

(c) The association shall warn off all unlicensed veterinarians.

13:70-19.41 Veterinary reports

Veterinary practitioners shall make daily reports to the State Veterinarian and to the stewards of all horses under treatment by them, on forms to be furnished by the association. Treatment of any horse with a drug for which the practitioner has not submitted a report pursuant to this rule 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 shall be made a part of said report which shall also be accompanied by a sample of the drug when so directed by the State Veterinarian. Failure to comply with the foregoing may subject the practitioner to disciplinary action by the stewards.

Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

Section substantially amended.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Administrative correction.

13:70-19.42 Medical equipment and supplies

(a) Veterinarians are required to keep under lock and within their complete control at all times, all medical equipment and supplies.

(b) Veterinarians are further required to remove from the track associations premises all needles and syringes and any other equipment that might be reused.

(c) Any veterinarian found guilty of violating this rule will be subject to fine and/or suspension by the stewards.

13:70-19.43 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.1976 d.125, effective April 22, 1976.

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

Repealed by R.1983 d.295, effective August 1, 1983.

See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).

Section was "Bleeding and known bleeders."

New Rule, R.1991 d.260, effective May 20, 1991.

See: 23 N.J.R. 674(b), 23 N.J.R. 1684(b).

sey may be required to submit to oral, written and barn tests for qualifications as may be prescribed by the stewards and/or the Racing Commission.

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

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

"Such" changed to "oral, written and barn" tests.

13:70-20.2 Trainer representing owner

A licensed trainer may represent the owner in the matter of entries, declarations and the employment of jockeys.

13:70-20.3 Trainer's actions pending application approval

The stewards may permit a trainer to conduct business pending action on his or her application.

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

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

Non-sexist language added.

13:70-20.4 Trainer and unlicensed owners

A trainer who represents an unlicensed owner may be permitted to file a temporary application, supplying as much information about the owner as possible.

13:70-20.5 Presence of trainer

A trainer shall have his horse in the paddock at the time appointed, and shall be present to supervise its saddling, unless he has obtained permission from the stewards to be represented by a substitute.

13:70-20.6 Absence of trainer; substitutes

When a trainer is to be absent from his or her stable or the grounds where his or her horses are racing, for a period of more than two racing days and horses are entered or are to be entered, he or she must provide a licensed trainer or his or her assistant trainer to assume the complete responsibility of the horses he or she is entering or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the Racing Commission accepting complete responsibility for the said horses being entered and running.

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

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

Non-sexist language added.

13:70-20.7 Trainer responsibilities; horses

A trainer is responsible for the condition of a horse trained by him.

SUBCHAPTER 20. TRAINERS

13:70-20.1 Trainer's license

Each trainer must obtain a license from the Racing Commission. Trainers not previously licensed in New Jer-

Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations in which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence. *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

Trainer's responsibility as absolute insurer of horse's condition justifies suspension even where someone with personal vendetta against trainer may have administered illegal substance to horse. *New Jersey Racing Commission v. Hirst*, 96 N.J.A.R.2d (RAC) 17.

13:70-20.8 Registering horses

A trainer shall register with the Racing Secretary all the horses in his charge, giving the name, age, sex, color, breeding and ownership of each.

13:70-20.9 Registering employees

A trainer shall register with the backstretch security every person in his or her employ, and it shall be his or her duty to see to it that his or her employees obtain licenses from the Commission. Trainers employing or harboring unlicensed or disqualified personnel may be subject to disciplinary action.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

"Racing Commission" changed to "backstretch security" and non-sexist language added.

Case Notes

Disciplinary regulation governing failure by licensed trainer to register suspended jockey as employee and employment of disqualified person did not violate equal protection. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

Fine of \$500 was not excessive. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

State racing commission had authority to discipline licensed trainer despite claimed application of exemption. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

13:70-20.10 Horses owned by disqualified persons

A trainer shall not have under his supervision any horse owned, in whole or in part by a disqualified person; nor shall he assume responsibility for horses not under his active care and supervision, except as stated in section 6 of this subchapter.

13:70-20.11 Limitations on entering or starting

(a) A trainer shall not enter or start a horse that:

1. Is not in serviceable, sound racing condition;
2. Is on the stewards, starters or veterinarians list in any racing jurisdiction;
3. Is not in compliance with N.J.A.C. 13:70-14A.1;
4. Is blind, or has seriously impaired vision in both eyes;
5. Is a chronic known bleeder.

(b) Blocking of nerve functions via surgical neurectomy, cryogenic techniques, or any other desensitizing means, whether permanent or temporary, is defined as "nerving" and is subject to the following restrictions in New Jersey:

1. 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.

2. Horses that are "nerved" above the area specified in this subsection will not be permitted to race in New Jersey.

3. It shall be the responsibility of the trainer to report all "nerved" horses to the State Veterinarian or Associate State Veterinarian.

4. A list of all "nerved" horses shall be posted on the bulletin board at the entry room by the State Veterinarian.

Amended by R.1988 d.77, effective February 16, 1988.

See: 19 N.J.R. 1788(a), 20 N.J.R. 405(a).

Deleted (a)7 and added subsection (b).

Amended by R.1994 d.130, effective March 7, 1994.

See: 25 N.J.R. 3101(a), 26 N.J.R. 1238(a).

Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence. *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

13:70-20.12 Licensed under legal name only

No trainer may be licensed as trainer other than in his legal name.

13:70-20.13 Trainer commissions

(a) A trainer's commission, in the absence of a contract between the owner and trainer addressing such fees or providing for no such fees, shall be 10 percent of an owner's share of winning purse to be deducted from an owner's account at the horsemen's bookkeeper's office. It shall be the responsibility of the owner to furnish the horsemen's bookkeeper, at the horsemen's bookkeeper's office, with written evidence of any existing contract concerning commission fees between said owner and trainer. Following receipt of such written evidence of an existing contract from the owner, the horsemen's bookkeeper shall not cause any deduction to be made from the owner's share of winning purse.

(b) In the event the owner fails to provide the horsemen's bookkeeper's office with written evidence of any existing contract for commission fees between said owner and trainer, pursuant to (a) above, the owner may in writing certify to the horsemen's bookkeeper that a genuine and meritorious dispute exists with the trainer concerning commission fees due. In such case, the horsemen's bookkeeper shall not cause any deductions to be made from the owner's account on behalf of the trainer.