pari-mutuel Presiding Judge.

iii. Or made 25 satisfactory starts at extended pari-mutuel or Grand Circuit meetings in the two calendar year period preceding date of application provided he or she has had at least 50 satisfactory fair starts.

iv. In all cases, an individual must have demonstrated professional competence at all times and a Presiding Judge, licensed by a Racing Commission, must have submitted a satisfactory written report certifying to such performance.

4. (A) (Full) A full license for all meetings.

5. (V) (Probationary) A Probationary license indicating that the driver has been guilty of rule violations and has been warned against repetition of such violations.

(d) In the event any person is involved in an accident on the track, the Commission may order such person to submit to a physical examination and such examination must be completed within 30 days from such request, or his license may be suspended until compliance therewith.

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

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

Amended by R.1984 d.214, effective June 4, 1984.

See: 16 N.J.R. 691(a), 16 N.J.R. 1361(b).

Section substantially amended.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

(a)1 deleted.

13:71-7.26 Requirements; farms or licensed tracks

(a) No horse may start in any race wherein pari-mutuel wagering is conducted unless stabled on the grounds of a racing association licensed by the Commission or at a farm or training facility licensed by the Commission. Nothing in this rule shall prohibit any horse stabled outside the State of New Jersey from vanning to any racing association to start.

(b) A license shall not be issued to any farm or training center not in compliance with the following requirements:

1. All box stalls shall be properly ventilated and measure approximately 10 feet by 10 feet or larger.

2. Arrangements for the disposal of manure and other refuse shall be made in compliance with appropriate State and municipal health codes and/or ordinances.

3. Adequate spraying and/or fogging equipment must be available.

4. Any farm or training center that is placed under quarantine by the New Jersey Department of Agriculture shall have their license immediately suspended. Any facility whose license is so suspended, shall be afforded the right of appeal as provided for in N.J.A.C. 13:71-3.

(c) Any farm or training center making application for licensure as an off-track stabling facility shall pay a \$50.00 annual license fee and be liable to inspection by the employees of the Commission and shall be required to provide unrestricted access to all stabling facilities to the employees and agent of the Commission upon demand.

(d) Any horse in training or entered to start stabled on such a farm or training center must be under the care and custody of a licensed trainer. It shall be the responsibility of the trainer to insure that only individuals licensed by the Commission are employed in any capacity of caretaker, groom or other attendant with respect to the care-custody and training of such a horse. Nothing in this section shall be deemed to apply to brood mares, foals, weanlings, yearlings, stallions or other horses not in training.

(e) It shall be the responsibility of the farm manager or training center manager to complete and file all reports required of him by the Commission. It shall similarly be the responsibility of the trainer to complete and file all reports required of him by the Commission, including, but not limited to, the Equine Fatality Report (see: N.J.A.C. 13:71-20.24).

(f) Failure to comply with the requirements in this section shall subject the offending party to the penalties provided for in N.J.A.C. 13:71-2.3. Further, violation of this section may subject the offending party to suspension, revocation or denial of the farm license and/or declaration of ineligibility for stables or horses involved.

New Rule, R.1984 d.214, effective June 4, 1984.

See: 16 N.J.R. 691(a), 16 N.J.R. 1361(b).

Repealed.

New Rule, R.1985 d.637, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1393(b), 17 N.J.R. 2996(c).

Amended by R.1993 d.52, effective January 19, 1993.

See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised (c).

13:71-7.27 Trainers; application for license

An applicant for a license as trainer must be at least 18 years of age and satisfy the Commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a trainer in the preparation, training, entering and managing the horses for racing. The system of qualification employed by the United States Trotting Association may be accepted as evidence of the necessary experience.

13:71-7.28 Grooms; application for license

An applicant for a license as a groom must satisfy the commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a groom. Applicants between the ages of 16 and 18 years of age must submit New Jersey "working papers" together with their application. No license shall be issued to applicants under 16 years of age.

13:71-7.29 Suspension or revocation of drivers—trainers or grooms licenses

(a) The license of any driver, trainer or groom may be suspended, revoked or money fine may be imposed, at any time for:

1. Failure to obey the instructions of a racing official;
2. Failure to drive in a race when programmed, unless excused by the presiding judge;

3. Appearing in the paddock in an unfit condition to perform his duties;

4. Fighting;

5. Assault upon any other person;

6. Offensive or profane language;

7. Smoking while on the race track in silks and during actual racing hours;

8. Warming up a horse without silks at any time after the admission gates are open;

9. Disturbing the peace;

10. Refusal to take a breathalyzer test when directed by the presiding judge;

11. Refusal, when requested by the commission, to submit evidence of physical and mental ability and/or to submit to a physical examination;

12. Failure to participate in post parade, unless specifically excused by presiding judge;

13. Any other act or conduct detrimental to the sport;

14. Violation of any rule of the commission;

15. Falsifying or misrepresenting answers on the application for license.

16. The length of suspension of a driver may be increased up to and including an indefinite suspension by the New Jersey Racing Commission if said driver is guilty of the same infractions of the rules of racing two times or more during any calendar year.

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

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

Case Notes

Suspended trainer was denied a new trainer's license. *Temming v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 51.

13:71-7.30 Owners' application for license

(a) Every owner desiring to enter a harness horse at a race meeting licensed by the commission shall be required to obtain a license from the commission.

1. No person shall have more than one trainer, training his horse or horses in which he has any interest, at any one track in New Jersey, at the same time, without the written consent of the New Jersey Racing Commission. When a horse is shipped in for one particular race, this ruling may be waived in writing by the New Jersey Racing Commission or its representatives.

(b) Such application shall be on forms provided by the commission. "Owner" includes sole owner, part owner or lessee of a horse.

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

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

13:71-7.31 Qualification for owner's license

(a) Every applicant for a license as an owner in addition to any other requirements mentioned herein shall:

1. Be at least 18 years of age unless a parent or legal guardian expressly assumes responsibility for an applicant who is under 18 years of age;
2. Submit evidence of good moral character; and
3. Furnish a completed application form.

(b) Where a horse is owned jointly by two or more parties, all parties must comply with (a)1, 2 and 3 above.

(c) Where a horse is owned by a corporation, all officers, directors and persons owning more than five percent of the capital stock must comply with (a)1, 2 and 3 above.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

At (c) change from 10 percent ownership to 5 percent ownership.

13:71-7.32 Suspension or revocation of owner's license

(a) The license of any owner may be suspended, revoked or a money fine may be imposed for:

1. Failure to obey the instructions of a racing official;
2. Failure to race his horse when programmed, unless excused by the presiding judge;
3. Misconduct or acts detrimental to the sport;
4. Violation of any rule of the Commission;
5. Falsifying or misrepresenting answers on an application for an owner's license.

13:71-7.33 Reinstatement of owner's license

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

13:71-7.34 Reinstatement of license of driver, trainer and groom

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

13:71-7.35 Badges

(a) All licensed personnel who enter the stable area of any track under the jurisdiction of the New Jersey Racing Commission in any capacity whatsoever shall wear upon their outside apparel in a prominent position the authorized badges containing picture identification supplied by the Commission. This rule shall also apply to State, track, veterinarian personnel, as well as the vendors and suppliers authorized in the stable area, and the badges shall be readily available and produced by such personnel upon request of track security, county and city police, State police, Commission inspectors and stewards at said request. Failure to comply with this rule will result in a \$5.00 fine for the first offense; \$10.00 fine for the second; \$25.00 for the third; and ejection from the grounds upon the fourth offense.

1. All persons working in or about the licensed premises shall be required to be licensed in their appropriate category by the New Jersey Racing Commission.

(b) Any person losing his identification license will be subject to a fine of not less than \$2.00 or more than \$10.00. The amount of fine to be determined by the New Jersey Racing Commission.

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

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

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

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

"HTS" was "TRPB".

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

"Police" changed to "security" and reference to HTS deleted in (a).

Amended by R.1993 d.52, effective January 19, 1993.

See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised (a)1.

13:71-7.36 Written agreements between owners and trainers

A written agreement between owners and trainers shall be filed at the time they enter a partnership or stable name on any horse. The trainer shall be responsible for filing the written agreement with the New Jersey Racing Commission and the clerk of course at the track where said horse or horses participate within 72 hours.

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

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

13:71-7.37 Collection and dissemination of Social Security numbers

(a) The Racing Commission may request Social Security numbers to be furnished for use in determining an applicant's eligibility for licensure especially as it relates to credit checks, background checks or other such investigations, including those relative to open claiming. No application shall be denied for failure to comply with such request provided that a person may be required to submit such other information as the Commission may require in order to determine an applicant's eligibility for licensure.

(b) Any form used by the Commission to request submission of a Social Security number shall include the following:

1. A statement as to whether provision of a Social Security number is mandatory or voluntary;
2. A citation of the rule (which in the case of a request for voluntary submission shall be this section) that authorizes the Commission to request the Social Security number; and
3. A statement that the Commission will use Social Security numbers as a secondary internal identifier for the following purposes: Credit checks, background checks and other such investigations.

(c) Any Social Security number submitted to the Commission shall be concealed or removed from the document before it is made available to any agency or person outside the Racing Commission. No Social Security number shall be disclosed to any outside party, orally or in writing, except as provided by law.

New Rule, R.1995 d.165, effective March 20, 1995.
See: 27 N.J.R. 44(b), 27 N.J.R. 1193(b).

13:71-7.38 Multi-year license

(a) The Racing Commission may issue a multi-year license which expires on December 31 of the final year. The fee is a multiple of the annual fee and in the Commission's discretion may be offered, on an optional basis, to license categories it deems appropriate.

(b) The Commission may require the multiple year licensee to complete an annual questionnaire updating certain data on the original application, or provide such other supplemental information as it determines appropriate.

(c) A multi-year license may be suspended for violations of this chapter, and the holder thereof shall be subject to such penalties and orders for relief consistent therewith. If a multi-year license is suspended, the holder thereof in the Commission's discretion may forfeit the option to obtain a multi-year license.

New Rule, R.1995 d. 520, effective September 18, 1995.
See: 27 N.J.R. 2371(b), 27 N.J.R. 3621(b).
Administrative correction.
See: 27 N.J.R. 3973(a).

SUBCHAPTER 8. OFFICIALS

13:71-8.1 Race Officials

The Commission shall have general jurisdiction over all harness horse racing activities where pari-mutuel wagering is conducted in the State of New Jersey and of all the associations, employees and patrons associated therewith.

13:71-8.2 Required presence of officials in a race or performance against time

In every race or performance against time, there shall be a presiding judge and two associate judges in the judges' stand.

13:71-8.3 Appointment of State Steward

The New Jersey Racing Commission may appoint a State Steward who shall be solely responsible to said Commission, and whose compensation shall be fixed by the Commission and paid weekly by the holder of a permit at whose harness race track such official shall serve. He shall hold a license as a presiding judge from the United States Trotting Associ-

ation. He shall be the senior official at all race meetings and shall supervise the conduct of the racing. He shall at all times have access to all parts of the course, plant and grounds.

13:71-8.4 Licensing and approval of officials

At all harness race meetings licensed by the Commission, there shall be a State Steward, and/or presiding judge, two judges and a starter. All such officials shall be licensees of the United States Trotting Association and shall be approved by the Commission.

13:71-8.5 Judges and patrol judges

In addition to the officials designated in N.J.A.C. 13:71-2, the Commission may require the services of as many judges and patrol judges as it shall deem necessary. Such officials shall be licensees of the United States Trotting Association and shall be approved by the Commission.

13:71-8.6 Submission of names of racing officials

At least 30 days prior to the first day of a race meeting, the association shall submit in writing to the Racing Commission the names of all racing officials engaged for the meeting, and no such official shall be qualified to act until he shall have been approved by the Racing Commission. In the event of incapacitation of any such approved racing official the association may, with the approval of the Racing Commission, appoint a substitute.

13:71-8.7 Duties of the officials

It shall be the duty of all the aforesaid officials to enforce the rules and regulations of the Commission and the rules and regulations of the United States Trotting Association, and they shall have the power of expulsion, suspension or fine as provided in the rules and regulations.

13:71-8.8 License revocation of an official

Any official designated by the Commission may be removed by the Commission in its discretion. The Commission may also request the United States Trotting Association to revoke the license of any official.

13:71-8.9 Substitute official in case of emergency

In an emergency due to incapacity or absence, the State Steward appointed by the New Jersey Racing Commission may appoint a substitute official to serve pending a new designation by the Commission.

13:71-8.10 Access to course and grounds by officials

The Commission, its Executive Director, representatives, officials and employees shall at all times have full access to the course, plant and grounds, including the judge's stand.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-8.11 Vision examinations for officials

Before being approved by the New Jersey Racing Commission, all stewards, presiding judges, placing judges, patrol judges and starters must be examined by an optometrist or oculist. Said officials' vision must be 20-20 in both eyes or corrected to that figure, and signed statements by the examining optometrist or oculist to this effect shall be furnished to the Commission. Approved officials' vision shall be checked every year.

13:71-8.12 Reporting of protest and complaints by Steward

(a) The Steward and Board of Judges shall report all protests and complaints to the Racing Commission as soon as received by them and shall make prompt report to the Racing Commission of their decisions.

(b) The Steward and Board of Judges shall, after the close of each day, file with the Racing Commission a signed report of any and all infractions of the rules coming under their observance that day and shall file with the Racing Commission any and all rulings or infractions and, otherwise, as soon as said rulings are made.

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

"Stewards" changed to "steward" and "Board of Judges" added.

13:71-8.13 Punishment for violations

The Board of Judges and steward shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions. The prior record of any licensee for similar violations of the rules of this Commission or other racing commission or turf governing body may be considered in determining the extent of punishment to be imposed.

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

13:71-8.14 Conflict of official's position

(a) No official, acting as a judge, shall serve as a race secretary or a clerk of the course at such meeting.

(b) No race official shall be qualified to act as such at any meeting or race where he is under suspension or the owner or otherwise interested in the ownership of any horse participating at such meeting or race.

13:71-8.15 Disqualification of an official

In the event of the disqualification of an official, the Commission shall be so notified. The Commission shall thereafter appoint a substitute.

13:71-8.16 Removal of official

Any official may be fined, suspended or dismissed by the Commission at any time for incompetency, failure to follow or enforce the rules, or any conduct detrimental to the sport. No race official shall on any day upon which he is required to officiate, drink alcoholic beverages within four hours prior to the time he should begin performing his duties as an official.

Case Notes

Track Program Director fined for conduct detrimental to racing for failure to notice horse's inaccurate chart and penned-in declaration form notations. *New Jersey Racing Commission v. Phillips*, 1 N.J.A.R. 42 (1979).

13:71-8.17 Breathalyzer tests for officials

Officials, when directed by the commission or its representative, shall submit to a breathalyzer test and if the results thereof show a reading of more than 0.05 percent alcohol in the blood, a report shall be made to the commission.

13:71-8.18 Classification of horses; conflict of interest

No employee or officer of any association whose duties include the classification of horses shall directly or indirectly be the owner of any horse racing at such meeting, nor shall he participate financially directly or indirectly in the purchase or sale of any horse racing at such meeting.

13:71-8.19 Admission to judge's stand

Only the judges, the clerk of the course, the starter and timer, official announcer, officials and directors of the United States Trotting Association, and the commission or its authorized representatives shall be allowed in the judges' stand during a race.

13:71-8.20 Decorum of officials

All race officials shall at all times during the performance of their duties refrain from using intemperate language or from conducting themselves other than in a judicious manner. Any conduct on their part which could or does tend to detrimentally reflect upon the sport is prohibited.

13:71-8.21 Presiding judge

(a) The commission may designate a State steward and/or presiding judge for all licensed harness race meetings. The compensation of the State steward and/or presiding judge shall be fixed by the commission and paid by the association. The State steward shall have supervision and ultimate authority over all other race officials including the starter. He shall, in writing, notify the commission of all violations of any rules by an association, its officers or other race officials, giving detailed information thereof. A copy of such notice shall be sent by him to the United States Trotting Association. He shall be responsible for maintenance of the records of the meeting. The presiding judge shall take charge of the declaration box. In addition, he shall supervise or delegate the supervision of the following:

1. The maintenance of the judges' books, the stewards' list and the accident reports;
2. The preparation, delivery and posting of all notices of penalties, rulings and decisions relative to racing;
3. The procedures prescribed by these rules with respect to investigations and hearings;
4. The drivers meetings prescribed by the rules;
5. The handling of entries and declarations to start and the application of preferences to race;
6. All announcements over the public address system pertaining to the race program;
7. The admittance of persons to judges' stand subject to the direction of the commission;
8. The coupling of horses accepted for entry where it is necessary to protect the public interest;
9. The declaration as provided for under the rules of racing.

As amended, R.1976 d.125, eff. April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Case Notes

Board of Judges at a harness racing meeting has authority to impose fines and penalties as proscribed by the Commission; driver's due process rights not violated by track officials testifying at administrative hearing. *DeVitis v. New Jersey Racing Commissions*, 202 N.J.Super. 484, 495 A.2d 457 (App.Div.1985), certification denied 102 N.J. 337, 508 A.2d 213 (1985).

13:71-8.22 Powers of judges

- (a) Presiding judges and associate judges shall have authority to:
1. Impose fines and penalties as prescribed by the commission;
 2. Determine all questions of fact relating to a race;
 3. Decide any difference between parties to a race or any contingent matter which shall arise which is not otherwise provided for in the rules;
 4. Declare pools and bets "off" in case of fraud, or to declare any horse a nonstarter and to direct and refund of all wagers made thereon. All pools and bets shall follow the decision of the judges. Such decisions in respect to pools and bets shall be made at the conclusion of the race upon the observations of the judges and upon such other facts as an immediate investigation may develop. A reversal or change of decision after the official placing at the conclusion of a heat or dash shall not affect the distribution of the betting pools made upon such official placing. When pools and bets are declared "off" for fraud, the guilty parties shall be penalized;

5. Control the horses, drivers, trainers, grooms and assistants and punish any person who shall fail to obey their orders or the rules;
6. Examine under oath all parties connected with a race as to any wrong or complaint. Any person required to appear before the judges for a hearing or examination who shall fail to appear after due notice in writing shall be penalized;
7. Consider complaints of foul from the patrols or drivers in the race and no others.

Case Notes

Board of Judges at a harness racing meeting has authority to impose fines and penalties as proscribed by the Commission; driver's due process rights not violated by track officials testifying at administrative hearing. *DeVitis v. New Jersey Racing Commission*, 202 N.J.Super. 484, 495 A.2d 457 (App.Div.1985), certification denied 102 N.J. 337, 508 A.2d 213 (1985).

13:71-8.23 Duties of judges

- (a) It shall be the duty of the judges to:

1. Exclude from the race any horse that in their opinion is improperly equipped, dangerous or unfit to race. A horse is unfit to race if he is sick, blind, weak or extremely lame. No horse shall race with a tube in its throat. Where a driver or owner reports to the presiding judge that his horse is unfit to race, ill or otherwise physically incapable of racing, the presiding judge shall call for an examination of the horse by the track veterinarian and the track veterinarian shall examine such horse and submit a written report of his findings to the presiding judge;
2. Investigate any apparent or possible interference or other violation of the rules whether or not a complaint has been made by a driver;
3. Investigate any act of cruelty, seen by them or reported to them, toward a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall penalize the offending person;
4. Immediately thereafter or on the day of the race the judges shall fill out a complete accident report and mail the report to the United States Trotting Association;
5. Observe the performance of the drivers and the horses closely to ascertain if there are any violations of these rules. They shall exhaust all means possible to safeguard the contestants and the public;
6. Grant a hearing at a designated time in accordance with the rules before a penalty may be imposed upon any party. All three judges should be present if possible, and at least the presiding judge and one associate judge must be present at all hearings. The judges may inflict the penalties prescribed by these rules. All penalties shall be recorded as per the rules. Such penalty is effective from

the time the penalized party receives notice thereof in accordance with the rules;

7. Declare a dash or heat of a race no contest in the event that a track is thrown into darkness during the progress of a race by failure of electricity.

13:71-8.24 Procedure of judges

(a) It shall be the procedure of the judges to:

1. Be in the stand 15 minutes before the first race and remain in the stand for 10 minutes after the last race and at all times when the horses are upon the track;

2. Observe the preliminary warming up of horses and scoring; noting the behavior of horses, lameness, equipment, conduct of drivers, changes in odds and any unusual incidents pertaining to horses or drivers participating in races;

3. Have the bell rung or give other notice at least 10 minutes before a race or heat. Any driver failing to obey this summons may be punished and his horse may be ruled out by the judges and considered drawn;

4. Designate one of their members to lock the pari-mutuel machines immediately upon the horses reaching the official starting point. The presiding judge shall designate the post time for each race and the horses will be called at such time as to preclude excessive delay after the completion of two courses;

5. Be in communication with the patrol judges where patrol judges are used, by use of patrol phones, from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the rules shall be reported by the patrol judge witnessing the incident and a written record made of same. At least one judge shall observe the drivers throughout the stretch specifically noting any change in course, interference, improper use of whips, breaks and failure to contest the race to the finish;

6. Be in continuous communication with each other in cases where the Commission requires one of them to ride in the starting gate behind the horses for the purpose of patrolling the race. In such case, the judge assigned to the starting gate shall maintain continuous communications with a judge assigned to the judge's stand and perform all duties described by the rules;

7. Post the objection sign, or inquiry sign, on the odds board in the case of a complaint or possible rule violation, and immediately notify the announcer of the objection and of the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed and the "Official" sign flashed. In all instances the judges shall post the order of finish and the "Official" sign as soon as they have made their decision;

8. Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, a copy or copies shall be made, checked by the presiding judge and posted for public inspection;

9. Sign the judges' book after each race, verifying the correctness of the record by the clerk of the course.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Deleted requirement for all horses and drivers to return to judge's stand and salute before "Official" sign could be posted.

13:71-8.25 Duties of patrol judges

(a) Where patrol judges are required by the Commission or utilized by the association on its own motion, they shall observe all activity on the race track at all times during the racing program. There shall be not less than two patrol judges. They shall immediately report to the presiding judge:

1. Any action on the track which could improperly affect the result of a race;
2. Every violation of the racing rules;
3. Every violation of the rules or decorum;
4. The lameness or unfitness of any horse;
5. Any lack of proper racing equipment.

(b) The patrol judges shall, furthermore:

1. Be in constant telephonic communication with the judges during the course of every race and shall immediately advise the judges of every rule violation, improper act or unusual happening which occurs at their stations;
2. Submit individual daily reports of their observations of the racing to the presiding judge;
3. When directed by the Executive Director or steward of the Commission or the presiding judge, attend hearings or inquiries on violations and testify thereat under oath.

As amended, R.1982 d.109, effective April 5, 1982.

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

"Director" changed from "Secretary".

13:71-8.26 Absent officials

If any race official is absent or incapacitated, the Executive Director of the Commission or, in his absence, the steward of the Commission may appoint a substitute at such meeting. Notice of such appointment shall be given immediately to the Commission and to the United States Trotting Association.

As amended, R.1982 d.109, effective April 5, 1982.

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

"Director" changed from "Secretary".

13:71-8.27 Starter

The Commission shall approve and license a starter for all licensed harness race meetings. The starter shall be under the jurisdiction of the presiding judge at all times.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-8.28 Duties of starter

The starter shall be in the starting gate 15 minutes before the first race. He shall have control over the horses and subject to the provisions of the rules, have authority to assess fines and/or suspend drivers, with the approval of the presiding judge, for any violation of the rules from the formation of the parade until the word "go" is given. He shall notify the judges and the drivers of penalties imposed by him. He shall report violations of the rules, giving detailed information. An assistant starter approved and licensed by the Commission may be employed when an association, with the approval of the Commission, deems it necessary. The starter shall submit daily a report to the presiding judge indicating the speed of the gate at the starting point for each race.

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

13:71-8.29 Duties of the clerk of the course

(a) The clerk of the course shall:

1. At the request of the judges assist in drawing positions.
2. Keep the judges' book and record therein:
 - i. All horses entered and their eligibility numbers;
 - ii. Names of owners and drivers and drivers license numbers;
 - iii. A record of each heat, giving the position of the horse at the finish;
 - iv. Drawn or ruled out horses;
 - v. Time in minutes, seconds and fifths of seconds.
3. Check eligibility certificates before the race and after the race enter all information provided for thereon, including the horses position in the race if it was charted.
4. Record all protests, fines, penalties and appeals on forms provided by the presiding judge, and see that the judges' book is properly signed.
5. Forward the judges' book from all extended pari-mutuel meetings the day following each racing day.
6. Notify owner and drivers of penalties assessed by the officials.
7. Upon request, assist judges in placing horses.

8. After the race, return the eligibility certificate to the owner of the horse or his representative.

13:71-8.30 Duties of timer

At each race or performance against time there shall be at least one timer in the judges' or timers' stand. He shall sign the judges' book for each race or performance against time verifying the correctness of the record. All times shall be announced and recorded in fifths of seconds. An approved electronic or electric timing device must be used. If at any time the electronic or electric timing device should fail, the decision of the manual timer as to the time of the heat or dash shall be official.

The timer shall be in the stand 15 minutes before the first heat or dash is to be contested. He shall start his watch when the first horse leaves the point from which the distance of the race is measured. The time of the leading horse at the quarter, half, three-quarters and the finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

13:71-8.31 Duties of paddock judge

(a) Under the direction and supervision of the State steward and/or presiding judge, the paddock judge shall have complete charge of all paddock activities as outlined. The paddock judge shall:

1. Get the fields on the track for post parades in accordance with the schedule given to him by the presiding judge;
2. Inspect horses for changes in equipment, broken or faulty equipment, head numbers and saddle pads;
3. Supervise paddock gate men;
4. Check horses and drivers in and out;
5. Direct the activities of the paddock blacksmith;
6. Immediately notify the presiding judge of anything that could in any way change, delay or otherwise affect the racing program;
7. See that only properly authorized persons are permitted in the paddock;
8. Supervise the identification of horses in the race;
9. Notify the presiding judge of any change of racing equipment or shoes before the race;
10. Inspect and supervise the maintenance of all emergency equipment kept in the paddock;
11. Notify the judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race;
12. Notify judges of all trainers and grooms who leave the paddock in an emergency;
13. Supervise and maintain cleanliness of paddock;

14. Supervise the conduct of all persons in the paddock;

15. The paddock judge will report any cruelty to any horse that he observes to the presiding judge.

13:71-8.32 Program director

(a) Each association shall designate a program director.

1. It shall be the responsibility of the program director to furnish the public complete and accurate past performance information as required by the rules.

2. No person shall act as a program director at a pari-mutuel meeting unless he has been approved by the Commission. Approval of the Commission will be granted only to the employment of any person who, by reason of his knowledge, experience and industry, is capable of furnishing accurate and complete past performance information to the general public and whose participation will not or will not tend to be detrimental to the sport.

Case Notes

Track Program Director fined for conduct detrimental to racing for failure to notice horse's inaccurate chart and penned-in declaration form notations. *New Jersey Racing Commission v. Phillips*, 1 N.J.A.R. 42 (1979).

13:71-8.33 Executive Director of the Commission

The Executive Director appointed by the Commission shall be a representative at large of the Commission. He shall have general supervision over all race officials, licensees and employees or appointees of the Commission. He shall supervise the licensing of all those persons required to be licensed by the Commission and supervise the security provisions of all associations. He shall generally supervise the conduct of racing, the pari-mutuel operations and the testing of horses. He shall have the authority to conduct inquiries and in connection therewith to issue subpoenas, to compel the attendance of witnesses and the production of all relevant and material reports, books, papers, documents, correspondence and other evidence as directed by the Commission. He shall have the power to administer oaths and examine witnesses and shall submit a report of all proceedings thereon. He shall at all times have access to all parts of the course, plant and grounds, including the pari-mutuel department. The compensation of the Executive Director shall be fixed and paid by the Commission. The Commission, in its discretion, may appoint such assistants to the Executive Director or stewards as it may deem necessary who shall have the same authority as the Executive Director in his absence but such assistants or stewards shall be junior in authority to the Executive Director at all times.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Changed "secretary" to "Executive Director" throughout.

13:71-8.34 Photo finish

(a) The judges shall determine the order of finish of every race contested at association tracks.

(b) Every association shall provide photo finish service of a type of quality approved by the commission as an aid to the judges in determining the order of finish.

(c) Whenever the judges call for a photo finish picture to determine the order of finish they shall cause the word "photo" to be flashed on the infield board and to remain there until the order of finish is determined.

(d) Whenever a photo finish picture is used to determine the order of finish, such picture or true copies thereof, or projections thereof, shall be posted or projected for public inspection.

(e) In the event of an electrical or mechanical failure of the photo finish camera, or if a distorted, deceptive or otherwise inadequate picture is developed, the judges shall decide the order of finish and such decision shall be final.

13:71-8.35 Duties of race secretary

(a) The race secretary of each association must be approved by the commission and it shall be his duty:

1. To receive and to keep safe the eligibility certificates of all horses competing at the race track or stabled on grounds owned or cared for by any association or to return same to the owner of a horse or his representative upon their departure from the grounds;

2. To be familiar with the age, class and competitive ability of all horses racing at the track;

3. To classify and reclassify horses in accordance with the rules;

4. To list horses in the categories for which they qualify and to cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others;

5. To write conditions and to schedule the daily racing programs to be presented at the race track and to post same not less than 18 hours before declarations close;

6. To provide for the listing of horses in the daily program; to examine all entry blanks and declarations; to verify all information set forth therein; to select the horses to start and the also eligible horses from the declarations in accordance with the rules governing these functions;

7. To examine nominations and declarations in early closing events, late closing and stakes events; to verify the eligibility of all declarations and nominations, and to compile lists thereof for publication.

13:71-8.36 Charter

The charting of races shall be done only by a charter approved by the commission. The charter shall be responsible for providing a complete and accurate chart. Approval of the commission will be granted only to the employment of a person who has the knowledge, training and industry to perform the duties of a charter.

13:71-8.37 Setting and maintaining post time

The mutuel manager shall be charged with the responsibility of setting and maintaining post time. Post time shall not be changed after being posted on the odds board without the consent of the judges.

13:71-8.38 State Police; communication

When the State Police in the normal performance of their duties at an association meeting observe a violation of the Racing Commission rules and regulations that may adversely affect the integrity of racing, they shall communicate the circumstances of such to the State steward and the Executive Director of the Racing Commission in writing. The State steward shall acknowledge receipt of the information from the State Police and shall respond in writing to the Racing Commission, without undue delay, of the action taken thereon.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

SUBCHAPTER 9. VETERINARIANS AND VETERINARIANS CERTIFICATES

13:71-9.1 Chief State Veterinarian, State Veterinarian and Associate State Veterinarians

(a) The commission shall designate two or more duly licensed veterinarians at each association track one of whom shall be known as the State Veterinarian and the other shall be known as Associate State Veterinarians. Their compensation shall be fixed by the commission and paid by the association. The various State Veterinarians and Associate State Veterinarians shall be under the supervision of the Chief State Veterinarian who shall be designated by the Commission from among the State Veterinarians and who shall serve at the pleasure of the Racing Commission.

(b) The State Veterinarian and Associate State Veterinarian, unless otherwise directed by the commission, shall devote their time to the performance of the duties of their office and shall not render their professional services to any horsemen on the grounds of the association to which they are assigned during the course of the meeting except in cases of emergency and only as long as the emergency exists.

(c) The State Veterinarian shall have full and complete control of the detention barn and shall supervise all activi-

ties therein including the taking of pre-race and post-race blood and urine samples. Further, the State Veterinarian shall have assigned to him one or more Associate State Veterinarian(s) who shall perform his (their) duties and responsibilities under the supervision of the State Veterinarian. The Associate State Veterinarian shall, in general, familiarize himself with the racing condition of all entrants and if, in his opinion, any entrant is not in good condition to race, he shall notify the presiding judge.

(d) The duties of the State Veterinarian shall be the following:

1. Supervise the taking of blood, urine or such other samples from the horses as may be directed by the executive director of the commission or the presiding judge and be responsible for the proper storing and delivery thereof to the laboratory designated by the commission and the maintenance of required records;
2. Directly supervise personnel assigned to the chemical sample collection detail;
3. Examine the credentials of and approve practicing veterinarians wishing to furnish services to owners and trainers on the premises of any track association. Approval will not be granted to any veterinarian possessing a direct or indirect interest in a racing stable;
4. Receive, evaluate and file daily reports, made by the practicing veterinarians of all horses under treatment by them;
5. The State Veterinarian shall obtain blood and urine from such horses as are designated by the judges or the Racing Commission, and make such examination and tests as from time to time may be required by the judges or the Racing Commission: costs of such tests to be borne by the association.

Amended by R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).
Amended by R.1978 d.269, effective August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

13:71-9.2 Veterinarian (practicing)

(a) No owner or trainer shall employ any veterinarian who has not been duly licensed in accordance with the laws of the State of New Jersey. Any duly licensed veterinarian desiring to practice at the race track of an association must be approved by the Racing Commission State Veterinarian, who shall list his name with the race secretary. The association shall warn off all unlicensed veterinarians.

(b) The veterinarians shall make daily reports to the State Veterinarian and to the stewards of all horses under treatment by them. Any violation of the rule shall be immediately reported to the Racing Commission and the stewards.

(c) No veterinarian employed by the Racing Commission shall be permitted, during the period of his employment, to treat or prescribe for any horse, for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the stewards.

(d) Treatment of any horse with a drug for which the practitioner has not submitted a report pursuant to (b) above, shall be accompanied by a written report to the State Veterinarian of such administration or intended administration but in no event less than 72 hours before any such horse shall start. The pharmaceutical inserts accompanying such drug, which shall be accompanied by a sample of the drug when so directed by the State Veterinarian, shall be made part of said written report. Failure to comply with the foregoing may subject the practicing veterinarian to disciplinary action by the steward.

Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

(d): added.

Amended by R.1991 d.259, effective May 20, 1991.
See: 23 N.J.R. 675(a), 23 N.J.R. 1684(c).

Deleted "or by an association" in (c).

13:71-9.3 Associate State Veterinarian

(a) The duties of the Associate State Veterinarian shall be as follows:

1. Observe the horses in the paddock and while warming up for the racing program and investigate into and examine such horses as appear to him, or are reported to him, to be ill or infirm, and report thereon to the presiding judge.

2. Examine horses to be scratched from any race and certify that such horse is unfit to compete before it may be scratched. No horse, having been scratched from a race may enter a later race without the certificate of the Associate State Veterinarian that such horse has become fit to race.

(b) All horses, including ponies, and equine mascots entering the grounds of any race track in New Jersey must be accompanied by a current, valid certificate of veterinary examination.

(c) A current certificate is one which has been issued within a 10-day period immediately preceding date of entry. To be considered valid the certificate must contain:

1. Adequate identification and/or description of the subject animal;
2. A declaration that said animal is free of apparent symptoms of an infectious or communicable disease;
3. A record of the horse's body temperature at the time the examination is conducted;
4. The signature of an accredited, licensed veterinarian who has conducted the examination.

(d) Any horse accompanied by a current certificate of examination which records a body temperature reading of more than 102 degrees Fahrenheit will be denied access to the grounds of the racing association.

(e) The racing association will be responsible for compliance with this rule, and will determine that each horse entering the grounds is properly certified in accordance with the provisions of this rule. The racing secretary will maintain adequate records to substantiate the certification of all horses on the grounds.

(f) Nothing herein contained is to be construed as a limitation on the movement of horses from one New Jersey race track to another.

Amended by R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

13:71-9.4 Veterinarians during racing hours

The racing association will be responsible to provide the services of a licensed veterinary practitioner for the period of one-half hour prior to the post time of the first race until one-half hour after the conclusion of the last race on the racing program.

New Rule, R.1991 d.261, effective May 20, 1991.
See: 23 N.J.R. 675(b), 23 N.J.R. 1684(d).

SUBCHAPTER 10. PROGRAM

13:71-10.1 Program information

(a) A printed program shall be available to the public at all meetings where purses are offered. All programs shall furnish:

1. Horse's name and sex;
2. Color and age;
3. Sire and dam;
4. Owner's name;
5. Driver's name and colors;
6. Trainer's name;
7. Type of race and horses. In claiming races, the price for which the horse is entered to be claimed shall be indicated. If claimed later programs shall indicate the fact;
8. At least the last six performance and accurate chart lines. An accurate chart line shall include: date of race, size of track if other than half-mile, symbol for free-legged pacers, track condition, type of race, distance, the fractional times of the leading horse including race time, post position, position at quarter, half and three-quarter, stretch with lengths behind the leader, finish with lengths behind the leader, individual time of the horse, closing dollar odds, name of the driver, names of the horses placed first, second and third by the judges. The standard symbol for "breaks" and "park-outs" shall be used where appropriate;

9. Information concerning the number of times a horse has been "parked out" and the number of "breaks" made by the horse in the current year;

10. Information indicating drivers racing with a provisional license;

11. Information indicating pacers that are racing without hopples;

12. Summary of starts in purse races, best win, time and earning for the current and preceding year. For purpose of the summary, a horse's best win may be earned in either a purse or nonpurse race. It shall not, however, be earned in a time trial;

13. On a separate page, the names of State officials, as specified by the Commission, the names of the Commissioners and Commission officials, the names of the officers and directors of the association and the names of the race officials for the meeting.

13:71-10.2 Failure to furnish reliable program information

Failure to furnish reliable program information may subject the association and/or program director to the penalties provided for under the law and these rules.

13:71-10.3 Penalized on inaccurate information

Owners, drivers, or others found guilty of providing inaccurate information on a horse's performance, or attempting to have misleading information given on a program may be penalized.

13:71-10.4 Nonbetting races

Where nonbetting races are to be held on the same day immediately before or after the regularly scheduled races and such races are scheduled before the programs are printed, the association shall make available to the public, printed program information in the same manner and form as in the case of scheduled races where purses are offered. The Commission may designate additional information to be included in the program such as pertinent rules, laws or any items which may be deemed necessary.

13:71-10.5 Programmed Trainer

(a) The principal trainer of a training stable must be listed as the trainer in the official program and in good standing with the Racing Commission. In the event a training stable requests to list an individual in addition to or other than the principal trainer in the official program, this request must be approved by the State steward. If a person other than the principal trainer is listed in the official program, no change may be made to this status without prior approval of the State steward. The State steward will utilize the following criteria in determining the identity of the principal trainer or need to list someone other than or in addition to the principal trainer in the official program:

1. The identity of the person who is responsible for the business decisions of the training stable including, but not limited to, business arrangements with and any payments to or from owners, veterinarians, feed companies, hiring and firing of employees, obtaining workers' compensation insurance, payroll, horsemen's bookkeeper, etc.;

2. The identity of the person responsible for communicating with the race secretaries office, stall manager, Racing Commission, owners regarding racing schedules, etc.;

3. The identity of the person responsible for the conditioning of the horses on a daily basis;

4. The identity of the person responsible for race day preparation including, but not limited to, accompanying horses to the paddock, selection of equipment, authority to warm up horses before the public, discussions of driving strategy, etc.;

5. The total number of horses in the control of the training stable. Before any requests to list someone other than the principal trainer in the official program are considered, the training stable shall contain a minimum of 20 horses currently in a race mode at any one location;

6. The number of active licensed trainers on the payroll of the training stable; and

7. The number of different stabling locations.

(b) Programmed trainers and principal trainers shall be held equally liable for all rule violations.

New Rule, R.1992 d.388, effective October 5, 1992.
See: 24 N.J.R. 2340(a), 24 N.J.R. 3533(b).

SUBCHAPTER 11. IDENTIFICATION OF HORSES AND ELIGIBILITY TO RUN

13:71-11.1 Records

No horse will be permitted to race at an association track without an eligibility certificate, issued for the current year by the United States Trotting Association. Horses must race in the name of a *bona fide* owner or lessee.

13:71-11.2 Eligible to enter race

To be eligible to be entered or to start in races exclusively for horses foaled in New Jersey, each horse must be registered with the Standardbred 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. "Breeder" of a horse is the owner of its dam at the time of foaling.

13:71-11.3 Examination of horse or records

Any association official, representative of this Commission, representative of the United States Trotting Association, owner or driver, may call for information concerning the identify and eligibility of any horse on the grounds of an association and may demand an opportunity to examine such horse or his eligibility certificate with a view to establishing the horse's identity or eligibility. No owner or party controlling such horse shall refuse to afford such information, or to allow such examination, or fail to give satisfactory identification.

13:71-11.4 Examination without cause or to embarrass

No person shall demand the identification of a horse without cause or merely with the intent to embarrass a race.

13:71-11.5 Unlicensed charting

No official, clerk or person shall enter a chart line on an eligibility certificate when the race has not been charted by an approved charter.

13:71-11.6 Withholding eligibility certificate

No person shall withhold an eligibility certificate from the owner of a horse, after proper demand has been made for the return thereof.

13:71-11.7 Owner's and/or trainers' report on ownership and control of horses

(a) Within 72 hours after arrival at an association track, every owner and/or trainer shall file a list, in duplicate, in the race secretary's office, naming all horses under his ownership or control and a list of all persons to be employed by said owner and/or trainer at such race track. One copy of such list shall be maintained in the office of the race secretary and the duplicate thereof filed with the presiding judge of such meeting.

(b) Upon the change of ownership or control of any horse listed as aforesaid, the owner or trainer thereof shall forthwith file an amended statement with the race secretary. One copy of such list shall be retained by the race secretary and the duplicate filed with the presiding judge of such meeting.

13:71-11.8 Tattoo

No horse shall be permitted to start which has not been tattooed, unless the permission of the presiding judge is obtained and arrangements are made to have the horse tattooed.

13:71-11.9 (Reserved)

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.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
As amended, R.1983 d.13, effective February 7, 1983.
See: 14 N.J.R. 1147(a), 15 N.J.R. 158(c).

Decreased non-racing period from 25 to 14 days for first time bleeders.

Repealed by R.1988 d.246, effective June 6, 1988.

See: 20 N.J.R. 507(a), 20 N.J.R. 1207(c).

This rule "Respiratory bleeding; veterinarian's list" appears at N.J.A.C. 13:71-23.8(d).

SUBCHAPTER 12. STABLE NAME, LEASES**13:71-12.1 Registration**

A racing, farm, corporate or stable name may be used by the owners or lessees of horses if currently registered with the United States Trotting Association. The names of all persons interested in the stable or operating thereunder shall be listed in such registry and shall not exceed 35 in number.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Maximum number of names changed from 10 to 35.

13:71-12.2 Limitations

No more than one stable may be registered under the same name. The commission may prohibit the use of any name which is misleading to the public or unbecoming to the sport.

13:71-12.3 Liabilities

All persons listed in a registered stable shall be liable for entry fees and all penalties against horses raced under such stable name. If one of the persons listed under such stable name is suspended, all the horses in such stable shall be included.

13:71-12.4 Leases

The lessee of a horse shall file with the United States Trotting Association a copy of the leasing arrangement which shall contain the name of the horse, the name and address of the owner, the name and address of the lessee, the stable name, if any, of either party, and the terms of the lease. Any horse on lease must race in the name of the lessee.

SUBCHAPTER 13. ELIGIBILITY AND CLASSIFICATION-CONDITIONS**13:71-13.1 Registration of ownership**

All horses shall be registered in current ownership either as standard or non-standard with the United States Trotting Association and the owner or owners shall, upon request of the commission or its authorized representatives, produce a valid registration certificate issued by the United States Trotting Association.

13:71-13.2 Sale or lease of horse endorsement

When a horse is sold or leased after an eligibility certificate is issued for the current year, the seller or his authorized agent shall endorse the eligibility certificate to the new owner or lessee who may use it providing that he immediately sends the registration certificate for transfer or a copy of the lease to the United States Trotting Association. If the eligibility certificate is not endorsed to him, the new owner or lessee must apply to the United States Trotting Association for an eligibility certificate.

13:71-13.3 Information where horses are raced at Canadian tracks

Owners of horses who have raced at Canadian tracks not in membership with the United States Trotting Association, shall prior to declaration furnish the race secretary either an eligibility certificate issued by the United States Trotting Association or a Canadian eligibility certificate which has been validated by the United States Trotting Association. In either instance the eligibility certificate shall be completely filled out for the current year.

13:71-13.4 Tampering with eligibility certificates

No person shall tamper with eligibility certificates. Any winnings, after the tampering, may be ordered forfeited.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-13.5 Correction on eligibility certificate

Corrections on said certificates may be made only by one of the judges, the Commission or a representative of the United States Trotting Association. Persons making corrections shall affix their initials and date thereon.

13:71-13.6 Eligibility certificates from foreign countries other than Canada

(a) No eligibility certificate will be considered valid on a horse coming from a country other than Canada unless the following information, certified by the trotting association or governing body of that country from which the horse comes, is furnished:

1. The number of starts during the preceding year, together with the number of firsts, seconds and thirds for each horse, and the total amount of money won during the period.
2. The number of races in which the horse has started during the current year, together with the number of firsts, seconds and thirds for each horse and the money won during this period.
3. A detailed list of the last six starts giving the date, place, track condition, post position or handicap, if it was a handicap race, distance of the race, his position at finish, the time of the race, the driver's name, and the first three horses in the race.

13:71-13.7 Loss or destruction of eligibility certificate

In the event of loss or destruction of an eligibility certificate, a replacement certificate must be secured from the United States Trotting Association.

13:71-13.8 Telegraphic declarations

(a) No horse shall be declared in to race except as hereinafter stated without first having an eligibility certificate placed on file with the race secretary. Declarations by telephone or wire may be sent and accepted in accordance with the rules of racing, without penalty, provided the declarer furnishes adequate program information, but the eligibility certificate must be presented when the horse arrives at the track and before he races.

(b) The race secretary shall check each certificate and certify to the judges as to the eligibility of all the horses.

13:71-13.9 Eligibility

For purposes of eligibility, a racing season or racing year shall be the calendar year. All races based on winnings will be programmed "Nonwinners of \$. . ." additional conditions may be added.

13:71-13.10 Time records or bars prohibited

No time records or bars shall be used as an element of eligibility.

13:71-13.11 Date eligibility determined

Horses must be eligible when entries close, but winnings on the closing date of eligibility shall not be considered. In mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait at which it is stated in the entry the horse will perform.

13:71-13.12 Conflicting condition

In the event there are conflicting published conditions and neither is withdrawn, the more favorable to the nominator shall govern.

13:71-13.13 Overnight events, standards

The race secretary shall prescribe qualifying standards to determine whether a horse is qualified to race in overnight events at a meeting.

13:71-13.14 Posting of overnight conditions

Condition books shall be prepared and substituted condition races may be used only where regularly scheduled races fail to fill. Such books containing at least three days racing program will be available to horsemen at least 24 hours prior to taking declarations on races contained therein. Conditions for overnight events must be posted at least 18 hours before entries close.

13:71-13.15 Types of races to be offered

(a) In presenting a program of racing, the race secretary shall use exclusively the following types of races:

1. Stakes and futurities;
2. Early closing and late closing events;
3. Conditioned races;
4. Claiming races;
5. Preferred races limited to the fastest horses at the meeting.

(b) These may be free-for-all races, JFA or invitationals. Horses to be used in such races shall be posted in the race secretary's office and listed with the presiding judge. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list. Twelve such races may be conducted during a six-day period of racing at tracks distributing more than \$100,000 in overnight purses during such period and not more than 10 such races shall be conducted at other tracks during a six-day period of racing, provided that at least two of these races are for three-year olds, four-year olds or combined three and four-year olds. At tracks which race less than five days per week, not more than 10 such races may be conducted during a six-day period. Purses offered for such races shall be at least 15 per cent higher than the highest purse offered for a condition race programmed the same racing week. No two-year old or three-year old will be eligible to be placed on the preferred list to race against older horses until it has won seven races lifetime unless requested by the owner or authorized agent.

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

13:71-13.16 Limitation on conditions

Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in normal preference cycle. Where the word "preferred" is used in a condition it shall not supersede date preference. Not more than three also eligible conditions shall be used in writing the conditions of any overnight event.

13:71-13.17 Dashes and heats

Any dash or any heat shall be considered as a separate race for the purposes of conditioned racing.

13:71-13.18 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-13.19 Selection or drawing of horses

For all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in, except that the race secretary must establish a preference system for races as provided for in the rules. However, where necessary to fill a card, not more than one race per day may be divided into not more than three divisions after preference has been applied and the divisions may be selected by the race secretary. If a claiming race is divided, all starters shall be drawn by lot from those having the necessary preference dates to be eligible.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-13.20 Posting requirements

(a) Names of all horses shall be posted by gait with the following information:

1. Lifetime winnings;
2. Season's winnings;
3. Winnings at the meeting;
4. Wins during the season;
5. Age, gait and sex;
6. Previous year's earnings;
7. Date of last win.

(b) There shall be a separate posting of two, three and four-year olds.

13:71-13.21 Rejection of declaration

(a) The race secretary may reject the declaration on any horse whose eligibility certificate was not in his possession on the date the condition book is published.

(b) The race secretary may reject the declaration on any horse whose past performance indicates that he would be below the competitive level of other horses declared, provided the rejection does not result in a race being cancelled. Before doing so, and, before post position for the race have been drawn, the owner or trainer of such horse or horses shall be called to the office and duly advised of the action about to be taken.

13:71-13.22 Substitute and split races

Substitute races may be provided for each day's program and shall be so designated. A substitute race or a race divided into two divisions shall be used only if regularly scheduled races fail to fill. The practice of carrying races to the next day's program is prohibited.

13:71-13.23 Opportunities to race

A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race. (Not more than 50 percent of any week's racing program shall be claiming races.) The Commission may, by directive, alter this ratio.

13:71-13.24 Qualifying races

A horse winning a qualifying race shall not be deprived by reason of such performance of his right to start in an event limited to maidens.

SUBCHAPTER 14. CLAIMING**13:71-14.1 Restrictions: Claiming privileges**

Claiming privileges, other than open claiming pursuant to N.J.A.C. 13:70-12.37, are restricted to those owners who have started a horse at the race meeting. Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually.

Amended by R.1987 d.421, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(b), 19 N.J.R. 1911(b).

Added text "other than open claiming pursuant to N.J.A.C. 13:70-12.37,".

13:71-14.2 Claiming races: price and eligibility

In claiming races at any race meeting any horse is subject to claim for its entered price by any owner qualified under the terms of Rule 14.1. No trainer or agent shall be permitted to enter a horse in a claiming race unless written permission of the owner is filed by the race secretary.

13:71-14.3 Claimed horse

Wherever a horse has been claimed, that horse shall not leave the grounds of the meeting of the association where claimed for 30 days following the date of the successful claim unless permission to leave is granted by the Presiding Judge or that meeting ends prior to the expiration of the 30 day time limit.

13:71-14.4 Agents

A claim may be made by a licensed authorized agent, but an agent may claim only for the account of those for whom he is licensed as agent.

13:71-14.5 Claiming own horse

No person shall claim his own horse; or cause his own horse to be claimed, directly or indirectly, for his own account. No person shall claim a horse which he is driving in a race or which his trainer is driving in a race.

As amended, R.1982 d.109, eff. April 5, 1982.

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

"No person . . . in a race." has been added.

13:71-14.6 Claimed horse: stabled

No claim horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

13:71-14.7 Number of claims

No person shall claim more than one horse in any one race. No authorized agent, although representing several owners shall submit more than one claim in any one race. No person shall place or cause to be placed more than one claim form in the claim box under any circumstances.

13:71-14.8 Form of claims

All claims must be made in writing, on forms and in envelopes furnished by the association. Both forms and envelopes must be filled out completely, and must be accurate in every detail, otherwise, the claim is void. For purpose of compliance with this rule the name of the horse as appearing in the program shall govern.

13:71-14.9 Stable claims

When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

13:71-14.10 Agreements

No person shall offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race, and no owner or trainer shall make any agreement for the protection of each other's horses in a claiming race.

13:71-14.11 Intimidation

No person shall attempt by threat of bodily harm to prevent anyone from racing a horse in any claiming race for which it is entered.

13:71-14.12 Affidavits

The Judges and/or Steward may, at any time, at their discretion, require any person who has filed a claim to make affidavit in writing that he is claiming in accordance with the rules, and claims which are not made in keeping with the rules shall be void.

13:71-14.13 No money in claim box

No money or its equivalent shall be put in the claim box. For a claim to be valid the claimant must have a credit balance in his account with the association's horsemen's accountant of not less than the amount of the claim, plus New Jersey sales tax. No claimant shall deplete his account after entering a claim for any horse for a period of two hours from the time the said claim was entered.

13:71-14.14 Time: claims

Claims must be deposited in the claim box at least 30 minutes before post time of each race.

13:71-14.15 Irrevocability

Claims are irrevocable.

13:71-14.16 Opening claim envelopes

Prior to off-time, the Judges, or their appointed deputy, shall open the claim envelopes for each race, and thereafter check with the horsemen's accountant to ascertain whether the proper credit balance has been established with the

association. The association shall provide an agent who shall deliver the claim box to the Judge's stand.

13:71-14.17 Title in claimed horse

Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the word "go" and said successful claimant shall become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

13:71-14.18 Scratched horse

The successful claimant of a horse programmed to start may, at his option, acquire ownership of a claimed horse, even though such claimed horse was scratched and did not start in the claiming race from which it was scratched. Such option must be executed prior to off-time. Any horse drawn into a claiming race is eligible to be claimed. Horses entered in claiming races that have been cancelled by the New Jersey Racing Commission shall not be subject to claims.

13:71-14.19 Delivery to claimant

Any horse that has been claimed shall, after the race has been run, be taken to the detention barn for delivery to the claimant.

13:71-14.20 Delivery; written authorization

A claimed horse shall not be delivered to the successful claimant until written authorization is given by the racing secretary, or his deputy.

14:71-14.21 Cooling the horse

A trainer whose horse has been claimed is responsible for cooling his horse out until after the collection of any blood and/or urine specimen and he shall sign for the witnessing thereof. Failure to comply shall be subject to penalty.

13:71-14.22 Required delivery

No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question is disqualified until delivery is made.

13:71-14.23 Title; more than one claim

If more than one claim is filed for the same horse, title to the horse shall be determined by lot under the direction or supervision of the Judges, or their appointed deputy.

13:71-14.24 Engagements

When a horse is claimed, the horse's engagements are included.

13:71-14.25 Liens

No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder of the claim shall be filed with the racing secretary of the association conducting such claiming race.

13:71-14.26 Right to claim

(a) An owner whose stable has been eliminated by claiming shall have the right to claim during the remainder of the meeting at which his stable was eliminated, or for 30 New Jersey racing days, whichever period is longer.

(b) If the 30 day period should extend into the next succeeding meeting, the owner must obtain a certificate from the Judges of the meeting at which he lost his last horse, and must present this certificate when filing a claim at the next meeting.

(c) Stables eliminated by fire or other hazards may also be permitted to claim under this rule at the discretion of the Judges.

13:71-14.27 Claiming price

The claiming price of each horse in a claiming race shall be printed in the official program, and all claims for said horse shall be for the amount so designated.

13:71-14.28 Sale of claimed horse

No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within 30 days after the day he was claimed except in another claiming race.

13:71-14.29 Conflict of rules

A horse claimed at a recognized meeting under rules at variance with those contained in this subchapter, shall while racing in New Jersey, serve any additional penalty imposed by the rules of the State wherein claimed.

13:71-14.30 Sex of horse claimed

Notwithstanding any designation of sex appearing on the racing program or in any race publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

13:71-14.31 Protests

A protest to the claim of a horse must be filed with the Judges within 48 hours of the claim. No protest will be accepted after that time.

13:71-14.32 Testing

A post race urine test shall be taken in full compliance with subchapter 23 from any horse claimed in a race. The claimant shall have the right to void said claim should the forensic analysis of the sample so taken be positive for any drug.

13:71-14.33 Optional claiming races

Optional claiming races shall not be used unless limited to horses three years old and up.

13:71-14.34 Separation of horses

Whenever possible, claiming races shall be written to separate horses, five years old and up, from young horses and to separate males from females. If sexes are mixed, mares shall be given a price allowance. Spayed mares shall not receive a price allowance allotted to other mares.

13:71-14.35 Mares in foal

Mares known to be in foal shall not be entered or started (raced) in claiming races.

13:71-14.36 Open claiming

(a) This subchapter is not applicable to any licensed owner that has claiming privileges pursuant to N.J.A.C. 13:71-14.1.

(b) Any individual or entity may claim a horse by obtaining an open claiming license pursuant to (c) below.

(c) An applicant may obtain an open claiming license by complying with the following procedures:

1. The applicant shall file a completed license application on the form prescribed by the New Jersey Racing Commission and will be required to be fingerprinted and photographed at the discretion of the Commission. The applicant must pay for the cost of the fingerprint card checks consistent with the charge set by the reviewing agency which provides the fingerprint card checks, according to the type of investigation requested.

2. The applicant shall deposit, with the horsekeeper, an amount no less than the minimum claiming price, plus sales tax and any other application charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. The applicant shall declare a trainer, currently licensed by the New Jersey Racing Commission, who will represent the new owner once a claim is made.

(d) Claiming privileges executed under this section shall be limited to one time during a race meet.

(e) Unless approval has been granted by the judges to the contrary, the claimed horse must race back at that race meet.

New Rule, R.1987 d.421, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(b), 19 N.J.R. 1911(b).

Amended by R.1991 d.314, effective June 17, 1991.

See: 23 N.J.R. 1068(b), 23 N.J.R. 1960(c).

Added new (a).

Reconstructed existing (a) by deleting "A new owner who does not have claiming privileges pursuant to N.J.A.C. 13:71-14.1" and adding "Any individual or entity" for a redesignated (b).

Deleted (a)1.

Reconstructed existing (b) by deleting "A new owner" and adding "An applicant" for a redesignated (c). Recodified existing (c) and (d) as (d) and (e).

SUBCHAPTER 15. STAKES AND FUTURITIES**13:71-15.1 Filing conditions**

Annually file a copy of their conditions for approval with the commission. A copy shall also be filed with the United States Trotting Association.

13:17-15.2 Bonds

Maintain a performance bond in the amount of the fund until such time as the race is contested. A copy of said bond shall be furnished to the commission and the United States Trotting Association.

13:71-15.3 Nomination list

Mail a list of the nominations within 30 days after the closing to the commission and the United States Trotting Association.

13:71-15.4 Financial statement

Furnish to the commission and to the United States Trotting Association an annual financial statement of each stake and futurity, and within 30 days following the day of the race submit to the commission and the United States Trotting Association a final financial statement.

13:71-15.5 Entry list

Mail within 20 days the complete list of all horses remaining eligible to the owners of all eligibles, the commission and the United States Trotting Association, together with a list of any nominations transferred or substituted if such is permitted by the conditions.

13:71-15.6 Nominations and payments

Set the nominating date and dates for all sustaining payments except the starting fee on the 15th day of the month. No sustaining payment for two-year-old races shall fall prior to January 15 of the year to be raced.

13:71-15.7 Date and place of event

Announce the date and place of any event as soon as racing dates for the year are allocated by this Commission and before taking sustaining payments.

13:71-15.8 Forms

All nominations and entry forms, list of nominators and lists of eligibles shall be on a standard 8½" x 11" paper. Such lists shall designate the owners alphabetically.

13:71-15.9 Estimated purse

No estimated purse shall be advertised or published which is in excess of the actual purse paid or distributed during the previous year unless increased by guaranteed added money.

13:71-15.10 Approval for extended pari-mutuel meetings

Effective with stakes and futurities opened in 1965 and thereafter, no stake or futurity shall be approved for extended pari-mutuel meetings if the added money is not at least 20 per cent of the purse and for all other meetings at least ten per cent of the purse shall be added.

13:71-15.11 Failure to make payments

Failure to make any payment required by the conditions shall constitute an automatic withdrawal from the event.

13:71-15.12 Where stake or futurity does not fill

All stake and futurity sponsors of presentors shall notify all nominators, the Commission and the United States Trotting Association within 20 days if the stake or futurity does not fill.

13:71-15.13 Barren mares

In the event that a mare nominated to a futurity proves to be barren, the nominator may receive a return of his payment, proving such return is called for in the conditions of the futurity.

13:71-15.14 Entries; form of entry

(a) All entries must:

1. Be made in writing on forms approved by the Commission;
2. Be signed by the owner or his authorized agent in writing, except as provided in the rules of racing;
3. State the name, license number and address of both the owner and the agent of the registered stable of the lessee;
4. State name, color, sex, age, sire and dam of the horse;
5. Name the event or events in which the horse is to be entered;
6. Comply with the provisions of the rules regarding declaration where entries are in overnight events;
7. State the name, license number and registered racing colors of the driver;
8. State the name and license number of the trainer;
9. State if pacer is racing free legged or in hobbles.

13:71-15.15 Entries and sustaining payments in early closing events, stakes and futurities

All entries or payments except in overnight events not actually received at the hour of closing shall be ineligible, except entries and payments by letter bearing a postmark not later than the following day (omitting Sunday) or entries notified by telegraph. Where a telegram is used, it must actually be received at the office of sending at or before the hour of closing. Such telegrams must, furthermore, state the color, sex and name of the horse, the class to be entered, name and residence of the owner and the party making the entry. Whenever any entry or payment in a stake, futurity or early closing race becomes payable on a Sunday or a legal holiday that falls on Saturday, such payment is to be due on the following Monday and if made by mail the envelope must be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, such payment is due on Tuesday, and if made by mail must be postmarked on or before the following Wednesday.

13:71-15.16 Void entries

All entries and payments not governed by published conditions shall be void. Proposed deviation from such published conditions is prohibited. No nominator shall be allowed privileges not in accordance with the published conditions of the race or which are in conflict with these rules.

13:71-15.17 Nominator's guaranty

A nominator is required to guaranty the identity and eligibility of his entries and declarations and if given incorrectly he shall be deemed guilty of a violation of these rules. A person obtaining a purse or money through fraud or error shall surrender or pay the same to the association conducting the meeting and such purse or money shall be awarded to the party justly entitled to the same. Where, however, any horse is ineligible as a result of an error of the race secretary, the association shall reimburse the owner for the resultant loss of winnings.

13:71-15.18 Transfer to eligible event

A horse entered in an event to which it is ineligible may be transferred to any event to which it is eligible at the same gait.

13:71-15.19 Withholding of purse

An association shall be warranted in withholding the premium or purse of any horse without a formal protest if it shall receive information that the entry or declaration of any horse was fraudulent or that the horse was ineligible. Such premium shall be withheld by the association pending a decision of the Commission concerning such fraud or ineligibility.

13:71-15.20 Death

All engagements shall be void upon the deceased or either party or horse, prior to the starting of the race, so far as they shall affect the deceased party or horse, except when assumed by the estate or where the proprietorship is in more than one person, and any survive.

13:71-15.21 Early closing events and late closing races

(a) The sponsor shall state the place and date the event will be raced and no change in date, program events or conditions can be made after the nominations have been taken.

(b) An entry blank shall be filed with the Commission and the United States Trotting Association. All nominations and payments other than starting fees in early closing events shall be advertised to fall on the first and 15th day of the month. A complete list of nominations to any late closing race or early closing event shall be published within 20 days after the date of closing and mailed to each nominator, the Commission and the United States Trotting Association. If the event does not fill, each nominator, the Commission and the United States Trotting Association shall be notified within ten days and refund of nomination fees shall accompany the notice to the nominators.

(c) Unless an association submits its early closing conditions to the Commission and to the United States Trotting Association at least 30 days prior to the first publication and has such conditions approved by the Commission, the following provisions will govern transfers in the event of a change of gait.

(d) If conditions published for early closing events allow transfer for change of gait, such transfer shall be to the slowest class the horse is eligible to at the adopted gait. Eligibility is to be determined at time of closing of entries and the race to which transfer may be made must be the one nearest the date of the event originally entered.

(e) Two-year olds, three-year olds or four-year olds entered in classes for their age may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event originally entered. Entry fees shall be adjusted.

13:71-15.22 Withdrawals

Where subsequent payments are required, a complete list of those withdrawn or declared out shall be made within 15 days after payment was due and the list filed with the Commission and the United States Trotting Association and mailed to every nominator.

13:71-15.23 Segregation of fees

All fees paid in added money events, early closing events, stakes and futurities shall be segregated and held as trust funds until the event is contested. Proof of such segregation by bank letter or bank statement shall be submitted to the Commission.

13:71-15.24 Stabling

Horses nominated and eligible to start in early closing, late closing events, stakes or futurities shall be given stable space on the grounds of the association, the day before, the day of and the day after such race.

13:71-15.25 Limitations on conditions

Conditions of early closing or late closing events that will eliminate horses nominated or add horses that have not been nominated by reason of the performance of such horses at an earlier meeting held the same season are invalid. Early closing events and late closing events shall not have more than two also eligible conditions.

13:71-15.26 Proportion of entry fees to purse

When entry fees exceed 85 per cent of the advertised purse value, such excess entry fees shall be added to the purse. Where the race is split into divisions, each division shall have a purse value of not less than 75 per cent of the advertised purse. However, entry fees in excess of the amount prescribed above may be used toward the amount that must be added. In all cases the sponsor shall add at least 15 per cent of the advertised purse.

13:71-15.27 Fraudulent transfer of horse

The transfer of a horse by any person or persons under suspension, unless to a *bona fide* owner for a valuable consideration accompanied by the transfer of all control over such horse, shall be deemed fraudulent and an effort to circumvent said suspension. All parties thereto shall be subject to the penalties of these rules. No person shall sell a horse as being free and clear when payments are due or will become due in races of any description and to which the horse has been entered.

13:71-15.28 Entries and starters required; split races

(a) Entries to be specified in overnight events, when race must be contested, entrance moneys:

1. Associations must specify how many entries are required for overnight events and after the condition is fulfilled, the event must be contested except when declared off.
2. In early closing events or late closing events, if five or more separate interests are declared in to start, the race must be contested except when declared off. Stakes and futurities must be raced if one or more horses are declared in to start except when declared off.
3. In an early closing event, if less horses are declared in than are required to start and all declarers are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all the entrance money and forfeits from each horse named.

13:71-15.29 Elimination heats or two divisions

(a) In any stake event or futurity where the number of horses declared in to start exceeds 12 on a half mile track, 14 on a 5/8 mile track or 16 on a mile track, the race may at the option of the association be raced in elimination heats or divisions. The association exercising such option, however, must do so before positions are drawn. In the event a stake or futurity is split into divisions, the added money for each division shall be at least 20 percent of all nomination, sustaining and starting fees paid into such stake or futurity.

(b) Where the race is an early closing or a late closing event, the race may be divided by lot and each division must race for at least 75 percent of the advertised purse.

(c) In an added money early closing event, the race may be divided and raced in divisions and each division raced for an equal share of the total purse if the advertised conditions so provide, provided, however, extended meetings shall add an additional amount so that each division will race for 75 percent of the advertised added money. These provisions shall apply to any stake with a value of \$20,000 or less.

As amended, R.1982 d.109, effective April 5, 1982.

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

(a) "14" deleted; "12 on ... mile track" added; "or" was "of".

(b) was substantially amended.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Comma added in (a).

13:71-15.30 Elimination plans

(a) Unless the conditions provide otherwise, whenever elimination heats are required or specified in the published conditions, such race shall be raced in the following manner unless conducted under another section of this rule. That is, the field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash for 30 percent of the purse, and the horses so qualified shall race in the main event for 40 percent of the purse. The winner of the main event shall be the race winner.

(b) In the event there are more horses declared to start than can be accommodated by the two elimination dashes to satisfy the excess, the percentage of the purse raced for each elimination dash shall be determined by dividing the number of elimination dashes into 60. The main events shall race for 40 percent of the purse. Unless the conditions provide otherwise, if there are two elimination dashes, the first four finishers in each dash qualify for the final; in the event there are three or more qualifying dashes, not more than three horses shall qualify from each qualifying dash. In the event the number of starters are divided by lot and raced in two divisions with all heat winners from both divisions competing in a final heat to determine the race winner; each division shall race two heats for 20 percent of the purse each heat. The remaining 20 percent of the purse shall go to the winner of the final heat.

(d) Whenever elimination heats are required, or specified in the published conditions of a stake or futurity, such race may be raced on a three heat plan, irrespective of any provisions in the conditions to the contrary. That is, the field shall be divided by lot and the first division shall race for 30 percent of the purse, the second division shall race for 30 percent; and the horses qualifying in the first and second divisions shall race the third heat for 30 percent of the purse. If after the third heat no horse has won two heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining 10 percent of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in (b) above.

(e) The judges shall draw the positions in which the horses are to start in the main event, that is, they shall draw positions to determine which of the two dash winners shall have the pole and which one shall have the second position; which of the two horses that have been second shall start in the third position and which in fourth, and so forth. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night unless special provisions for earlier elimination dashes are set forth in the conditions. In the event there are three separate heat or dash winners, and they alone come back in order to determine the race winner according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.

As amended, R.1982 d.109, effective April 5, 1982.

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

Section substantially amended.

13:71-15.31 Overnight events

(a) No more than eight horses shall be allowed to start in overnight events upon which there is pari-mutuel wagering except with the approval of the Commission.

(b) No horse shall be entered in more than one event on the same program except where the conditions of the race provide that it shall be contested in two or more heats or dashes. "Trailers" may be permitted whenever nine or more horses are allowed to start under this section.

SUBCHAPTER 16. DECLARATION TO START AND DRAWING HORSES

13:71-16.1 Declaration to start and drawing horses

(a) Declaration—Unless otherwise specified in the conditions, approval of which must be granted by the Commission, the declaration time shall be 9:00 A.M. prevailing times. The management shall provide a locked box with an aperture through which declarations shall be deposited. At the time specified, the presiding judge who shall be in charge thereof, shall unlock the box, assort and list the declarations found therein, immediately draw the post positions in the presence of such owners or their representatives, as may appear. However, in races of a duration of more than one dash or heat, the judges may draw positions from the stand for succeeding dashes or heats. Declarations by mail or telegraph or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawings shall be final. When an association requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(b) After a declaration to start has been made, no horse shall be withdrawn except by permission of the judges.

(c) Prior to the opening of the declaration box, when futurities, stakes, early closing or late closing events are programmed, the presiding judge shall communicate with the race secretary to ascertain if any declarations by mail, telegraph or otherwise are in his office and not deposited in the box. If there are such declarations, the presiding judge shall see that they are declared and drawn in the proper event. To avoid conflicts and misunderstandings when the time of declaration of any race is stated in day or hours prior to the day of the race, it shall be construed to exclude Sunday.

13:71-16.2 Entry box and drawing of horses at pari-mutuel meetings

(a) The entry box shall be opened by the presiding judge at the advertised time and the presiding judge will be responsible to see that at least one horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(b) Upon receiving a request by the race secretary, the presiding judge, at his discretion, may open the entry box prior to the time of closing and give the race secretary the opportunity to process declarations contained therein. Information as to names of horses declared shall not be given by the race secretary or his assistants until after the time for declaration has passed.

13:71-16.3 Error in declaration

(a) Where a horse properly declared is omitted from the race by error of the association, or its agent or employee, the horse shall be added to the race but given the outside post position provided, however, that the error is discovered prior to the printing of the official program or prior to scratch time, whichever is sooner.

1. In the event that there is not a position on the gate available to add the horse omitted in error, the race shall be redrawn. This shall apply only in stakes events, late closers, early closers and futurities and shall not apply to overnight events.

Amended by R.1991 d.315, effective June 17, 1991.

See: 23 N.J.R. 1069(a), 23 N.J.R. 1961(a).

Reconstructed existing text to include an (a) and new (a)1; deleted “, other than by telephone,”; added “or its agents or employee,”; substituted “printing” for “publication”; added “or prior to scratch time, whichever is sooner”; deleted “and said program disclosed such position”.

13:71-16.4 Qualifying races

(a) Declarations for overnight events shall be governed by the following:

1. Within two weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the presiding judge or an associate judge and acquire at least one charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.

2. A horse that does not show a charted line for the previous season, or a charted line within its last six starts must go a qualifying race as set forth in paragraph 1 of this subsection. Uncharted races contested in heats or more than one dash and consolidated in accordance with paragraph 4 of this subsection will be considered one start.

3. A horse that has not started at a charted meeting for a period of 30 days must go a qualifying race as set forth in paragraph 1 of this subsection. Any horse that fails to race within 30 days after having started in a current year shall start in a qualifying race and meet the standards of the meeting before being allowed to start in a race with pari-mutuel wagering.

4. When a horse has raced at a charted meeting during the current season and then goes to meetings where races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines, and the requirements of paragraph 2 of this subsection would then not be applicable. The consolidated line shall carry date, place, time, driver, finish track conditions and distance if race is not at one mile.

5. The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for the class of horse, he may be required to go a qualifying race.

6. The judges may permit a horse to qualify by means of a timed workout consistent with the demonstrated form and ability of the horse.

7. To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting that opens before July 1 of a season and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting.

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

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

13:71-16.5 Entries

When the starters in a race include two or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as

an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the "entry". "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, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may at the request of the association and with the approval of the Commission, be permitted to race as separate betting entries. 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. The above provisions shall also apply to elimination heats.

As amended, R.1982 d.109, eff. April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-16.6 Also eligibles

Not more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. Also eligibles shall be drawn from those horses having the least preference. In the event one or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the race secretary's office. All horses on the also eligible list and not moved into race by 9:00 A.M. on the day of the race shall be released.

13:71-16.7 Preference

(a) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and then scratched is the date of the race from which he was scratched.

(b) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date and preference applied accordingly.

(c) Where the word "preferred" is used in a condition it shall not supersede date preference.

13:71-16.8 Steward's list

(a) A horse may be placed on the "Steward's list" if:

1. It is dangerous;
2. Unmanageable;
3. Sick;
4. Lameness;
5. Unable to qualify;
6. Otherwise unfit.

(b) The horse must be placed on the "Steward's list" by the presiding judge and declarations on such horse shall be refused.

(c) Owners and trainers shall be notified in writing of such action and the reason for such action.

(d) The clerk of the course shall make a note on the eligibility certificate of such horse showing the date the horse was placed on the "Steward's list" the reason therefor and the date of removal if the horse has been removed. A horse which has been a late scratch from a claiming race may be put on the "Steward's list".

13:71-16.9 Driver information

Declarations shall state who will drive the horse and the driver's colors. Drivers may be changed until 9:00 A.M. of the day preceding the race without permission but the presiding judge must be notified thereof. No driver shall be changed thereafter except by permission of the judges and only then for good cause. When a nominator starts two or more horses, the judges shall approve or disapprove the second and third drivers.

13:71-16.10 Postponement—reasons for; rescheduling races

(a) In case of unfavorable weather, or other unavoidable cause, the racing association may postpone the races upon notification of the same to the Commission.

(b) When a racing program is postponed, the races scheduled shall be rescheduled as follows:

1. Early closing, late closing races, stakes and futurities shall be postponed to the next racing day.
2. If there is no time remaining in the scheduled race meeting and it cannot be extended to permit the race to be programmed, the entrance money and forfeits shall be divided equally among the nominators who have horses on the grounds declared in and eligible to start.

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, eff. 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, eff. 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.

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.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

"Stewards" changed to "Judges", throughout.

Case Notes

Harness race drivers' breathalyzer regulation cited as similar to breathalyzer regulation for jockeys in finding the latter valid. *Shoemaker v. Handel*, 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

13:71-18.2 Urine test

(a) No licensee or official shall use any controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substances Act", N.J.S.A. 24:21-1, et seq., unless such substance was obtained directly, or pursuant to valid prescription or order from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the official, driver, trainer or groom to give notice to the State Steward or presiding Judge that he is using a controlled dangerous substance pursuant to a valid prescription or order from a licensed practitioner.

(b) Every official, driver, trainer or groom for any race, qualifier or fair event at any licensed racetrack or fair site, may be subjected to a urine test or tests at the direction of the State Steward and/or Presiding Judge, in a manner prescribed by the New Jersey Racing Commission. Any official, driver, trainer or groom who fails to submit to a urine test when requested to do so by the State Steward and/or Presiding Judge, shall be liable to the penalties provided in N.J.A.C. 13:71-2.

(c) Any official, driver, trainer or groom who is requested to submit to a urine test shall provide the urine sample, without undue delay, to a chemical inspector of the Commission. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission, and the evidence of such sealing shall be indicated by the signature of the tested official, driver, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, driver, trainer or groom by name. It shall be the obligation of the official, driver, trainer or groom to cooperate fully with the Chemical Inspector in obtaining any samples which may be required and to witness the securing of such sample.

(d) A "positive" controlled dangerous substance or prescription drug result shall be reported, in writing, to the Executive Director or his or her designee. On receiving written notice from the official chemist that a specimen has been found "positive" for controlled dangerous substances or prescription legend drugs, the Executive Director or his or her designees shall proceed as follows:

1. For a licensee's first violation, he or she shall not be allowed to participate in racing until such time as his or her condition has been professionally evaluated.

i. After such professional evaluation, if said licensee's condition proves non-addictive and not detrimen-

tal to the best interests of racing, said licensee shall not be allowed to participate in racing, until he or she can produce a negative test result performed at the Commission testing laboratory, which may be at the licensee's expense, and agrees to further testing at the direction of the Executive Director or his or her designee.

ii. After such professional evaluation in which said licensee's condition proves addictive or detrimental to the best interests of racing, said licensee shall not be allowed to participate in racing until he or she can produce a negative test result performed at the Commission testing laboratory, which may be at the licensee's expense, and show documented proof that he or she has successfully completed a certified rehabilitation program approved by the Department of Health or a similar agency in another jurisdiction. Inquiries as to whether a particular program meets the approval requirements of this rule shall be referred to the Executive Director or his or her designee for determination. In addition, said licensee shall agree to further mandatory testing at the direction of the Executive Director or his or her designee.

iii. In addition to other requirements specified in this subsection, the Racing Commission may require a licensee to submit additional proof of rehabilitation as may be required in view of the licensee's patient assessment; his or her medical, drug and/or alcoholism history including current physiological dependency on drugs and/or alcohol and the duration of the addiction or abuse; and the facts and circumstances surrounding the violation.

2. For a licensee's second violation, he or she shall be required to enroll in a certified drug rehabilitation program approved by the Department of Health or a similar agency in another jurisdiction. Inquiries as to whether a particular program meets the approval requirements of this rule shall be referred to the Executive Director or his or her designee for determination. In addition, said licensee shall agree to further mandatory testing at the direction of the Executive Director or his or her designee. Said licensee's license shall be suspended for six months or until the requirements are fulfilled, whichever is greater.

3. For a licensee's third violation, he or she shall be liable to the penalties provided in N.J.A.C. 13:71-2.3, including revocation of the individual's license. A licensee may apply for reinstatement after five years but such reinstatement shall be at the discretion of the Commission based upon a review of the licensee's entire record.

4. After a licensee's first violation, such additional drug tests, as are required by the Commission, may be at the licensee's expense. It shall be the licensee's responsibility to provide the Commission with such status reports as the Commission may require, including, but not limited to, written notice of enrollment, weekly status reports,

and written notice of discharge and successful completion of the program.

(e) Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee, Counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the Executive Director or his designee.

(f) Information received and reports prepared pursuant to this rule shall be stored in a locked secure area in the office of the Executive Director for a period of one year, after which time, they shall be destroyed. However, the Commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

R.1984 d.412, eff. September 17, 1984.

See: 16 N.J.R. 1459(a), 16 N.J.R. 2453(a).

Amended by R.1985 d.603, effective December 2, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1641(a), 17 N.J.R. 2913(a).

Substantially amended.

Amended by R.1985 d.642, effective December 16, 1985.

See: 17 N.J.R. 2364(b), 17 N.J.R. 2997(a).

(e) substantially amended; (f) added.

Amended by R.1991 d.74, effective February 19, 1991.

See: 22 N.J.R. 3452(a), 23 N.J.R. 611(b).

New (d)1.-4., added restrictions for individuals who have tested positive for a controlled dangerous substance or prescription medication without a valid prescription.

Case Notes

Suspension; jockey failed to submit to urine test. Case v. New Jersey Racing Commission, 94 N.J.A.R.2d (RAC) 45.

SUBCHAPTER 19. COLORS AND DRIVERS ATTIRE

13:71-19.1 Wearing distinguishing colors

(a) Drivers must wear distinguishing colors. No driver shall be permitted to start in a race or other public performance unless in the opinion of the judges he is properly dressed.

(b) When drivers are participating in races during inclement weather, they shall wear rain suits of their registered colors, or suits made of a transparent material through which their colors may be distinguished.

(c) Those drivers not complying with (a) and (b) above must race in their regular colors.

13:71-19.2 Wearing colors at betting window, grandstand, clubhouse or bar

No driver wearing colors shall appear at a betting window, grandstand or clubhouse, or at a bar or in a restaurant dispensing alcoholic beverages.

13:71-19.3 Registered colors

No driver or trainer shall be allowed to drive in any race or public performance, or to otherwise appear on the race track during the racing program unless wearing his own or his owner's registered colors. No driver may appear in colors registered in the name of another, without the special permission of the presiding judge.

13:71-19.4 Safety helmets

No individual will be permitted to drive on a racetrack unless wearing a protective safety helmet of a type satisfactory to the Commission with chin strap in place. For purposes of this rule "satisfactory" shall be deemed to require that any helmet to be used be manufactured in compliance with the 1984 Snell Harness Racing Standard or in compliance with any other safety standard as approved from time to time by the Commission.

Amended by R.1984 d.620, effective January 21, 1985.

See: 16 N.J.R. 2977(a), 17 N.J.R. 204(c).

Text substantially amended.

13:71-19.5 Attire

Every driver in a race shall be attired in white pants. A violation of this rule will subject a driver to a fine or suspension.

13:71-19.6 Safety vests

All individuals, at all times, on horseback or in a sulky or jogging cart affixed to a horse, on a racetrack or licensed off-track stabling facility, shall wear a safety vest designed to provide shock absorbing protection of at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

New Rule, R.1995 d.203, effective April 3, 1995 (operative August 15, 1995).

See: 26 N.J.R. 4482(b), 27 N.J.R. 1440(a).

SUBCHAPTER 20. RULES OF RACING

13:71-20.1 Limitations on use of hand holders

Drivers shall not put their hands or wrists through the hand-holders while competing in races.

13:71-20.2 Driver's meeting

(a) Before the first heat or race at any meeting is contested the racing officials and the drivers shall meet at a time and place to be designated by the presiding judge. Notice of the time and place of such meeting shall be published on the bulletin board in the office of the race secretary at least 48 hours prior to the meeting, and shall be announced over the public address system one hour prior to the meeting.

(b) The officials will announce any special rules affecting the race meeting and shall construe such of the rules of racing as shall be requested. At the conclusion of such meeting, all drivers shall be presumed to be familiar with the rules of racing.

(c) Any driver failing to attend this meeting after being duly notified, may be fined a sum not to exceed \$100.00.

(d) No driver will be permitted to drive unless he shall have attended such meeting or has met with the officials.

13:71-20.3 Substitutions of driver

If the judges believe a driver is unreliable, unfit or incompetent to drive, or if he refuses to comply with the direction of the judges, or is reckless or unmannerly in his conduct, he may be removed and another driver substituted any time after the positions have been drawn in a race. Compensation of such substitute driver may be fixed in the discretion of the judges. No driver shall, without sufficient reason, decline to be substituted by the judge.

13:71-20.4 Trainers' duty regarding racing of horses

A trainer is responsible for the timely attendance of his horse or horses when they are being raced, and he shall attend his horse in the paddock to supervise the preparation of such horse when it is racing.

13:71-20.5 Absence of trainer-notice-substitute trainer

If any licensed trainer is to be absent from the track where employed, the presiding judge shall be immediately notified in writing and at that time a licensed substitute trainer, acceptable to the presiding judge, shall be appointed to assume responsibility for the horse or horses racing during the absence of the regular trainer. The name of the substitute trainer shall appear on the program if possible. The presiding judge shall be advised immediately when the regular trainer is present and resumes his duties.

13:71-20.6 Racing and track rules; driving procedures

(a) Although a leading horse is entitled to any part of the track except after selecting his position in the home stretch, neither the driver or the first horse nor any other driver in the race shall:

1. Change either to the right or left during any part of the race when another horse is so near him that in altering his positions he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride;
2. Jostle, strike, hook wheels or interfere with another horse or driver;
3. Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;
4. Swerve in and out or pull up quickly;
5. Crowd a horse or driver by "putting a wheel under him";
6. "Carry a horse out" or "sit down in front of him", take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses;
7. Let a horse pass inside needlessly, or do any other act which constitutes what is popularly known as helping;
8. Commit any act which impedes the progress of another horse or causes him to "break";
9. Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in such manner as to interfere with another horse or cause him to change course or take back;
10. To drive in a careless or reckless manner;
11. Laying off a normal pace and leaving a hole when it is well within the horse's capacity to keep the hole closed;
12. Drivers must set and maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing, or general outcome of the race, or allowing his horse to go on an unrestrained break will be considered a violation of this section and the judges may impose a penalty which can be a fine, suspension or both.

(b) With the approval of the Racing Commission, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. In the event the homestretch is expanded pursuant to this subsection, the following shall apply:

1. No horse shall use the extended inside lane except when entering the final homestretch run;

2. The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane; and

3. Judge's discretion shall prevail in all instances regarding the open stretch.

As amended, R.1982 d.109, effective April 5, 1982.

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

"or allowing . . . break", added.

Amended by R.1992 d.268, effective July 6, 1992.

See: 24 N.J.R. 686(a), 24 N.J.R. 2462(a).

Added (b).

Case Notes

Disqualification of first place horse for violation of N.J.A.C. 13:71-20.6(a)8 affects the second and third place horses' owners, entitling them to a hearing before the Commission upon adequate notice; one-day mailgram notice of hearing from Commission is inadequate; one-sentence decision by Commission lacked required findings and conclusions. *Pitts v. Div. of New Jersey Racing Commission*, 185 N.J.Super. 190, 447 A.2d 1348 (App.Div.1982), certification denied.

Suspension of harness driver; interference with other drivers. *New Jersey Racing Commission v. Patterson*, 94 N.J.A.R.2d (RAC) 13.

Finding that driver impeded the progress of another horse and caused him to "break." *Gillis v. New Jersey Racing Commission*, 1 N.J.A.R. 78 (1980).

13:71-20.7 Complaints by drivers; judge's stand

All complaints by drivers of any foul driving or other misconduct during the race or heat shall be made at the termination of the race or heat unless the driver is prevented from doing so by an accident or injury. At the conclusion of each race or heat, any driver desiring to enter a claim of foul or other complaint of violation of the rules must, before dismounting, indicate to the patrol judge his desire to enter such claim or complaint immediately after the race and, upon dismounting, shall proceed to the nearest telephone and advise the judges of the complaint or foul involved. The judges shall not cause the official sign to be displayed until such complaint shall have been entered and considered. All drivers must return to the paddock and remain there until the race is made official. The judges will not consider any claim of foul instituted after the race has been made official.

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

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

13:71-20.8 Violations involving entries, complaints, penalties

If any of the violations in N.J.A.C. 13:71-29.7 are committed by a person driving a horse coupled as an entry in the betting, the judges may set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise, penalties may be applied individually to the drivers of any entry.

13:71-20.9 Placing offending horse

In case of interference, collision or violation of any of the rules, the offending horse may be placed behind all the unoffending horses in that heat or dash, and in the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be penalized.

13:71-20.10 Fraudulent or unsatisfactory driving

(a) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven, or had been driven, with design to prevent his winning a heat or dash which he was evidently able to win, or is being raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver, and anyone in concert with him to so affect the outcome of the race or races, may be penalized. The judges may in such cases substitute a driver. The substitute driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.

(b) In the event a drive is unsatisfactory due to lack of effort, carelessness, misjudgment, or demonstrated lack of judgement in performance, and the judges believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive, they may impose a penalty similarly under this subsection.

(c) The length of suspension of a driver may be increased by the judges, stewards or Racing Commission if said driver is guilty of the same infractions of the rules of racing two times or more during any calendar year.

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

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

Case Notes

Suspension for violation in driving in unsatisfactory manner as a result of lack of effort, carelessness, misjudgment or demonstrated lack of judgment in performance (also cited as N.J.A.C. 13:17-20.10). *DeVitis v. New Jersey Racing Commission*, 202 N.J.Super. 484, 495 A.2d 457 (App.Div.1985), certification denied 102 N.J. 337, 508 A.2d 213 (1985).

13:71-20.11 Removal and substitution of unfit or incompetent drivers

If in the opinion of the judges a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the judges, or is reckless in his conduct and endangers the safety of horses or other drivers in the race, he may be removed and another driver substituted at any time after the positions have been assigned in a race, in which case, the offending driver may be penalized. The substitute driver shall be properly compensated.

13:71-20.12 Failure to finish

If for any cause other than being interfered with, broken equipment or unavoidable accident, a horse fails to finish after starting a heat, that horse shall be ruled out.

13:71-20.13 Shouting

Shouting is forbidden during a race by a driver therein.

13:71-20.14 Whips

Drivers will be allowed whips not to exceed four feet, eight inches, plus a snapper not longer than eight inches.

13:71-20.15 Use of goading devices, and so forth

The possession or use of a goading device, chain or mechanical devices or appliances, other than the ordinary whip, upon any horse in any race shall constitute a violation of this rule. The brutal use of a whip or blunt spur, kicking a horse with a foot, striking a horse with the whip under the seat of the sulky or indiscriminate use of a whip may be considered a violation.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-20.16 Hobbles, head pole

No horse shall wear hobbles in a race unless he starts in the same in the first heat or dash, and having so started he shall continue to wear them to the finish of the race. Any person found guilty of removing or altering a horse's hobbles during a race, or between races for the purpose of fraud, shall be penalized. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by the permission of the judges. No horse shall be permitted to wear a head pole protruding more than 10 inches beyond its nose.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
"Hobbles" changed from "Hopples".

13:71-20.17 Breaking

(a) When any horse or horses break from their gait in trotting or pacing, their drivers shall at once, where clearance exists, take such horse to the outside and pull it to its gait.

(b) The following shall be considered violations of this section:

1. Failure to properly attempt to pull the horse to its gait;
2. Failure to take to the outside where clearance exists;
3. Failure to lose ground by the break.

(c) If there has been no failure on the part of the driver in complying with 1, 2 and 3 above, the horse shall not be set back unless a contending horse on his gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one or more places if in their judgment any of the violations of this section have been committed, and the driver may be penalized.

13:71-20.18 Fraudulent breaking

If a driver allows his horse to break for the purpose of fraudulently losing a heat or dash, he shall be liable to the penalties provided for in N.J.A.C. 13:71-2.3.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
N.J.A.C. cite added.

13:71-20.19 Calling and noting breaks

To assist in determining the matters relating to accurate charting of races, it shall be the duty of one of the judges to call out every break made and the clerk shall at once note the break made and character of it in writing.

13:71-20.20 Time between heats or dashes

The time between heats or dashes for any distance up to and including a mile shall not be less than 15 minutes; for any distance between one and two miles, 20 minutes.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
"15" was "25", "20" was "30".

13:71-20.21 Right of the course

Horses called for a race shall have the exclusive right of the course and all other horses shall vacate the track at once unless permitted to remain by the judges.

13:71-20.22 Accidents

In the case of accidents, only so much time shall be allowed before continuing as the judges may deem necessary and proper.

13:71-20.23 Registration of nerved horses

(a) Blocking of nerve functions via surgical neurectomy, cryogenic techniques, or any other desensitizing means, whether permanent or temporary, is defined as "nerving".

(b) Only posterior digital "nerving" will be permitted on horses to be raced. The procedure must be performed posterior to the first phalanx at a level below the base of the sesamoid bones.

(c) Horses that are "nerved" above the area specified in (b) above will not be permitted to race in New Jersey.

(d) It shall be the responsibility of the owner and/or trainer to report all "nerved" horses to the State or Associate State Veterinarian.

(e) A list of all "nerved" horses shall be posted on the bulletin board at the entry room by the State Veterinarian.

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

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

New Rule, R.1988 d.74, effective February 16, 1988.

See: 19 N.J.R. 2125(a), 20 N.J.R. 406(a).

Repealed existing rule and inserted new.

13:71-20.24 Equine fatality report

(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.

(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.

(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration of medication or drugs to said animal within the 96 hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-2.3.

(e) An equine fatality report shall not be required in connection with any pony or mascot.

R.1984 d.105, effective April 2, 1984.

See: 16 N.J.R. 224(a), 16 N.J.R. 743(b).

SUBCHAPTER 21. PLACING CONDITIONS AND PURSES

13:71-21.1 Purses, distributed on dash basis, adjustments

Unless otherwise provided in the conditions, all purses shall be distributed on the dash basis with the money awarded according to a horse's position in each separate dash or heat of the race. Any adjustment in payments to be made by an association shall be made during the week wherein the race giving rise to the adjustment occurred.

13:71-21.2 Dashes

(a) Unless otherwise specified in the conditions, the money distribution in dashes shall be 50 percent, 25 percent, 12 percent, eight percent and five percent. Where, in early closing races, late closing races or added money events, there are less than five starters, the remaining premium shall go to the race winner unless the conditions call for a different distribution. Where, in overnight events, there are less than five starters, the premium for which positions for each there are no starters may be retained by the association.

(b) If there be any premium or premiums for which horses have started but were unable to finish due to an accident or otherwise, all unoffending horses who did not finish will share equally in such premium or premiums.

As amended, R.1982 d.109, effective April 5, 1982.

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

(a) "50" was "45", "12" was "15", "eight" was "ten".

13:71-21.3 Every heat a race

The purse shall be distributed as in dash races with nothing set aside for the race winner.

13:71-21.4 Placing system

If the placing system is specified in the conditions, the purse shall be distributed according to the standing of the horses in the summary. In order to share in the purse distribution, each horse must complete the race and compete in each heat to which he is eligible. A horse must win two heats to be declared the race winner and such horse shall stand first in the summary. In deciding the rank of the horses order than the race winner, a horse that has been placed first in one heat shall be ranked better than any other horse making a dead heat for first or any other horse that has been placed second any number of heats; a horse that has been placed second in one heat shall be ranked better than any other horse that has been placed third any number of heats, and so forth; for example, a horse finishing, 3-6 would be ranked ahead of another horse finishing 4-4. A horse finishing in a dead heat would be ranked below another horse finishing in the same position and not in a dead heat. If there be any premium for which no horse has maintained a position, it shall go to the race winner, but the number of premiums awarded need not exceed the number of horses that started in the race. Unless otherwise specified in the conditions, the money shall be divided 50 percent, 25 percent, 15 percent and 10 percent.

13:71-21.5 Two in three

In a two in three race, a horse must win two heats to win the race, and there shall be ten percent set aside for the race winner. The purse shall be divided and awarded according to the finish in each of the first two or three heats, as the case may be. If the race is unfinished at the end of the third heat, all but the heat winners or horses making a dead heat for first shall be ruled out. The fourth heat, when required, shall be raced for the ten percent set aside for the winner. If there be any third or fourth premiums, and so forth for which no horse has maintained a specific place, the premium therefor shall go to the winner of that heat, but the number of premiums distributed need not exceed the number of horses starting in the race. Where, in a two-year-old race, there are two heat winners and they have made a dead heat in the third heat, the race shall be declared finished and the colt standing best in the summary shall be awarded the ten per cent; if the two heat winners made a dead heat and stand the same in the summary, the ten per cent shall be divided equally between them.

13:71-21.6 Computation and payment of purses

(a) Any racing association which has an agreement with the horsemen to pay purses of an established percentage of the association's share of the revenue obtained from the money wagered, shall each post a statement of the previous week's handle, the proposed allotment to horsemen and the amount of purses paid. Such posting shall be on the bulletin board in the entry room.

(b) Any association sponsoring stakes races or early closing events may withhold, during any current meeting, an amount sufficient to compensate the association for the cost of such races and events. However, in no event shall the money due the horsemen in purses above that amount be allowed to exceed \$20,000.

13:71-21.7 Delivering of winnings to owners

Winnings from horses shall not be delivered to any owner until the owner has first been duly licensed by the Commission for the current season.

13:71-21.8 Deductions

All purses contested for shall be distributed according to the conditions of the race. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payment to be made to owners, drivers, trainers, nominators or breeders of money winning horses and organization or promotion expenses stipulated for stakes and futurities. Five percent of the owner's payment shall be deducted and paid to the driver, and five percent of the owner's payment shall be deducted and paid to the trainer. In instances where the trainer is employed by a training stable, the payment shall be made to the training stable.

Amended by R.1978 d.354, eff. January 1, 1979.
See: 10 N.J.R. 348(b), 10 N.J.R. 510(c).
Amended by R.1987 d.464, effective January 20, 1987.
See: 18 N.J.R. 1516(a), 19 N.J.R. 237(a).
Substantially amended.

13:71-21.9 Forfeits; drivers' fees

In the event that a purse is forfeited through a subsequent ruling of the officials and/or Racing Commission after the result has been made official, the drivers shall be allowed such fees as are consistent with section 8 of this subchapter and with the revised order of finish.

R.1978 d.354, eff. January 1, 1979.
See: 10 N.J.R. 348(b), 10 N.J.R. 510(c).

SUBCHAPTER 22. RADIOS, RECEIVERS AND TRANSMITTERS
13:71-22.1 Telephone

All public telephones at the race track may remain open during the race day, with the approval of the Commission.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
"Track police" changed to "track security".
Repeal and New Rule, R.1990 d.535, effective November 5, 1990.
See: 22 N.J.R. 2403(b), 22 N.J.R. 3385(d).
Former rule contained radio, receiver and transmitter security requirements.

SUBCHAPTER 23. MEDICATION AND TESTING PROCEDURES
13:71-23.1 Intent of medication rules; general provisions

(a) It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and racing participants through the prohibition and/or control of all drugs and/or substances foreign to the natural horse. For the purpose of these rules, a drug and/or substance administered to a horse is foreign to the natural horse irrespective of whether the said drug and/or substance is also naturally occurring to the horse.

(b) On the day of the race, irrespective of the date, time and method of administration, no horse entered to start in or participating in any race shall carry in its body any drug and/or substance foreign to the natural horse, excepting external rubs and innocuous compounds as defined in this section and as otherwise provided for in these rules. Examples of drugs and/or substances foreign to the natural horse, and thus prohibited pursuant to this section and these rules are as follows:

1. Articles meeting the definition of drug as set forth in N.J.A.C. 13:71-4.1;
2. Chemical substances;
3. Stimulants;
4. Depressants;
5. Anesthetics;
6. Tranquilizers;
7. Anti-inflammatories;
8. Erythropoietin (epogen, EPO);
9. Pain killers;
10. Sodium bicarbonate (baking soda);
11. Confectionery sugar;
12. Stamina builders; and
13. Mixtures, compounds or solutions commonly referred to as "milkshakes" which contain any prohibited drug and/or substance.

(c) Nothing contained in this section, however, shall be construed to prohibit the horse from carrying in its body on the day of the race food products resulting from the normal and proper diet of a horse not containing prohibited drugs and/or substances.

(d) On the day of the race, except as otherwise provided for in these rules, no horse entered to start in or participating in any race shall have administered to it any such drug and/or substance foreign to the natural horse, including as a result of administration of an otherwise permissible external rub or what would otherwise constitute an innocuous compound. In no event, except for the intravenous administration of furosemide (Lasix) pursuant to N.J.A.C. 13:71-23.8, or as may otherwise specifically be authorized by or pursuant to these rules, shall the administration of said excepted items be accomplished intravenously, by injection, by jugging or drenching, or through the use of a syringe or sharp, dose syringe, or tube apparatus. A non-prohibited external rub or innocuous compound as defined in this section shall on the day of the race be administered only by application on the exterior of the horse, except that food constituting the normal and proper diet of a horse not containing prohibited drugs and/or substances may be ingested by means limited to the natural intake of a horse without aid or the assistance of any device or apparatus.

(e) An external rub or innocuous compound is a single substance, mixture of substances or compound which does not contain any of the 13 examples of prohibited items as set forth in (b) above, or additionally, any other substance foreign to the natural horse which alters its normal physiological state.

Amended by R.1994 d.126, effective March 7, 1994.
See: 25 N.J.R. 3104(a), 26 N.J.R. 1238(c).

Amended by R.1995 d.296, effective June 5, 1995.
See: 26 N.J.R. 1956(b), 27 N.J.R. 2244(a).

Case Notes

District court would abstain from reaching merits of harness race-horse trainers' applications for stays of orders. *Bongiorno v. Lalomia*, D.N.J.1994, 851 F.Supp. 606, affirmed 39 F.3d 1168.

Rule sets forth the association between the administration of drugs and the need to protect horses from them. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

13:71-23.2 Testing

(a) Any horse entered to start at any licensed race meeting may be subjected to a pre-race and/or post-race blood, and/or urine test, at the direction of the State Veterinarian, the Judges and/or State Steward, in the manner prescribed by the New Jersey Racing Commission. The costs so incurred shall be borne by the track association. The cost to the track association for testing each sample shall be established by the New Jersey Racing Commission.

(b) Every owner, or his authorized agent, or trainer of any horse entered to race at any licensed racetrack shall immediately submit the said horse to any veterinarian designated by the Commission, for examination and/or testing whenever so requested by the Commission, Stewards, Judges, State Veterinarians, or Associate State Veterinarian.

Case Notes

Rule sets forth the association between the administration of drugs and the need to protect horses from them. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

13:71-23.3 Pre-race blood testing program

(a) All horses entered to start in any race where pari-mutuel wagering is conducted shall be subject to a pre-race blood and/or urine test.

(b) Such horses shall be in the paddock at least two hours prior to post-time under the custody and care of a duly licensed attendant designated by the trainer of the horse.

(c) A licensed veterinarian approved by the Commission shall be the only person allowed to draw the blood for testing. A quantity of 20 cubic centimeters or such amount as the veterinarian may designate shall be extracted from each horse for testing purposes.

(d) Should the forensic analysis of such sample be classified as suspicious for any drug or substance foreign to the natural horse, except as expressly permitted by these rules and regulations, the horse shall be scratched.

(e) Should the forensic analysis of such sample be classified as positive for any drug or substance foreign to the natural horse, the horse shall be scratched and placed on the judge's list for seven days.

(f) The entry of a horse shall constitute permission for a veterinarian appointed by the New Jersey Racing Commission to obtain biological samples, and consent to the scratching of the horse from the race in the event such test is positive or suspicious.

(g) A trainer shall receive a warning for the first time a horse in his charge shall show a positive pre-race test. If the same horse shall again be positive on a pre-race test, then the trainer may be fined, suspended or both.

13:71-23.3A Pre-race blood gas analyzing machine testing program

(a) An excess bicarbonate, sodium and pH level in the race horse is deemed adverse to the best interests of harness racing, and adverse to the best interests of the horse in that such condition alters its normal physiological state. Accordingly, with the prior authorization of the Commission and subject to those conditions as the Commission may determine to impose, a track association may adopt a track rule which provides that its acceptance of the entry of a horse in a race is subject to the condition that all persons with an interest in the horse consent to it being scratched should, on the date of the race and as a result of pre-race blood testing utilizing a blood gas analyzing machine, the horse registers levels of bicarbonate (HCO_3), sodium (Na), and a pH level at or in excess of the levels stated in the approved track rule. In such event, the entry of a horse shall constitute permission for a veterinarian appointed in accordance with (e) below to obtain blood samples from the entered horse, and shall further constitute consent to the judges scratching of the horse from the race in accord with this section.

(b) Where the Commission approves the track association's adoption of a track rule as described in (a) above, and a horse is entered to participate in a race at the track association following the adoption of said rule, the judges shall order scratched any entered horse which on the day of the scheduled race registers readings in excess of each of the three levels (bicarbonate, sodium and pH) as set forth in the approved track rule, on each of two tests conducted utilizing the blood gas analyzing machine.

(c) If the levels of bicarbonate, sodium and pH are determined to equal or exceed those set forth in the approved track rule for any single horse, and the licensed owner or trainer of that horse contends that such levels are physiologically normal for the particular horse, said licensee may request that the horse be held in guarded quarantine. In the event so requested, the track association implementing the track rule pursuant to (a) above shall make such guarded quarantine available, for a period of time to be determined by the judges but in no event less than 48 hours, at the sole expense of the licensee requesting same. During any quarantine, the horse shall be re-tested periodically and, although the horse may not race during such quarantine period, it may be exercised and trained at times prescribed by the association and consistent with the ability to monitor

the horse. If the judges are satisfied, on the basis of the evident facts, the quarantine and the testing of the horse's blood utilizing the blood gas analyzing machine, that the three levels (bicarbonate, sodium and pH) set forth in the approved track rule are physiologically normal for that particular horse, the judges notwithstanding the implementation of the track rule may permit the horse to race. In such case, the judges in their discretion may, at the sole expense of the track association implementing the track rule, require that the horse re-establish that such levels are physiologically normal to it pursuant to the procedure set forth in this subsection but no sooner than 35 days after the last quarantine period for the horse.

(d) Where the Commission approves the track association's adoption of a track rule as described in (a) above, and a horse is entered to participate in a race at the track association following the adoption of said rule, any owner, trainer or licensed representative of same who refuses to cooperate in connection with the testing of the horse, or who fails to permit any horse to be tested utilizing the blood gas analyzing machine, shall be deemed to be acting contrary to the track rule under which condition the horse was entered to race. In such circumstance, the judges shall order the horse scratched.

(e) All persons participating in any blood gas analyzing machine testing or quarantine process as described in this section, whether an employee of the Racing Commission or the track association, shall act at the direction of the Commission representative as designated by the Commission or its Executive Director. In no event shall a horse entered to participate in a race have blood drawn, for the purpose of testing utilizing the blood gas analyzing machine, without all horses participating in said race having also had blood drawn for the purpose of such testing. Only a licensed veterinarian, approved by the Commission or its Executive Director, shall draw blood from any horse for testing on the blood gas analyzing machine. The procedures outlined or authorized in this section shall govern the conduct of any blood gas analyzing machine testing program, notwithstanding anything to the contrary in N.J.A.C. 13:71-23.3.

(f) Nothing contained in this section shall prohibit the Racing Commission, in its sole discretion, from rescinding its approval of any track rule authorized pursuant to (a) above, and from ordering the discontinuance of any testing program utilizing the blood gas analyzing machine as established pursuant to this section.

New Rule, R.1993 d.174, effective April 19, 1993.
See: 25 N.J.R. 269(a), 25 N.J.R. 1775(b).

13:71-23.3B Pre-race blood gas analyzing machine testing program: pre-race guarded quarantine

(a) Where a trainer, during any 12 month period, has had any single horse under his custody, care and control scratched from racing in accord with the procedures set

forth in N.J.A.C. 13:71-23.3A, and where the levels of bicarbonate, sodium and pH have not been determined as physiologically normal for the horse in such instance, that horse subsequently scheduled to participate in a race under the custody, care and control of said trainer shall be placed under pre-race guarded quarantine. The track association sponsoring the race shall make such pre-race guarded quarantine available, at the sole expense of the trainer, for a length of time to be determined by the judges but in no event less than six hours prior to the start of the first race of the program.

1. Any pre-race guarded quarantine required by this subsection shall continue as to the affected horse for six months following the date of the scratch of the horse.

(b) Where a trainer, during any 12 month period, has had any horse or horses under his custody, care and control scratched from racing on two occasions in accord with the procedures set forth in N.J.A.C. 13:71-23.3A, and where the levels of bicarbonate, sodium and pH have not been determined as physiologically normal for the horse in either of such instance, all horses subsequently scheduled to participate in a race under the custody, care and control of that trainer shall be placed under pre-race guarded quarantine. The track association sponsoring the race shall make such pre-race guarded quarantine available, at the sole expense of the trainer, for a length of time to be determined by the judges but in no event less than six hours prior to the start of the first race of the program.

1. Any pre-race guarded quarantine required by this subsection shall continue as to the affected trainer for six months following the date of the second scratch of a horse or horses under his custody, care and control, and without regard to whether those scratched horses have been transferred to a new trainer. However, if during the six-month period any additional horse under the custody, care and control of the trainer is scratched in accord with the procedures set forth in N.J.A.C. 13:71-23.3A, and where the levels of bicarbonate, sodium and pH have not been determined as physiologically normal for the horse, the judges shall order that the six-month pre-race guarded quarantine period as to all of the trainer's horses be extended for a length of time which they deem appropriate.

(c) Where a single horse, during any 12 month period, has been scratched from racing in accord with the procedures set forth in N.J.A.C. 13:71-23.3A, and where the levels of bicarbonate, sodium and pH have not been determined as physiologically normal for the horse, the horse shall be placed under pre-race guarded quarantine even where the horse has been transferred to a new trainer. The track association sponsoring the race shall make such pre-race guarded quarantine available, at the sole expense of the current trainer, for a length of time to be determined by the judges but in no event less than six hours prior to the start of the first race of the program.

1. Any pre-race guarded quarantine required by this subsection shall continue as to the affected horse for six months following the date of the scratch of the horse. However, where during the pendency of such six-month period the horse is under the custody, care and control of the new trainer and the horse is again scratched in accord with the procedures set forth in N.J.A.C. 13:71-23.3A, and where the levels of bicarbonate, sodium and pH have not been determined as physiologically normal for said horse, the judges shall order that the six-month pre-race guarded quarantine period for the horse be extended for a length of time which they deem appropriate. Where such an event, during any 12 month period, constitutes the second incident of any horse or horses under the custody, care and control of the present trainer of said horse being scratched in accord with the procedures set forth in N.J.A.C. 13:71-23.3A, the provisions of (b) above shall apply as to that current trainer.

New Rule, R.1993 d.513, effective October 18, 1993.
See: 25 N.J.R. 3427(a), 25 N.J.R. 4751(b).

13:71-23.3C Pre-race blood gas analyzing machine testing program: punishment for failure to cooperate

In the event any owner, trainer, licensed representative of same, or any person subject to the jurisdiction of the Racing Commission, fails to cooperate in connection with a blood gas analyzing machine testing program authorized pursuant to N.J.A.C. 13:71-23.3A, or with regard to any procedures set forth in or implemented pursuant to N.J.A.C. 13:71-23.3A or 23.3B, in addition to ordering the horse scratched from competition, the judges may, consistent with this chapter, impose fines or suspensions, or both, on the non-cooperating person. In determining the length of suspension or amount of the fine, the judges may consider prior violations of N.J.A.C. 13:71-23.3A or 23.3B.

New Rule, R.1993 d.513, effective October 18, 1993.
See: 25 N.J.R. 3427(a), 25 N.J.R. 4751(b).

13:71-23.4 Post-race testing program

(a) No drug shall be administered or applied, internally or externally, to any horse that is to be sampled after a race until the blood and/or urine samples have been obtained unless permission from the State Veterinarian is obtained.

(b) Every horse to be tested shall be taken to a detention barn, to be supplied by the association in accordance with specifications set forth by the Commission. All blood samples shall be taken by a State Veterinarian while urine samples shall be secured by the State Veterinarian or a chemical inspector of the Commission at the direction of the State Veterinarian.

(c) During the taking of any blood and/or urine sample by the veterinarian representing the Commission, from the horse entered to race, the owner, trainer, or their designated representative shall be present and witness the procedure. The sample so taken shall be immediately sealed and tagged on the form provided by the Commission and the evidence of such sealing shall be indicated by the signature of such owner, trainer or representative. It shall be the obligation of the owner, trainer or representative to cooperate fully with the State Veterinarian in obtaining any samples which may be required and to attend and witness the taking and securing of such sample.

13:71-23.5 Procedure following positive chemical analysis

(a) On receiving written notice from the official chemist that a specimen has been found "positive" for any drug or substance foreign to the natural horse, the steward shall proceed as follows:

1. He or she shall notify the State Police and authorize a search of the premises occupied by the stable involved.
2. He or she shall, as quickly as possible, notify the owner and trainer of the horse involved.
3. He or she shall, with the assistance of the State Police, conduct a thorough investigation, interviewing the trainer, assistant trainer and any other persons who may have pertinent knowledge of the circumstances involved.
4. During the progress of such investigation, the stable involved shall be permitted to race; save that the particular horse (or horses) involved shall not be entered or start until allowed to do so by the judges. In no event shall such a prohibition extend beyond seven days unless the stable has failed to provide all due cooperation to the Judges in the course of such investigation.

Case Notes

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function (citing former N.J.A.C. 13:71-23.17). *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div. 1982), affirmed 93 N.J. 1, 495 A.2d 295 (1983).

13:71-23.6 Trainers

(a) A trainer shall be the absolute insurer of and is responsible for the condition of a horse within his care and custody.

(b) A trainer shall not enter or start a horse that has in its body any drug or substance foreign to the natural horse except as otherwise provided for in these rules and regulations.

(c) A trainer has the duty to be familiar with the medication rules of this Commission and with any drug or

substances foreign to the natural horse administered to said horse at his direction or while in his care and custody.

(d) The trainer, owner, veterinarian, groom or other person charged with the custody, care and responsibility of a horse are all obligated to protect and guard the horse against administration of any drug or substances foreign to the natural horse, except as otherwise provided for in these rules and regulations by any unauthorized individual, and the administration of any unauthorized drug or substance foreign to the natural horse by any person.

Case Notes

District court would abstain from reaching merits of harness race-horse trainers' applications for stays of orders. *Bongiorno v. Lalomia*, D.N.J.1994, 851 F.Supp. 606, affirmed 39 F.3d 1168.

The Racing Commission has decided, through rulemaking, to exercise strict control over the use of narcotics. *Maietta v. New Jersey Racing Commission*, 93 N.J. 1, 459 A.2d 295 (1983).

Horse trainer; race horses; suspension. *DeVitis v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 55.

Trainer suspended after the horse was discovered to have a foreign substance in its system. *New Jersey Racing Commission v. Janis Gianforte*, 94 N.J.A.R.2d (RAC) 49.

Trainer violated responsibility rule; illegal drug. *New Jersey Racing Commission v. Rubin*, 94 N.J.A.R.2d (RAC) 17.

13:71-23.7 Penalties

(a) Should the judges determine that any person or persons have violated any section of this subchapter, they may punish the offending party consistent with the penalties provided for in these rules and regulations.

(b) In addition thereto, the judges may penalize the owner of any horse, or any entry of which said horse is a part, that has started in any race with any drug or substance foreign to the natural horse in its body by disqualification and denial of any part of the purse with redistribution of purse moneys as in the case of a disqualification.

(c) Any individual suspended or disciplined in any fashion for a second or subsequent violation of N.J.A.C. 13:71-23.6(a), (b), (d) or any comparable rule of any other racing commission or turf governing body may be deemed a repetitive offender. A second or subsequent violation of N.J.A.C. 13:71-23.6 may constitute grounds for further disciplinary action by the Commission.

(d) Horses owned wholly or in part by persons suspended for violation of N.J.A.C. 13:71-23.6(a), (b) or (d) are ineligible to start during the period of such suspension, unless sold to a bona fide purchaser. Horses trained by a person suspended for such a violation, wherein the trainer does not have an ownership interest, are automatically eligible to start when placed in the hands of a licensed trainer approved by the judges.

(See N.J.A.C. 13:71-3 for rules concerning appeals.)

13:71-23.8 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone

(a) The judges may permit the administration of medication to control respiratory bleeding in animals that:

1. At any time have received a comprehensive cardiopulmonary examination at an approved equine hospital or school of veterinary medicine and as a result thereof are certified as bleeders and therefore are in need of medication in order to race; or
2. Are observed in New Jersey to bleed during the running or driving or a workout or race at a duly licensed New Jersey racetrack, or in the detention barn following such workout or race by the State or Associate State Veterinarian and have been placed on a veterinarian's list for at least 10 days; or
3. Have been certified as respiratory bleeders in other racing jurisdictions by a veterinarian employed by that jurisdiction's regulatory body or have been placed on another racing jurisdiction's respiratory bleeder's list.

(b) All horses that are placed on the veterinarian's list shall be required to be treated by a licensed practicing veterinarian in the stall assigned to that horse on the grounds of the Racing Association or in the receiving barn. During this period the horse shall be under the care and custody of a groom or caretaker appointed by the trainer. Furosemide, a diuretic medication that is intended to control respiratory bleeding, shall be administered by a licensed practicing veterinarian and shall be limited to an intravenous dose of 0.25 milligrams (mg) per pound of body weight (0.50 mg per kilogram) or 250 milligrams (five cubic centimeters (cc)) in a 1,000 pound horse at least four hours prior to race time. Said practicing veterinarian shall make daily reports of all said treatments and file said reports with the State Veterinarian each day.

(c) Post-race urine and blood samples may be taken by or under the supervision of the State Veterinarian from all horses treated with Lasix® (furosemide) to control respiratory bleeding pursuant to the requirements set forth above. In the event a post-race analysis of a blood sample reveals that the concentration of furosemide exceeds a level of 50 nanograms per milliliter of plasma (50 ng/ml) the trainer and/or the practicing veterinarian shall be liable to the penalties as set forth in (e) below.

(d) A horse placed on the veterinarian's list for bleeding must remain on the list for 10 calendar days, a second time bleeder must remain on the respiratory list for 30 days, and a third time bleeder must remain on the respiratory list for 90 days. A bleeder in the above categories is automatically released from the veterinarian's list after these dates; however, a horse which evidences respiratory bleeding a fourth time is barred from further racing in New Jersey.

(e) Should the stewards determine that any person or persons have violated (c) above, they shall punish the offending party as follows:

1. A trainer and/or veterinarian shall receive a warning for the first time a horse in his or her care shall show a test result in excess of 50 nanograms per milliliter of plasma.
2. A trainer and/or veterinarian shall receive a fine not to exceed \$500.00 for a second time the same horse shows a test result in excess of 50 nanograms per milliliter of plasma.
3. Should the same horse show a test result in excess of 50 nanograms per milliliter of plasma for a third time, the trainer and/or veterinarian shall be suspended, fined or both.
4. Repeated violations of (c) above by a trainer and/or veterinarian for any horse under their care may subject said trainer and/or veterinarian to fine and/or suspension, regardless of whether or not the same horse is involved.

(f) Notwithstanding anything to the contrary herein or in N.J.A.C. 13:71-23.1, no penalty shall be imposed where on the day of the race a horse carries in its body phenylbutazone, as a result of an administration prior to the day of the race, in a quantity of 2.5 micrograms per milliliter or less as determined by post-race testing.

(g) Should the judges or stewards, as appropriate, determine that any trainer or persons have violated (f) above, as a result of an administration prior to the day of the race, they shall punish the offending party as follows:

1. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity above 2.5 micrograms per milliliter up to and including 3.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:
 - i. First violation of N.J.A.C. 13:71-23.8(g)1—\$250.00 fine;
 - ii. Second violation of N.J.A.C. 13:71-23.8(g)1—\$500.00 fine and seven days suspension;
 - iii. Third violation of N.J.A.C. 13:71-23.8(g)1—\$500.00 fine, loss of any purse and suspension; and
 - iv. Fourth or subsequent violation of N.J.A.C. 13:71-23.8(g)1—such fines, suspensions and/or other penalties allowed by this chapter.

2. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity exceeding 3.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:

- i. First violation of N.J.A.C. 13:71-23.8(g)2—\$500.00 fine and loss of any purse;
- ii. Second violation of N.J.A.C. 13:71-23.8(g)2—\$500.00 fine, loss of any purse and 15 days suspension;
- iii. Third violation of N.J.A.C. 13:71-23.8(g)2—\$500.00 fine, loss of any purse and suspension; and
- iv. Fourth or subsequent violation of N.J.A.C. 13:71-23.8(g)2—such fines, suspensions and/or other penalties allowed by this chapter.

Amended by R.1988 d.183, effective April 18, 1988.
See: 20 N.J.R. 250(a), 20 N.J.R. 912(c).

Changed time a second time bleeder must remain on respiratory list from three months to 30 days; added third time bleeder to be kept for three months.

Amended by R.1990 d.486, effective October 1, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1718(a), 22 N.J.R. 3155(a).

Authorizes the administration of medication in assigned stall instead of detention barn and establishes dosage levels and time requirements recommended by the Association of Racing Commissioners International; provides for disciplinary action in the event of excessive drug levels as per post-race testing.

Amended by R.1990 d.575, effective November 19, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1233(c), 22 N.J.R. 3500(b).

Provides for the acceptance of certification of respiratory bleeders from racing commissions in other jurisdictions.

Amended by R.1991 d.264, effective May 20, 1991.

See: 23 N.J.R. 675(c), 23 N.J.R. 1684(e).

Changed "14 calendar days" to "10 calendar days"; changed "three months" to "90 days" in (d).

Amended by R.1992 d.18, effective January 6, 1992.

See: 23 N.J.R. 2919(d), 24 N.J.R. 109(a).

Revised (a)2.

Amended by R.1994 d.128, effective March 7, 1994.

See: 25 N.J.R. 3105(a), 26 N.J.R. 1240(a).

Amended by R.1995 d.297, effective June 5, 1995.

See: 26 N.J.R. 1957(a), 27 N.J.R. 2244(b).

Case Notes

Rule sets forth the association between the administration of drugs and the need to protect horses from them. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

13:71-23.9 Possession of drugs or drug instruments

(a) No person aside from licensed veterinarians shall have in his possession anywhere within the grounds of any association conducting a race meeting, or anywhere within the confines of a racetrack enclosure, or anywhere within the grounds of any licensed off-track stabling facility, any drugs not possessed in accordance with the laws of the State of New Jersey, nor any contraband drug or unauthorized prescription legend drugs, nor any hypodermic syringes or

needles, or any other instrument which may be used for injection, unless the injectable device is possessed for self-administration, and further provided that the individual possessing such device promptly notify the State Steward:

1. That he is in possession of such device; and
2. Of the chemical substance to be administered.

Amended by R.1993 d.261, effective June 21, 1993.

See: 24 N.J.R. 1061(a), 25 N.J.R. 2488(b).

Case Notes

Possession of chondroitin sulphate, an unclassified substance possession of which is not violative of any State or Federal law, does not violate this rule; possession of hypodermic needle and syringe found to be a violation; rule sets forth the association between the administration of drugs and the need to protect horses from them (citing former N.J.A.C. 13:71-23.12). *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

13:71-23.10 Illegal devices

No electrical, mechanical or other appliance or device other than the ordinary whip shall be applied to a horse at any place on the grounds of any licensed racetrack. Any person so offending shall be suspended by the judges and referred to the Commission for license revocation. Possession of any such device anywhere on the grounds of a licensed racetrack may be punished by fine and/or suspension.

13:71-23.11 Narcotics conviction; denial of license

Any person who has been convicted of possession or use of narcotics by any court in the land shall be denied a license or ruled off or both as the Commission may decide.

13:71-23.12 Cooperation with other agencies; violations of law

Every association, all officials and employees thereof, and all persons licensed in any capacity by the Commission shall give every possible cooperation, aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government or with the State of New Jersey, who may be investigating or prosecuting any matter involving a violation of any law, or any rules or regulations of the Commission.

Case Notes

The Racing Commission has decided, through rulemaking, to exercise strict control over the use of narcotics. *Maietta v. New Jersey Racing Commission*, 93 N.J. 1, 459 A.2d 295 (1983).

13:71-23.13 State Police; responsibilities

The enforcement of N.J.S.A. 5:5-71 and other criminal laws of the State of New Jersey shall be the responsibility of the State Police. Investigation pursuant to the enforcement of N.J.S.A. 5:5-71 or other criminal laws of the State shall take precedence over any action taken by the association or the Racing Commission concerning an incident arising from

an alleged violation of the provisions of this subchapter. Every association and Racing Commission official and employee shall render full cooperation, aid and assistance in any investigation undertaken for a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal statutes of the State. Further, every association and Racing Commission official and employee, on becoming aware of a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal laws of the State of New Jersey, shall communicate in writing the circumstances of such immediately to the New Jersey Racing Commission and the State Police who shall evaluate same and take whatever further action is deemed necessary.

Case Notes

Finding of entrapment by State Police and dismissal of criminal proceedings against jockey applicant did not prevent the use of incriminating evidence at licensing hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function (citing former N.J.A.C. 13:71-23.18). *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div. 1982), affirmed 93 N.J. 1, 459 A.2d 295 (1983).

SUBCHAPTER 24. AUTHORIZED AGENTS

13:71-24.1 License

Each authorized agent must obtain a license from the Racing Commission.

13:71-24.2 License application

Application for a license must be filed for each owner represented.

13:71-24.3 Powers of attorney

If the written instrument is a power of attorney, it shall be filed permanently with the Racing Secretary. If, however, the powers are properly delegated by the owner on the application form for a license, then said application shall be in duplicate and one copy filed permanently with the Racing Secretary.

13:71-24.4 Changes

Any change must be in writing and filed as above provided.

13:71-24.5 License fees

The fee for each license shall be \$50.00 as set forth in N.J.A.C. 13:71-7.1. If an agent represents more than one owner, a separate written instrument shall be filed for each owner and the fee paid in each case.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Fee increased from \$10.00 to \$25.00.
Amended by R.1993 d.52, effective January 19, 1993.
See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).
Revised text.

13:71-24.6 Owner's revocations

Owner's revocations must be filed in writing with the Racing Commission and with the Racing Secretary.

13:71-24.7 Appointment of subagents

An authorized agent may appoint a subagent only when authorized to do so by the above written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Racing Commission and the Racing Secretary. Application for a license must be filed for each subagency so created.

SUBCHAPTER 25. VENDORS

13:71-25.1 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 security officer of the track where application for license is made.

13:71-25.2 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 26. ILLEGAL PRACTICES

13:71-26.1 Bribes, gifts and gratuities

No person shall give, offer or promise, directly or indirectly, either in his own behalf or in behalf of another, any bribe, gift or gratuity in any form, for the purpose of influencing the result of a race, or which would tend to do so, to any person.

13:71-26.2 Offers of bribes

No person shall accept, or offer to accept on his own behalf or on behalf of another a bribe, gift or gratuity in any form, to influence the result of a race or which would tend to do so. Failure to report such offer of a bribe is a misdemeanor punishable by a fine not exceeding \$1,000, imprisonment for three years, or both.

13:71-26.3 Knowledge of violations

Any person employed or engaged in racing who shall come into possession of knowledge concerning any violation of the rules of racing or any violation of law in connection with the running of a race shall immediately report the information to the stewards of the meeting for investigation and such action as the case may warrant.

13:71-26.4 False or misleading statements

No person shall make false or misleading statements to the steward or judges, in the course of an investigation.

13:71-26.5 Conspiracies

No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing, nor shall he commit such an act on his own behalf.

13:71-26.6 Soliciting bets

No person shall solicit bets on the grounds of an association.

13:71-26.7 Cooperation with other agencies; violations of law

Every association, all officials and employees thereof, and all persons licensed in any capacity by the Commission shall give every possible cooperation, aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government, or with the State of New Jersey, who may be investigating or prosecuting any matter involving a violation of any law, or any rules or regulations of the Commission. Failure to cooperate will subject the person or persons involved to a fine, suspension or both.

13:71-26.8 Fraud; disqualification

When a horse is disqualified and there is evidence of fraud or attempted fraud, any other horse in the race owned or controlled by the same interest or trained by the same trainer also may be disqualified.

13:71-26.9 Suspension pending outcome of indictment

(a) A licensee may be suspended immediately when the licensee is indicted in this State for a crime of the first, second, third or fourth degree or is indicted for a similar crime under Federal law or the law of another state, or Province of Canada law if:

1. The charge or charges arise from activity or activities occurring on the grounds of a race association or a licensed farm; or
2. The charge or charges are directly related to the racing industry whether in this State or another jurisdiction.

(b) Prior to a suspension under (a) above becoming effective, the licensee must first be apprised in writing of why an immediate suspension is sought, the charges and the general evidence in support of the charges. This notice may be given by personal service or by regular mail or by certified mail, return receipt requested, to the last address for the licensee on record with the Commission.

(c) The licensee may request a hearing with a representative of the Commission within 10 days of the date of the written notice of suspension. If no request is made within this time, or such additional time as agreed to by a representative of the Commission or as provided in a negotiated agreement, the suspension issued pursuant to this section shall continue until disposition of the criminal indictment.

(d) A suspension pursuant to this section shall not extend beyond the disposition of the criminal complaint or indictment; provided, that where a licensee is convicted of a charge described in (a) above, such suspension shall remain in effect pending further disciplinary action by the Commission.

(e) Where any licensee is suspended pursuant to this section, said penalty may be appealed to the Commission and a hearing requested.

(f) The hearings before both the Commission's representative and the Commission itself shall be *de novo* proceedings.

(g) Where the suspension is immediate under (a) above, the licensee may seek a stay of said suspension pending a resolution of the charge or charges and/or the Final Decision of the Commission. Any such request shall be in writing and shall be addressed to the Executive Director (or his or her designee) and the Commission.

1. Such a request may be denied by the Commission, Executive Director, or his or her designee, where to grant the same would be adverse to the best interests of racing or inimical to the public in preserving the integrity of the sport and in preserving public confidence in the sport.

New Rule, R.1991 d.265, effective May 20, 1991.
See: 23 N.J.R. 676(a), 23 N.J.R. 1685(a).

SUBCHAPTER 27. MUTUELS**13:71-27.1 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 parimutuel 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 parimutuel daily sales and the track association treasurer's statement with the Racing Commission daily summary of results from parimutuel 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.

13:71-27.2 Post-time

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

13:71-27.3 Public notice

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

13:71-27.4 Number of entrants

If the number of entrants in an overnight race exceeds the number deemed safe and expedient by the judges, the Racing Secretary shall reduce the number of starters to the proper number by lot.

13:71-27.5 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.

13:71-27.6 Also eligible list

If the entries in an overnight race exceed the acceptable number, as many as two of those that have not been drawn shall also be listed on the entry sheet as "also eligible" to start. After any horse in the body of the race has been excused at scratch time, the horse moving in from the also eligible list shall assume the post-position of the horse so excused. The owner or trainer of any horse on the also eligible list who does not wish to start shall so notify the Racing Secretary prior to scratch time on the day of the race.

13:71-27.7 Dissemination of racing information

The Racing Commission may in its discretion agree not to make available and direct the track associations not to make available to outside sources, information such as the name of the driver, scratches, substitute races, track conditions, morning line information, equipment changes, weight and any other information it may deem advisable, in order to curtail the illegal activities of bookmakers and to prevent other states from using the results of races run in New Jersey as part of such other state's off-track betting scheme.

13:71-27.8 Odds board

Each association must maintain an approximate odds board for the purpose of informing the public of the actual wagering on each horse as disclosed by an accurate take-off of the straight pool at the time such odds are posted, and also a final line or flash after the close of wagering, which shall show the final odds on each horse before the finish of the race. (No quotation or line shall exceed a total of 129 percent.)

13:71-27.9 Lines

A copy of the opening line and all additional lines of odds, with percentages figured, as well as amounts of money wagered in the straight pool on each horse at the time each additional line of odds is posted, including the final line, shall be furnished and delivered by the association, immediately following each race, to the supervisor of mutuels duly appointed by the Racing Commission, as its representative in the mutuel department, under authority of the racing law.

13:71-27.10 Payoff prices

(a) The mutuel manager is held responsible for correctness of all pay-off prices posted on the board.

(b) Before the mutuel department of any race track posts the pay-off prices of any pool for any race, the mutuel manager shall require each of the (calculating sheets) computer printout sheets of such race to be proven by the (calculator) computer and the winners verified. Such proof shall show pay-breaks commission, and added together shall show they equal the total pool.

(c) All pay-slips are to be checked in (calculating sheet) computer printout sheet as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the (calculator) computer printout sheet before they are released to the public.

13:71-27.11 Ticket sales

No ticket may be sold after the totalisator has been locked or wagering has ceased.

13:71-27.12 Ticket claims

(a) Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window.

(b) No claim shall be considered thereafter and no claim shall be considered for tickets thrown away, lost, changed, destroyed or mutilated beyond identification.

(c) Payment of wages will be made only on presentation of appropriate parimutuel tickets.

13:71-27.13 Emergencies

Should any emergency arise in connection with the operation of the pari-mutuel department not covered by this chapter and an immediate decision is necessary, the manager of the pari-mutuel department shall make a good faith effort to contact and consult with the Supervisor of Mutuels prior to making the decision, and render a full report to the Racing Commission.

13:71-27.14 Advice; horses competing

The manager of the pari-mutuel department shall be properly and timely advised by the judges, prior to the beginning of wagering on each race, of the horses that will compete in the race.

13:71-27.15 Post time schedule

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 judges.

13:71-27.16 Entry defined

When two or more horses run in a race, and are coupled because of common ties, they are called an "entry" and a wager on one of them shall be a wager on all of them.

13:71-27.17 "Field" defined

When the individual horses competing in a race exceed the numbering capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together and called the "field" and a wager on one of them shall be a wager on all of them.

13:71-27.18 Elimination of wagering

(a) With the approval of the Racing Commission, or its designee, race tracks will be permitted to eliminate place and show wagering on any particular horse or entry in any race. Among the factors to be considered will be the quality of the horse or horses for which the elimination of wagering is sought compared to the quality of the other horses in the race. The request to eliminate place or show wagering shall be made prior to the printing of the program. Once the program is printed, elimination of wagering will not be permitted unless the following occurs:

1. If less than six wagering interests qualify horses to start in a race, the mutuel director shall be permitted to eliminate show wagering on that race.
2. If less than five wagering interests qualify horses to start in a race, the mutuel director shall be permitted to eliminate both place and show wagering on that race.
3. If two or less wagering interests qualify horses to start in a race, the mutuel director shall be permitted to eliminate wagering on that race.

(b) The decision to eliminate wagering in (a)1 through 3 above shall be made prior to the opening of mutuel windows for that day's business unless there is a change in the number of wagering interests qualified to start. If a change in the number of wagering interests qualified to start occurs after wagering has begun, the decision to eliminate wagering shall be made immediately at the time the number of wagering interests qualified to start changes.

(c) New Jersey race tracks may adjust the pari-mutuel pools to eliminate certain forms of wagering on all interstate simulcasts consistent with the pari-mutuel decisions made by the sending track associations in conformance with that state's rules and regulations. Notice of the decision to make adjustments shall be provided to the Racing Commission or its designee prior to accepting wagers on the event.

(d) In all cases where wagering is eliminated, race tracks shall inform the public through notification in the program, advertisements, public address system or any other means available.

Amended by R.1990 d.185, effective April 2, 1990.

See: 21 N.J.R. 3255(a), 22 N.J.R. 1149(b).

Allowed for track associations to bar certain horses from place and show wagering.

13:71-27.19 Cease wagering

Wagering shall cease not later than off-time.

13:71-27.20 Ticket-issuing machines closed

(a) If, for any reason, the pari-mutuel ticket issuing machines are closed during the wagering on a race before off-time, they shall remain closed until after the race.

(b) Wagering shall cease on that race, and the payoff for that race shall be computed on the sums then wagered in each pool.

(c) In the event the machines are inadvertently closed through some human error, said machines shall be opened only by permission of the stewards.

13:71-27.21 Name and numbers of horses in gate

If a horse or horses do not start because of a mechanical malfunction, the judges shall promptly notify the manager of the pari-mutuel department of the same and number of said horse or horses.

13:71-27.22 Written notice of official placement

At the end of each race, the placing judge shall advise the manager of the pari-mutuel department in writing of the official placement of the horses; and no payoff shall be made until the receipt of such written notice.

13:71-27.23 Basis of payoffs

Whenever the totalisator fails mechanically, or whenever there is a difference in any pool or pools between the sum total of the wagers on the individual horses as compared with the grand total shown by the totalisator, the association shall compute the pay-off to the public on the basis of the larger of the two amounts (i.e., the sum total of the wagers on the individual horses or the grand total as shown by the totalisator.)

13:71-27.24 Recapitulation of sales

All monies remaining undistributed following the calculation of all pools shall be paid to the State.

13:71-27.25 Errors in pay-off figures

(a) If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off irrespective of the error on the public board.

(b) If because of mechanical failure, it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and correction.

13:71-27.26 Overpays or underpays

Overpays caused by errors of the totalisator shall be paid by the totalisator company.

13:71-27.27 Mechanical breakdowns

(a) In the event of an irreparable breakdown of the totalisator, or the ticket issuing machines, or both, during the wagering on a race, the wagering for that race shall be declared closed.

(b) The payoff for that race shall be computed on the sums wagered in each pool up to the time of the breakdown.

(c) In the event of any totalisator malfunction requiring the totalisator company to purchase any non-issued ticket "lost" in the totalisator computer, the totalisator company shall be permitted to credit losing tickets so purchased to the extent of winning tickets similarly purchased. The proceeds of such winning tickets which exceed any credit for losing tickets shall revert to the State.

13:71-27.28 Excused horses; refunds

In all cases when a horse has been excused by the judges after wagering has started but before off-time all money wagered on the horse so excused shall be deducted from the pool and be refunded.

13:71-27.29 Horses left at post

If a horse is left at the post at off-time there shall be no refund, but if one horse or more is prevented from leaving the post at off-time because of any mechanical malfunction, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

13:71-27.30 No horse finish race

If no horse finishes in a race, all money wagered on that race shall be refunded.

13:71-27.31 Coupled horses

If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refund unless all of the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate. Discretion is, however, vested in the judges to order a refund wherein a part of an entry in a stake, handicap or futurity is excused before off-time where it is in the public interest to do so. In such an instance the remaining part of the entry shall race for the purse only.

13:71-27.32 Postponed race

In the case of a race postponed beyond the day originally scheduled, all money wagered on said race shall be refunded.

13:71-27.33 Races declared off; refunds

If a race is declared off by the judges after wagering begins on that race, all money wagered on that race shall be refunded.

13:71-27.34 No wagers to win

If a horse wins and there is no money wagered on him to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any; otherwise, among holders of the show tickets.

13:71-27.35 Place pool apportionment

If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which has placed first or second.

13:71-27.36 Show pool apportionment

If no money has been wagered to show on a horse which placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

13:71-27.37 One horse finishing race

If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse.

13:71-27.38 Two horses finishing race

If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

13:71-27.39 Rulings after display of official sign

Any ruling of the stewards with regard to the award of purse money made after the sign "Official" has been purposely displayed by the placing judges shall have no bearing on the mutuel pay-off.

13:71-27.40 Copies of reports

The manager of the parimutuel department shall furnish a copy of all (take-off) computer printout and calculating sheets to the supervisor of mutuels immediately after completion.

13:71-27.41 Payments

(a) Payments due on all wagers shall be made in conformity with the well established practice of the parimutuel system.

(b) Money wagered on winning tickets is returned in full plus the profits.

(c) The practice is to work in dollars and not in the number of tickets.

(d) The break permitted by law is deducted in all of the calculations arriving at the payoff prices; that is, the odd cents over any multiple of 10 cents of winnings per dollar wagered are deducted and retained by the licensee, to be paid to the State.

(e) Unless contingencies arise not covered herein, the practice shall be noted in N.J.A.C. 13:71-27.42 through 27.48.

13:71-27.42 Calculating the pay-off in a straight pool

(a) The Commission authorized by law is deducted from the sum total wagered in the straight pool. The balance is called the "net pool".

(b) The amount wagered on the winner is then divided into the "net pool". The quotient thus obtained is the pay-off price on the winner for each dollar wagered, and it includes the dollar wagered on the winner.

13:71-27.43 Calculating the pay-off in a place pool

(a) The Commission authorized by law is deducted from the sum total wagered in the place pool. The balance is called "net pool".

(b) The sum total of the amount wagered in the place pool on the horses placed first and second is deducted from the "net pool". This gives a remainder which is the profits or winnings. The said profit is divided into two equal parts that is, between those who wagered, in the place pool, on the winner and those who wagered on the horse that was placed second.

(c) Using the amount wagered in the place pool on the winner "to place" as a divisor and one-half of the profits of the place pool, as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the winner "to place".

(d) Using the amount wagered in the place pool on the horse placed second "to place" as a divisor and the other half of the profits as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the second horse "to place".

(e) In each of (c) and (d) above the profit per dollar wagered is the resultant. The sums wagered on the horses placed first and second must be returned; therefore, add to the quotient the dollar taken out of the "net pool" in (b) above. The result is the pay-off price for each dollar wagered on horses placed first and second in the place pool.

13:71-27.44 Calculating the pay-off in a show pool

(a) The Commission authorized by law is deducted from the sum total wagered in the "show pool". The balance is called the "net pool".

(b) The sum total of the amount wagered in the show pool on the horses placed first, second and third is deducted from the "net pool". This gives a remainder which is the profit, or winnings. The said profit is divided into three equal parts; that is, among those who wagered in the show pool on the winner, the second horse and the third horse.

(c) Using the amount wagered in the show pool on the winner "to show" as a divisor and one-third of the profits of the show pool, as specified in (b) above, as a dividend, the

quotient thus obtained is the profit per dollar wagered in the show pool on the winner "to show".

(d) Using the amount wagered in the show pool on the horse placed second "to show" as a divisor and one-third of the profits as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the second horse "to show".

(e) Using the amount wagered in the show pool on the horse placed third "to show" as a divisor and one-third of the profits as specified in (b) above, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the third horse "to show".

(f) In each of (c), (d) and (e) above, the profits per dollar wagered is the resultant. The sums wagered on the horses placed first, second and third must be returned; therefore, add to the quotient the dollar taken out of the "net pool" in (b) above. The result is the pay-off price for each dollar wagered on horses placed first, second and third in the show pool.

13:71-27.45 Calculating the pay-off in dead heats

(a) In the case of a dead heat in the straight pool, the pay-off price shall be figured as in a place pool.

(b) In the case of a dead heat for second in the place pool, the winner of the race receives its half share of the profits in that pool; and each of the two horses that dead heat for second receive one-half of the remaining half of the profits.

(c) In the case of a dead heat for third or "show" in the show pool, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third each receive one-half of the remaining third of the profits.

(d) Where two or more horses racing for one interest or field horses participate in dead heats, each horse of the entry or field is entitled to his proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected. For example: where two horses of an entry or field "dead heat" for straight, the straight and place prices are calculated as straight pools and the entry is entitled to two-thirds of the profits of the show pool.

(e) Where two or more horses of an entry or field figure in a dead heat, or multiple dead heats in one race, each horse of the entry or field participating gets his proportionate award of the profits in whatever pool, or pools, are affected by the dead heat or dead heats. The sum of the total profits, in each pool, for the entry or field is then used as a dividend to calculate the pay-off price for said entry or field in that pool.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

"of" corrected to "or" in (d).

13:71-27.46 Exacta

(a) No exacta wagering shall be conducted without permission of the New Jersey Racing Commission. The races in which exacta type parimutuel wagering will be permitted shall be only those designated by the Commission and separate pools shall be established therefor.

(b) In order to win an exacta, it is necessary for the purchaser of an exacta ticket to select the winning horses and the horse finishing second in the race in which exacta type wagering is permitted. If either of the selections made by the purchaser fails to finish in the position designated by the purchaser when purchasing the exacta ticket then the contract is void except as hereinafter provided.

(c) Should there be a dead heat for first place in an exacta race, holders of tickets on those two horses involved and only those two horses, will share in the exacta pay-off. Should there be a dead heat to place, both horses involved shall share in the pool with the winner of the exacta race.

(d) If no ticket is sold combining the two winners of the exacta, the pool shall then be apportioned equally between those having tickets including the winner of the race and those having tickets including the horse finishing second in the race in the same manner in which a place pool is calculated.

(e) In the event any horse or horses in the exacta should be excused by the racing official after the horses shall have left the paddock for the post, or after the betting on the exacta has been closed, or should any horse or horses in the exacta be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the exacta pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused from racing.

(f) Entries shall be allowed in an exacta race. "Fields" are permitted in an exacta race. If two or more horses in an exacta race are listed as "field" on the same totalisator ticket, there shall be no refunds, unless all the horses so listed are excused before off-time.

(g) If entry or field horses finish first and second, the exacta will be paid on the combination of horses finishing first and third. If entry or field horses finish first, second and third, the exacta pool will be figured as a win pool with all combinations showing the entry or field horse on top considered as winners and sharing equally in the distribution of the pool, with the exception in the case of a dead heat in the third position. In said instance, the exacta will be comprised on the entry or field and the horse dead heated for third.

13:71-27.47 Daily double

(a) No more than two daily doubles shall be permitted during any single race day. All other forms of this type of wagering are prohibited.

(b) Before off-time of the second half of the daily double there shall be posted on the public board, readable from the stands, the pay-off each combination coupled with the winner of the first half of the daily double.

(c) In the event of a dead heat for the straight pool in the first half of the daily double, or the event of a consolation pool, it shall not be deemed necessary to compute and post the actual pay-off prices on all the various combinations of the daily double before the running of the second half of the double. However, an effort should be made to compute the double prices and to announce them to the public over a loud-speaker system prior to the running of the second half of the double.

(d) The daily double is not a parlay. All tickets on the daily double will be calculated in an entirely separate pool.

(e) The principle of a daily double is in effect a contract by the purchaser of a daily double ticket to pick (select) the winners of each of the two races specified for the daily double.

(f) If the purchaser of a daily double ticket fails to pick the winner of the first half of the daily double, his contract is void, unless circumstances occur as described in (m), (n), (o) and (p) below. If these conditions do not apply, then irrespective of what happens to the horse selected in the second half of the daily double, there is no refund because the patron has failed to fulfill the first half of the contract which is to pick the winner of the first half of the daily double.

(g) If a horse in the first half of the daily double is excused by the stewards before off-time, all money wagered on any horse or horses so excused shall be deducted from the daily double pool and be refunded to the purchaser or purchasers of tickets on the horse or horses so excused.

(h) In the event a horse is excused in the second half of the daily double after the first race is official, all daily double tickets combining the scratched horse with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second half of the daily double. The total pay-off of all tickets combining the winner of the first race of the daily double with the scratched horse in the second half of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(i) After off-time, there shall be no refund in either of the above cases, provided for in (g) and (h) above.

(j) For the purpose of figuring the daily double, when horses are locked in the gate they shall be considered as having been excused by the stewards; and (g) and (h) above shall be enforced.

(k) If, for any reason, the first race of a daily double is cancelled and declared "no race", full and complete refund will be made of the daily double pool. If, for any reason, the second race of a daily double is canceled and declared "no race", the daily double pool shall be distributed to the holders of the daily double tickets on the winner of the first race in the same manner as the straight pool of the first race is distributed, except as to the amount of distribution, which shall be controlled by the amount bet in the daily double pool.

(l) Except for the contingencies stated below, the daily double is calculated in the same general manner as the straight pool.

(m) If no ticket is sold combining both winners of the daily double, the net pool shall then be apportioned between those having tickets including the winner of the first race of the daily double and those having tickets including the winner of the last race of the daily double and shall be calculated and distributed as a place pool.

(n) If no ticket is sold including the winner of the first race of the daily double, then the entire net pool will be paid to the holders of tickets which include the winner of the last race of the daily double.

(o) If no ticket is sold including the winner of the last race of the daily double, the entire net pool will be paid to the holders of tickets which include the winner of the first race of the daily double.

(p) If no ticket is sold including a winner of either race of the daily double, then the entire net pool will be paid to the holders of tickets which include the horses finishing second in the two races of the daily double.

(q) If either race of the daily double results in a dead heat, the pay-off will be figured the same as a place pool; that is, first, the regulation commission is deducted, then the total amount wagered on the winning combination is deducted, leaving the profit which is divided equally between holders of the winning combinations.

Amended by R.1991 d.490, effective October 7, 1991.
See: 23 N.J.R. 2004(a), 23 N.J.R. 3034(a).

In (g), eliminated contradictory language and clarified the proper way to calculate the payoff in a daily double.

Amended by R.1992 d.85, effective February 18, 1992.

See: 23 N.J.R. 3432(a), 24 N.J.R. 647(c).

Deleted (d); recodified (e)-(r) as (d)-(q).

13:71-27.48 Quiniela

(a) The principle of a quiniela is, in effect, a contract by the purchaser of a quiniela ticket to select the first two horses to finish in a race. The order in which the horses finish is immaterial. The quiniela is not a "parlay" and has no connection with or relation to win, place or show betting, and will be calculated in an entirely separate pool.

(b) Entries shall be allowed in a quiniela race.

(c) In cases of a dead heat between two horses for first place, the combination shall be the winner of the quiniela pool.

(d) In case of a dead heat between two horses for second place, the pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff.

(e) In the case of a dead heat for second place, and no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combination.

(f) If no ticket is sold on the winning combination of a quiniela pool, the net pool shall be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second, in the same manner in which a place pool is calculated.

(g) If no ticket is sold that would require distribution of a quiniela pool to a winner as defined in (a) through (f) above, the association shall make a complete and full refund of the quiniela pool.

(h) In case of a scratch in a quiniela race, the patron holding a ticket on the scratched horse will receive a refund.

13:71-27.49 Break to nickel in the event of a minus pool

The minimum parimutuel payoff by any licensee conducting parimutuel wagering shall be \$2.10 on each winning \$2.00 wager. This shall pertain only in the event that there is insufficient money in the net parimutuel pool to return \$2.20 on each \$2.00 wager.

13:71-27.50 Trifecta

(a) The trifecta (or other approved name) is a form of parimutuel wagering. Each bettor selects, in order, the first, second and third placed horses in the designated trifecta race. The trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta or other wagering pool.

(b) Trifecta tickets shall be sold in not less than \$1.00 denominations and only from machines capable of issuing three numbers.

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

(d) The design of trifecta tickets shall be clearly and immediately distinguishable from other parimutuel tickets.

(e) If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating such horse and all trifecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) Rules concerning failure to select a winning combination, short finishes include:

1. If there is a failure to select, in order, the first three horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

2. If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(g) Coupled entries and fields are prohibited in trifecta races without the prior approval of the Racing Commission. The Commission, in considering whether to grant such approval, shall consider the number of wagering interests in the race and whether its approval would be consistent with the best interests of the sport and the wagering public.

(h) Where a field in a trifecta race is less than seven at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not affect the trifecta.

(i) In trifecta races with a coupled entry or mutuel field, the numbers of the first three horses in order of finish as made official shall constitute the winning combination except that, where two or more of such horses are part of the same coupled entry or mutuel field, only the best finishing position attained by the coupled entry or mutuel field shall be considered for payoff purposes and the next best finishing horse or horses, not part of the coupled entry or mutuel field, shall be selected to determine the winning trifecta combination.

(j) This rule shall be prominently displayed throughout the betting area of each track conducting the trifecta and printed copies of this rule shall be distributed by the track to patrons upon request.

Amended by R.1988 d.133, effective March 21, 1988.

See: 19 N.J.R. 2385(b), 20 N.J.R. 670(b).
Substantially amended (h).
Amended by R.1993 d.515, effective October 18, 1993.
See: 25 N.J.R. 3106(a), 25 N.J.R. 4752(a).

13:71-27.51 Sell-only system

(a) The Supervisor of Mutuels shall be furnished with the following documents on a daily basis by the totalisator company for any sell-only system:

1. Win, place and show pools:
 - i. Running total sheet;
 - ii. Calculating sheet;
 - iii. Tickets and denomination sheet;
 - iv. Price sheet by denomination;
 - v. Progression of odds;
 - vi. Machine sales by Division.

13:71-27.52 Cash-sell system

(a) The Supervisor of Mutuels shall be furnished with the following documents by the totalisator company on a daily basis for all pools at such time and in such manner as requested by the Supervisor of Mutuels:

1. Pool summary report;
2. Price calculation report;
3. Final cycle pool print report;
4. Progression of odds (win only);
5. Machine sales by race report;
6. Daily double will pay report;
7. Exacta probables report;
8. Prices report summary;
9. Price cancellation summary;
10. Summarized balance report (out ticket);
11. End of day report;
12. All trifecta computer sheets;
13. Lost ticket report.

(b) The Supervisor of Mutuels shall also be furnished with the following documents by the totalisator company upon request:

1. Payout distribution report;
2. Day end teller report;
3. Pool processing proof;
4. Outs book A;
5. Outs book B;
6. Bet reports;

7. Audit information from log tapes;
8. Outs cashed report;
9. Manual cash council report.

Amended by R.1991 d.540, effective November 4, 1991.
See: 23 N.J.R. 2268(a), 23 N.J.R. 3341(d).
Deleted (a), 1 and 2.
Recodified existing 3 and 4 as (a) and (b).

13:71-27.53 Super-Six

(a) The Super-Six (or other approved name) is a form of pari-mutuel wagering. Each bettor selects the first horse in each of six consecutive races designated as the Super-Six races by the permitholder. The principle of a Super-Six is in effect a contract by the purchaser of a Super-Six ticket to select the winners of each of the six races designated as the Super-Six.

(b) The Super-Six pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, trifecta or other wagering pool. The Super-Six pool is a pool wherein the bettor is required to select six consecutive winning horses and is not a parlay.

(c) Super-Six tickets shall be sold in not less than \$1.00 denominations and only from machines capable of issuing six numbers.

(d) Races in which Super-Six pools shall be conducted shall be approved by the Commission and clearly designated in the program.

(e) The design of Super-Six tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(f) The Super-Six pari-mutuel pool shall be calculated as follows:

1. 100 percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super-Six.

2. In the event there is no pari-mutuel ticket held which correctly designates the winner of all races comprising the Super-Six, 25 percent of that racing date's net amount available for distribution shall be distributed among the holders of pari-mutuel tickets correctly designating the most winning selections of the six races comprising the Super-Six, and the remaining undistributed 75 percent of said pool shall be carried over and added to the pool on the next day on which wagering is conducted.

3. If, on the last day on which this system of wagering is conducted at a horse race meeting, no bettor selects the winning horses in those races, the total amount of the pool which exists on that day in connection with those races shall be paid to the bettor or bettors who selected the largest number of winning horses in those races. In

no event shall any part of the pool be carried over to the next year's race meeting.

(g) Those horses constituting an entry or a field as defined within the rules and regulations of the Commission shall race in any Super-Six race as a single wagering interest for the purpose of the Super-Six pari-mutuel pool calculations and pay-outs to the public. A scratch after wagering has begun of any part of an entry or field selection in such a race shall be of no effect with respect to the status of such entry and/or field as a viable wagering interest.

(h) At any time after wagering begins on the Super-Six pool should a horse, entire betting entry or field be scratched or declared a non starter in any Super-Six race, no further tickets selecting such horse, betting entry or field shall be issued, and wagers upon such horse, betting entry or field, for purposes of the Super-Six pool shall be deemed wagers upon the horse, betting entry or field upon which the most money has been wagered in the win pool at the track at the close of win pool betting for such race. In the event of a money tie, the tied horse, betting entry or field with the most inside post position shall be designated.

(i) After off-time, there shall be no refund in either of the cases, provided for in (h) above.

(j) For the purpose of this section, when horses are prevented from starting by any malfunction of the starting gate itself they shall be considered as having been excused by the judges.

(k) If, for any reason, any race or races of a Super-Six program is cancelled and declared "No Race," the Super-Six pool shall be distributed to the holders of the most winning selections of the remaining races pursuant to (f)1 and 2 above. In the event the Judges cancel or declare as "No Race" three or more of the Super-Six races for any given date, all pari-mutuel tickets for that Super-Six pool shall be refunded and the Super-Six cancelled for that day.

(l) In the event of a dead heat for win between two or more horses in any Super-Six race, all such horses in the dead heat for win shall be considered as the winning horse in the race for the purpose of distributing the Super-Six pari-mutuel pool.

(m) No person shall disclose the number of tickets sold in the Super-Six pool or the number or amount of tickets selecting winners of Super-Six races prior to the time the Judges have declared the last Super-Six race on any given date official.

(n) No pari-mutuel ticket for the Super-Six pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the Super-Six, except for refunds as required by this section.

(o) This rule shall be prominently displayed throughout the betting area of each association conducting a Super-Six program and in the official racing program.

(p) Should circumstances occur which are not foreseen in this section, questions arising thereby shall be resolved in accordance with general pari-mutuel practice. Decisions regarding distribution of Super-Six pools will be final.

Emergency New Rule, R.1986 d.334, effective July 17, 1986 (expires September 15, 1986).

See: 18 N.J.R. 1619(a).

Readopted Concurrent Proposal as R.1986 d.412, effective September 15, 1986.

See: 18 N.J.R. 1619(a), 18 N.J.R. 2055(b).

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

At (k), "Stewards" changed to "Judges".

13:71-27.54 Daily Triple

(a) The Daily Triple pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalisator board, nor to the rules governing the distribution of such other pools.

(b) A valid Daily Triple ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and said ticket shall constitute an acceptance of Daily Triple provisions and N.J.A.C. 13:71-27.

(c) A Daily Triple may be given a distinctive name to be selected by the association conducting such races, such as Win 3, subject to the prior approval of the Commission.

(d) The Daily Triple pari-mutuel pool shall consist of amounts contributed for a selection for win only in each of the three consecutive races designated by the association with the prior approval of the Commission. Each person purchasing a Daily Triple ticket shall designate the winning horse in each of the three races comprising the Daily Triple.

(e) Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the Daily Triple shall race as a single wagering interest for the purpose of the Daily Triple pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single interest is a starter in a race, the entry or the field selection shall remain as the designated selected to win in that race for the Daily Triple calculation, and the selection shall not be deemed a scratch.

(f) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all three races comprising the Daily Triple.

(g) If no ticket is sold combining the three winners of the Daily Triple, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winners of at least two of the three races comprising the Daily Triple.

(h) If no ticket is sold combining at least two winners of the Daily Triple, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winner of any one race comprising the Daily Triple.

(i) If no ticket is sold that would require distribution of the Daily Triple pool to a winner pursuant to (f) through (h) above the association shall make a complete and full refund of the Daily Triple pool.

(j) If for any reason one or two of the races comprising the Daily Triple are cancelled, the net amount of the pari-mutuel pool shall be distributed as provided in (g), (h), and (i) above.

(k) In the event a Daily Triple ticket designates a selection in any one or more of the races comprising the Daily Triple and that selection is scratched, excused or determined by the stewards to be a non-starter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the non-starting selection for all purposes, including pool calculations and payoffs.

(l) If any of the daily triple races result in a dead heat, the payoff will be figured the same as a place pool, that is: first the regulation commission is deducted, then the total amount wagered on the winning combination is deducted, leaving the profit which is divided equally between the holders of the winning combinations.

(m) No pari-mutuel ticket for the Daily Triple pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the three races comprising the Daily Triple, except for such refunds on Daily Triple tickets as required by this rule, and no persons shall disclose the number of tickets sold in the Daily Triple pool or the number or amount of tickets selecting winners of Daily Triple races until such time as the Stewards have determined the last race comprising the Daily Triple to be official. At the conclusion of the second of the three races comprising the Daily Triple, an association may, with the prior approval of the Commission, display potential distributions to ticket holders depending upon the outcome of the third race of the Daily Triple.

New Rule, R.1988 d.397 effective August 15, 1988.
See: 20 N.J.R. 1175(b), 20 N.J.R. 2072(a).
Amended by R.1994 d.90, effective February 22, 1994.
See: 25 N.J.R. 5109(a), 26 N.J.R. 1107(a).
Amended by R.1995 d.212, effective April 17, 1995.
See: 27 N.J.R. 306(b), 27 N.J.R. 1643(a).

13:71-27.55 Pick-Eight

(a) This section codifies procedures to allow New Jersey to participate in a nationwide common pool on a Pick-Eight wager on the Breeders' Crown.

(b) The payoff is calculated as follows:

1. Wagers select first-place finishers for eight Breeders' Crown races. The net pool is divided into major (75 percent) and minor (25 percent) shares. The major share is distributed to the ticket(s) correctly selecting the first-place finishers in all eight races and calculated using the net pool pricing method. The minor share is distributed to tickets correctly selecting the first-place finishers in the most (but not all) of the eight races and calculated using the net pool pricing method.

2. To determine the net pool, there shall be a deduction from gross wagers in each jurisdiction in an amount equal to the applicable takeout for that jurisdiction. The remaining amount of the wagers from all jurisdictions is combined to form the total net pool, on the basis of which a base payout price is determined. Each jurisdiction's winning payout price is determined by applying that jurisdiction's takeout rate to the base price. Each jurisdiction's individual rules relating to breakage and uncashed winning tickets shall also apply. Any other questions that arise not specifically covered in this section shall be covered by the rules of racing of the New Jersey Racing Commission.

(c) Dead heat procedures are as follows:

1. If there is a dead heat for first in any race, the winning combinations shall include all wagers selecting any dead heat finishers.

(d) No ticket sold procedures are as follows:

1. If no ticket is sold correctly selecting the eight first-place finishers, then the entire net pool will be distributed to the wagers selecting the most official winners of the eight Breeders' Crown races.

(e) Refund procedures are as follows:

1. If three or more races are cancelled, then the entire Pick-Eight pool shall be refunded.

(f) The effect of a cancelled race in the pool is as follows:

1. In the event that one or more of the races, comprising the Pick-Eight, is cancelled for any reason, the distribution of the net amount subject to distribution in the Pick-Eight pool shall be among the holders of the pari-mutuel tickets which currently designate the most official winners in all remaining races comprising the Pick-Eight.

(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' Crown 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.201, effective May 4, 1992.
See: 23 N.J.R. 1770(a), 24 N.J.R. 1801A.

13:71-27.56 The Pick(N)

(a) The Pick(N) requires selection of the first place finishers in each of four or more consecutive races, with the letter (N) representing the number of such races. The association must obtain written approval from the Commission concerning the scheduling of Pick(N) events. Any changes to the approved Pick(N) format requires prior approval from the Commission.

(b) A carry-over, as is relevant to this section, is that percentage of the pool not paid out when no one successfully selects all winning horses in the Pick(N). The carry-over amount shall be added to the subsequent Pick(N) pool until distributed as a result of the successful selection of all winning horses.

(c) The Pick(N) pool shall be distributed under one of the following methods:

1. Method 1. Pick(N) with carry-over: The net Pick(N) pool and carry-over, if any, shall be distributed as a single price pool to those who selected the first place finisher in each of the Pick(N) contests, based on the official order of finish. If there are no such wagers, then 25 percent of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick(N) races; and the remaining 75 percent of the net pool shall be added to the carry-over.

2. Method 2. Pick(N) with minor pool and carry over: The major share of the net Pick(N) pool (75 percent) and the carry-over, if any, shall be distributed to those who selected the first-place finisher in each of the Pick(N) contests, based on the official order of finish. The minor share of the net Pick(N) pool (25 percent) shall be distributed to those who selected the first-place finisher in the second greatest number of Pick(N) contests based on the official order of finish. If there are no such wagers selecting the first-place finisher of all Pick(N) contests, the minor share of the net Pick(N) pool (25 percent) shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick(N) contests based on the official order of finish and the major share (75 percent) shall be added to the carry-over.

(d) If there is a dead heat for first in any of the Pick(N) contests involving contestants representing the same betting interest, the Pick(N) pool shall be distributed as if no dead heat occurred. If there is a dead heat for first in any of the Pick(N) contests involving contestants representing two or more betting interests, the Pick(N) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the net Pick(N) pool.

(e) The Pick(N) pool shall be held entirely separate from all other pools and is not a parlay and is not part of a daily double, exacta, trifecta or other wagering pool.

(f) Pick(N) tickets shall be sold in not less than \$1.00 denominations and only from machines capable of issuing four or more numbers.

(g) Those horses constituting an entry or a field as defined within the rules of the Commission shall race in any Pick(N) race as a single wagering interest for the purpose of Pick(N) pari-mutuel pool calculations and payments to the public. A scratch after wagering has begun on any part of an entry or mutuel field in such a race shall be of no effect with respect to the status of such entry or field as a viable wagering interest.

(h) At any time after wagering begins on a Pick(N) pool should a horse, entire betting entry or mutuel field be scratched or declared a non-starter in any Pick(N) race, no further tickets selecting such horse betting entry or mutuel field shall be issued, and wagers upon such horse betting entry or mutuel field, for purposes of the Pick(N) pool, shall be deemed wagers upon the horse, betting entry or mutuel field upon which the most money has been wagered in the win pool at the close of win pool betting for such race. In the event of a money tie, the tied horse, betting entry or mutuel field with the most inside post position shall be designated.

(i) The Pick(N) pool shall not be cancelled based upon the number of race cancellations or races being declared no contest, unless the following is true, in which case all Pick(N) wagers for the individual performance shall be refunded:

1. Three or more races of a Pick 4 or Pick 5 are cancelled or declared no contest;
2. Four or more races of a Pick 6 or Pick 7 are cancelled or declared no contest;
3. Five or more races of a Pick 8 or Pick 9 are cancelled or declared no contest;
4. Six or more races of a Pick 10 or Pick 11 or more races are cancelled or declared no contest.

(j) If, on the last day on which the system of wagering is conducted at a race meeting, no bettor selects the winning horse in those designated races, the total amount of the pool which exists on that day in connection with those races shall be paid to the bettor or bettors who selected the largest number of winning horses in those races.

(k) If, for any reason, the Pick(N) carry-over cannot be paid out on the last scheduled day of a race meeting, the carry-over shall be deposited in an interest bearing account approved by the Commission. The Pick(N) carry-over plus accrued interest shall then be added to the net Pick(N) pool on a race date determined by the Commission.

(l) An association, with the written approval of the Commission, may contribute funds to the net Pick(N) pool or the carry-over pool.

(m) Should circumstances occur which are not foreseen in this section, questions arising thereby shall be resolved with general pari-mutuel practice. Decisions regarding distribution of Pick(N) pools will be final.

Amended by R.1993 d.514, effective October 18, 1993.
See: 25 N.J.R. 3705(a), 25 N.J.R. 4752(b).

13:71-27.57 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.541, effective November 4, 1991.
See: 23 N.J.R. 2268(b), 23 N.J.R. 3342(a).

13:71-27.58 Expiration of mutuel tickets and vouchers

All mutuel tickets and vouchers shall expire six months and one day from the date of issue (that is, tickets and

vouchers purchased on January 1 will expire at the close of business on July 1).

New Rule, R.1991 d.541, effective November 4, 1991.
See: 23 N.J.R. 2268(b), 23 N.J.R. 3342(a).

13:71-27.59 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 less than seven 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. 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-heated 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 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 shall 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.91, effective February 22, 1994.
See: 25 N.J.R. 5451(a), 26 N.J.R. 1107(b).

SUBCHAPTER 28. INITIAL TRACK APPLICATION

13:71-28.1 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 judgment 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 purpose 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;

6. The dates on which it is intended to conduct or hold such horse race meeting and the hours of each racing day between which it is intended to hold or conduct horse racing at such meeting;

7. The location of the place, track or enclosure where it is proposed to hold or conduct such horse race meeting;

8. Detailed information and specifications of the track, buildings and grandstand possessed or to be constructed by the applicant, including a blueprint of the track and specifications of the construction and of the surface of same; and blueprints and detailed architect's specifications of the construction of any buildings and grandstands of the applicant. The Commission reserves the right to reject inadequate or unsatisfactory specifications or to demand additional information and specifications from the applicant;

9. A financial statement of the applicant, certified by a certified public accountant of New Jersey;

10. A statement by a certified public accountant of New Jersey showing details of all financing arrangements made or contemplated by the applicant in connection with the construction of the race track buildings and grandstand;

11. Any other information which is set forth on form R-1 or form R-2 or as may be required by the Commission.

(g) The application, if made by an individual, shall be signed and verified under oath by such individual, and, if made by two or more individuals or a partnership shall be signed and verified under oath by all of the individuals or by all of the members of the partnership, whether general or limited, as the case may be. If the application is made by an association or corporation, it shall be signed by the president or vice-president thereof and attested by the secretary or assistant secretary under the seal of such association or corporation, if it has a seal, and shall be verified under oath by one of the officers signing the same.

(h) In addition to the requirements in (g) above the applicant shall comply with the following:

1. Every applicant shall furnish to the Commission under oath a list of the names, addresses and dates of birth of every person, entity or organization who or which has any interest whatsoever in the applicant, the proposed race track or the proposed horse race meetings, and a detailed account of the nature and extent of said interest. Each such person, entity or organization who or which has such an interest shall furnish a statement, under oath, to the Commission, setting forth that he is acting solely in his own behalf and is a real party in interest, or if he is acting jointly with or solely on behalf of any person, entity or organization, or if he is not a real party in interest, then he shall state the name, address and date of birth of the real property or other party or parties in interest for whom he is acting. In the event that the application and its attachments do not identify any person, entity or organization who or which has any direct or indirect interest in the applicant, proposed race track or proposed horse race meetings, the application may be denied.

2. Every applicant member, partner, officer, director, stockholder and person having any direct or indirect interest in the applicant and every real party in interest in the applicant shall furnish a detailed statement, under oath, of his experience and background in racing and of his business and financial background including a financial statement.

3. Every applicant shall furnish with its application the fingerprints of each applicant member, partner, officer, director, real party in interest, stockholder and of every person who has any direct or indirect interest whatsoever in the applicant, on forms provided by the Commission.

4. Every applicant member, partner, officer, director, real party in interest and stockholder shall furnish a statement, under oath, to the Commission describing any and all direct or indirect interests that he presently has, or previously had, in any other racing organization, association or race track, presently existing or which has been in existence in any part of the world.

(i) If there is any false statement or omission of any material fact in the application or in the additional information required by this section or by the Commission, the application may be denied.

(j) The Commission shall designate a certified court reporter to take and record the proceedings at the public hearing on the application. Within 10 days following the date of the public hearing the applicant shall, at its own expense, furnish to the Commission an original and four copies of a transcript of the proceedings.

(k) Within 15 days after the filing of an original application, the Commission shall determine whether the same is in due form and upon being satisfied thereof shall set a date not later than September 15 next when a public hearing shall be held on such application.

(l) The public hearing shall be held in the county wherein it is proposed to conduct the race meeting for which the permit is sought at such place as may be designated by the Commission in writing to the applicant. Notice of the time and place of the hearing shall be served on the applicant by the Commission by mailing the same postage paid by certified mail to the applicant at the address indicated in the application.

(m) The Commission shall cause a display advertisement approximately 11 inches by eight inches in size to be published at least once in weekly newspaper published or circulated, if none be published, in the county wherein it is proposed to conduct the race meeting for which the permit is sought. Such advertisements shall be published at least 15 days before the date of such public hearing and shall contain the following:

1. The name and address of the applicant;
2. The time and place of the hearing;
3. The nature of the permit applied for;
4. A statement to the effect that the purpose of the hearing is to assist the Racing Commission in making a determination whether or not it shall grant a permit to conduct a horse race meeting during the times and at the place indicated in the application;
5. Such other information as is determined to be necessary by the Commission in order to apprise the public as to the purpose of the hearing.

(n) The advertisements for the public hearing shall be prepared and placed by the Commission, but shall be paid for by the applicant prior to the time of the public hearing. The applicant shall produce proof to the Commission prior to the hearing that it has paid for the advertisements.

(o) The hearing shall be recorded by a certified court reporter of the State of New Jersey, who shall be sworn by the Chairman of the Racing Commission at the beginning of the hearing.

(p) The public hearing shall be held before the Racing Commission. A majority of the Commission shall constitute a quorum for the purpose of the hearing. The Chairman of the Commission shall conduct the hearing, or may designate the counsel assigned to the Racing Commission by the office of the Attorney General to conduct the hearing.

(q) The Commission may continue such hearing from time to time if it deems it to be necessary in the public interest, or for purposes of a more thorough investigation of the application. In conducting the hearing the Commission shall not be bound by technical rules of evidence, but all evidence offered before the Commission shall be reduced to writing and shall, with the petition and exhibits, if any, and the findings of the Commission, be permanently preserved and shall constitute the record of the Commission in the manner of the pending application. Any of the parties affected by such hearings may be represented by counsel and shall have the right to introduce evidence.

(r) Each member of the Commission shall have power to administer oaths and examine witnesses and shall have the power to issue subpoenas to compel the attendance of witnesses and the production of all necessary reports, books, papers, records, correspondence and evidence at the designated place of hearing. Such subpoena shall be authenticated by the seal of the Commission and any parties to a proceeding before the Commission may secure from its subpoenas without charge. Misconduct on the part of a person attending a hearing, or the failure of a witness, when duly subpoenaed, to attend, give testimony or produce any records, shall be punishable in accordance with law by the county court of the county wherein the offense is committed. The Commission shall certify such misconduct, failure to attend or produce records, to such county court.

(s) The Commission, or any member thereof, or any applicant, may in connection with any hearing before the Commission cause the deposition of witnesses within or without the State to be taken on oral or written interrogatories in the manner prescribed by statute for depositions in suits at law in the courts of record in this State.

(t) The Commission, or a majority thereof, shall determine whether a permit to hold or conduct a running race meeting or harness race meeting, as the case may be, is provisionally granted pending approval thereof by the legal voters of the county and of the municipality in which it is proposed to hold or conduct such race meeting. The Commission shall make its determination not less than 30 days before the next ensuing general election following the date of public hearing. If the Commission acts favorably on such application, it shall in writing certify to the county clerk of the county in which it is proposed to hold or conduct such horse race meeting that such permit has been provisionally granted.

(u) The actual costs and expense of the Commission incurred in connection with any such hearing or investigation of the application shall be paid by the applicant upon the Commission's delivering to the applicant a statement thereof. The Commission in its discretion, may require the applicant, before the hearing as hereinbefore provided, to give a surety bond or other satisfactory assurance that such applicant will pay all costs of such hearing.

OFFICE OF ADMINISTRATIVE LAW NOTE: Forms R-1 (application for Permit to Hold or Conduct Harness Race meeting) and R-2 (application for Permit to Hold or Conduct Horse Race Meeting) were filed as part of R.1982 d.109, eff. April 5, 1982. See: 13 N.J.R. 820(a). 14 N.J.R. 347(b). Copies of these forms can be obtained from:

New Jersey Racing Commission
404 Abbington Drive
East Windsor, N.J. 08520

or

Office of Administrative Law
Administrative Publications and Filings
CN 301
Trenton, N.J. 08625

SUBCHAPTER 29. SULKY

13:71-29.1 Standardbred sulky standards

(a) A sulky is a dual shafted dual wheeled vehicle designed to be drawn by a horse and driven by a person.

(b) The following requirements apply to sulky wheels:

1. Each sulky shall contain two wheels.
2. The wheels shall be 26 inches to 28 inches with tire attached.
3. All wheels shall be covered by wheel disc covers constructed in such a manner so that they are lightweight and durable.

(c) Wheel discs shall be either unicolored or colorless.

(d) The following requirements apply to sulky shafts:

1. Each sulky shall be equipped with two shafts that are attached independent of one another to the horse.
2. Inside to inside measurement shall be within a range of 42 inches to 50 inches at the front of the arch.
3. The sulky must be attached to either side of the horse by an approved method with each shaft hooked separately on each side.
4. All shafts will be equipped with quick hitch fixtures or attachable by conventional tie-downs.
5. All quick hitches shall have safety straps. The forward ends of the sulky shaft shall not project beyond the shoulder of the horse.
6. The shaft shall not be higher than the withers of the horse.

(e) The following requirements apply to the sulky arch:

1. The style of arch must be no narrower than 47 inches or wider than 56 inches in distance measuring from the inside of each side of the arch at the axle nuts.
2. The front of the arch to the center line of the harness where a horse is hitched shall be no greater than 76 inches as measured along the shaft. The distance from the front of the arch to the back of the seat shall be no greater than 19 inches.

3. The distance from the ground to the bottom of the arch shall be between 28 inches and 35 inches measured with the wheels attached.

4. The arch shall be parallel to the ground and located at a minimum of one inch higher than the tire at all points.

(f) The following requirements apply to the sulky fork:

1. Inside measurements between the inside fork assemblies shall be six inches greater than the inside measurement between the shafts as measured at the front of the arch; that is, shafts 40 inches/inside forks 46 inches, shafts 46 inches/inside forks 52 inches (fork measurements taken from the inside of each side of the arch at the axle nuts).

2. There shall be a fork assembly on both sides of each wheel.

(g) The following requirements apply to sulky stirrups:

1. Each sulky shall be equipped with two stirrups. Each stirrup shall be not more than eight inches wide.
2. The stirrups shall be attached to the inside of each shaft no closer than 30 inches from stirrup to stirrup.
3. The measurement from the ground to the heel of the stirrup and ground to seat plate shall have a spread of no more than six inches as measured with the bike hitched at 54 inches.

(h) The following requirements apply to sulky seats:

1. The seat plate shall be no lower than one inch below the arch.
2. The seat shall be securely attached to the seat bracket in a fixed position.
3. The back of the seat shall be no higher than four inches. No high back (bucket type) seats shall be permitted.
4. All seats shall have adequate padding to provide comfort for the driver.

(i) The mud fenders shall be easily attached to the sulky in such a manner as to make them totally secure to the sulky.

13:71-29.2 Inspection stickers

(a) Each sulky in use must contain an inspection sticker indicating the year and month the sulky was inspected, affixed in a visible location on the arch and shaft.

1. The sticker shall be affixed to the sulky by a representative of the manufacturer. It shall represent that the sulky is free of any stress marks, broken equipment, rust or rot spots.

2. The sticker shall be color coded to indicate the life cycle of each sulky and placed on file with the New Jersey Racing Commission and a copy to the Paddock Judge.

13:71-29.3 Certification

(a) No sulky shall be used after the expiration of eight years from the year of manufacture or the recommended period for use by the manufacturer, whichever is less.

1. No sulky shall be used that does not have affixed to it in a visible location on the arch or shaft a current inspection sticker.

2. A current inspection sticker shall have been issued no more than two years prior to the date of use.

3. The sticker shall be affixed to the sulky by a representative of the manufacturer after the sulky passes a visual inspection.

4. The sulky shall fail inspection if it fails to satisfy any requirements of this subchapter.

13:71-29.4 Serial numbers

(a) Newly manufactured sulkies shall contain individual serial numbers placed on the arch and shaft by the manufacturer denoting the date of manufacturing and space made to reflect that the sulky passed a scientific testing for use by a reputable firm to be designated by the Racing Commission.

1. Serial number and verification documents on sulkies competing in New Jersey shall be filed with the New Jersey Racing Commission Steward.

13:71-29.5 Liability insurance

Each manufacturer shall be required to annually file a true copy of their current product liability insurance/occurrence insurance in the minimum amount of one million dollars per occurrence with the New Jersey Racing Commission Steward.