

## HORSE RACING

### SUBCHAPTER 8. WEIGHTS

- 13:70-8.1 Obligatory penalties
- 13:70-8.2 Weight allowances
- 13:70-8.3 Noncumulative penalties and allowances
- 13:70-8.4 Entitled allowance of weight
- 13:70-8.5 Weight penalties; effect on allowances
- 13:70-8.6 Subsequent weight allowances
- 13:70-8.7 Claim of unentitled weight allowance
- 13:70-8.8 Placing second or lower
- 13:70-8.9 Failure to finish second or lower
- 13:70-8.10 Steeplechase or hurdle race penalties
- 13:70-8.11 Horses beaten in one or more races
- 13:70-8.12 Decision in dispute
- 13:70-8.13 Disqualification penalties
- 13:70-8.14 Dead heats
- 13:70-8.15 Determine eligibility, penalties and allowances
- 13:70-8.16 Weights, scale of
- 13:70-8.17 Weighing of jockeys
- 13:70-8.18 Items included in jockey's weight; safety vest requirement
- 13:70-8.19 Weight of bridle or whip
- 13:70-8.20 Overweight limit
- 13:70-8.21 Attendants for jockeys
- 13:70-8.22 Weighing after race
- 13:70-8.23 Assistance after race
- 13:70-8.24 Touching horse after race
- 13:70-8.25 Removal of equipment from horse
- 13:70-8.26 Jockey carries equipment to scales
- 13:70-8.27 Weight of jockey after race; short weight
- 13:70-8.28 Overweight of jockey after race

### SUBCHAPTER 9. JOCKEYS, JOCKEY APPRENTICES AND JOCKEY AGENTS

- 13:70-9.1 Jockey license
- 13:70-9.2 Jockey's name
- 13:70-9.3 Age of jockey
- 13:70-9.4 New riders
- 13:70-9.5 Pending application
- 13:70-9.6 Jockey's interest in horses
- 13:70-9.7 Owner or trainer consent to ride
- 13:70-9.8 Jockey under contract
- 13:70-9.9 Jockey's appearance
- 13:70-9.10 Smoking
- 13:70-9.11 Protective skull cap
- 13:70-9.12 Safety helmet
- 13:70-9.13 Jockey's number
- 13:70-9.14 Reporting to jockey room
- 13:70-9.15 Reporting to jockey room; stake race
- 13:70-9.16 Betting by jockeys
- 13:70-9.17 Touting information; jockey
- 13:70-9.18 Jockey fees
- 13:70-9.19 Dead heats
- 13:70-9.20 Forfeiture of winning purse; jockey's fees
- 13:70-9.21 Proof of physical and mental capacity
- 13:70-9.22 Start of suspension/designated race
- 13:70-9.23 Fines
- 13:70-9.24 Agents
- 13:70-9.25 Jockey's attendants; restriction
- 13:70-9.26 Jockey apprentices; rules
- 13:70-9.27 Application for apprentice license
- 13:70-9.28 Riding pending application decision
- 13:70-9.29 Weight allowances
- 13:70-9.30 Apprentice contracts
- 13:70-9.31 Allowances for contracted apprentices
- 13:70-9.32 Extension of time period
- 13:70-9.33 Earnings
- 13:70-9.34 Filing of jockey contracts
- 13:70-9.35 Written contracts required
- 13:70-9.36 Weighing out
- 13:70-9.37 Jockey agent license
- 13:70-9.38 Engagements
- 13:70-9.39 Dismissed agent; transfer of license
- 13:70-9.40 Agent's records

- 13:70-9.41 Jockey agent license fee
- 13:70-9.42 Actions pending application decision
- 13:70-9.43 Engagements for other jockeys
- 13:70-9.44 Termination of contract; notice
- 13:70-9.45 Agent's fees
- 13:70-9.46 Record of engagements
- 13:70-9.47 Rival claims for rider's services
- 13:70-9.48 Touting information; agent
- 13:70-9.49 Falsification of records
- 13:70-9.50 Agent's assistance; rival claims

### SUBCHAPTER 10. PADDOCK TO POST

- 13:70-10.1 Saddled horses in paddock
- 13:70-10.2 Time schedule
- 13:70-10.3 Saddle number
- 13:70-10.4 Full parade
- 13:70-10.5 Weights
- 13:70-10.6 Time period
- 13:70-10.7 Equipment changes
- 13:70-10.8 Blinkers

### SUBCHAPTER 11. POST TO FINISH

- 13:70-11.1 Crossing or weaving
- 13:70-11.2 Jostling
- 13:70-11.3 Touching or striking
- 13:70-11.4 Shortening stride
- 13:70-11.5 Frivolous complaints
- 13:70-11.6 Complaints
- 13:70-11.7 Disqualifications; fouls
- 13:70-11.8 Extent of disqualification
- 13:70-11.9 Horses' best effort
- 13:70-11.10 Jockey's best effort
- 13:70-11.11 Automatic disqualification; purse
- 13:70-11.12 Abusive whipping by a jockey

### SUBCHAPTER 12. CLAIMING

- 13:70-12.1 Claiming races on the flat
- 13:70-12.2 Restrictions; claiming privileges
- 13:70-12.3 Claiming races over jumps or hurdles
- 13:70-12.4 Claimed horse
- 13:70-12.5 Claimed horse racing elsewhere
- 13:70-12.6 Agents
- 13:70-12.7 Claiming own horse
- 13:70-12.8 Claimed horse; stabled
- 13:70-12.9 Number of claims
- 13:70-12.10 Stable claims
- 13:70-12.11 Agreements
- 13:70-12.12 Intimidation
- 13:70-12.13 Affidavits
- 13:70-12.14 Form of claims
- 13:70-12.15 No money in claim box
- 13:70-12.16 Time; claims
- 13:70-12.17 Irrevocability
- 13:70-12.18 Opening claim envelopes
- 13:70-12.19 Title in claimed horse
- 13:70-12.20 Void claims
- 13:70-12.21 Delivery to claimant
- 13:70-12.22 Delivery; written authorization
- 13:70-12.23 Cooling the horse
- 13:70-12.24 Required delivery
- 13:70-12.25 Title; more than one claim
- 13:70-12.26 Engagements
- 13:70-12.27 Liens
- 13:70-12.28 Eliminated stables
- 13:70-12.29 Right to claim
- 13:70-12.30 Claiming price
- 13:70-12.31 Sale of claimed horse
- 13:70-12.32 Conflict of rules
- 13:70-12.33 Circumvention of rules
- 13:70-12.34 Sex of horse claimed
- 13:70-12.35 Protests
- 13:70-12.36 Testing
- 13:70-12.37 Open claiming

## SUBCHAPTER 13. OBJECTIONS AND PROTESTS

- 13:70-13.1 Who can protest; generally
- 13:70-13.2 Protest involving fraud
- 13:70-13.3 Protest procedure
- 13:70-13.4 Protest; maiden status
- 13:70-13.5 Immediate consideration; disqualification
- 13:70-13.6 Protest; programmed distance
- 13:70-13.7 Happening in race
- 13:70-13.8 Protest by jockey
- 13:70-13.9 Costs
- 13:70-13.10 Disposition of moneys
- 13:70-13.11 Weight penalties
- 13:70-13.12 Records of protest
- 13:70-13.13 Frivolous protests
- 13:70-13.14 Withdrawing protests
- 13:70-13.15 through 13:70-13.20 (Reserved)

## SUBCHAPTER 13A. APPEALS

- 13:70-13A.1 Right of Appeal
- 13:70-13A.2 Imposition of penalty; Commission
- 13:70-13A.3 Nature of proceedings
- 13:70-13A.4 Appeal procedure
- 13:70-13A.5 Hearings
- 13:70-13A.6 Frivolous appeals
- 13:70-13A.7 Hearing; costs
- 13:70-13A.8 Stay pending appeal

## SUBCHAPTER 14. ILLEGAL PRACTICES

- 13:70-14.1 Bribes, gifts and gratuities
- 13:70-14.2 Offers of bribes
- 13:70-14.3 Knowledge of violations
- 13:70-14.4 False or misleading statements
- 13:70-14.5 Illegal devices
- 13:70-14.6 Tampering
- 13:70-14.7 Disqualified persons or horses
- 13:70-14.8 Conspiracies
- 13:70-14.9 Soliciting bets
- 13:70-14.10 Betting; jockey's attendant
- 13:70-14.11 Betting own horse
- 13:70-14.12 Narcotics conviction; denial of license
- 13:70-14.13 Cooperation with other agencies; violations of law
- 13:70-14.14 Fraud; disqualification
- 13:70-14.15 State Police; responsibilities
- 13:70-14.16 Equine fatality report
- 13:70-14.17 Suspension pending outcome of indictment
- 13:70-14.18 through 13:70-14.29 (Reserved)

## SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

- 13:70-14A.1 Intent of medication rules; general provisions
- 13:70-14A.2 Testing
- 13:70-14A.3 Pre-race testing program
- 13:70-14A.4 Post-race testing program; split urine sample
- 13:70-14A.5 Procedure following positive chemical analysis
- 13:70-14A.6 Trainers
- 13:70-14A.7 Penalties
- 13:70-14A.8 Possession of drugs or drug instruments
- 13:70-14A.9 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone
- 13:70-14A.10 Breathalyzer test
- 13:70-14A.11 Urine test
- 13:70-14A.12 Anti-recombinant human EPO antibody testing program

## SUBCHAPTER 15. RACING OFFICIALS

- 13:70-15.1 List of racing officials
- 13:70-15.2 Appointment
- 13:70-15.3 Submission of names of officials
- 13:70-15.4 Certificates; vision
- 13:70-15.5 Weekly compensation
- 13:70-15.6 Horse ownership or interest; officials
- 13:70-15.7 Restrictions
- 13:70-15.8 Report of violations

## SUBCHAPTER 16. STEWARDS

- 13:70-16.1 Qualifications
- 13:70-16.2 Powers of stewards
- 13:70-16.3 Steward's orders
- 13:70-16.4 Governing conduct
- 13:70-16.5 Entries and declarations
- 13:70-16.6 Authority; extent
- 13:70-16.7 Punishment for violations
- 13:70-16.8 Fines
- 13:70-16.9 Suspensions and disqualifications
- 13:70-16.10 Exclusion of certain persons
- 13:70-16.11 Required proof
- 13:70-16.12 Postponing races
- 13:70-16.13 Track conditions; transfers
- 13:70-16.14 Extent of disqualification; fouls
- 13:70-16.15 Power to examine horses
- 13:70-16.16 Presence of stewards
- 13:70-16.17 Overnight races; time on duty
- 13:70-16.18 Steward's deputy; appointment
- 13:70-16.19 Filling vacancies; stewards
- 13:70-16.20 Acting stewards
- 13:70-16.21 Filling vacancies; racing officials
- 13:70-16.22 Reporting replacements or substitutions
- 13:70-16.23 Questionable conduct
- 13:70-16.24 Jockey substitutes
- 13:70-16.25 Horses in temporary charge of trainer
- 13:70-16.26 Horses, arrival at starting post
- 13:70-16.27 Accidents or casualties
- 13:70-16.28 Investigation of complaints
- 13:70-16.29 Reports of infractions
- 13:70-16.30 Procedure; violations
- 13:70-16.31 Access
- 13:70-16.32 Suspensions; badges; admission
- 13:70-16.33 Changes in equipment
- 13:70-16.34 State Police; communication

## SUBCHAPTER 17. STARTER

- 13:70-17.1 Who may start race
- 13:70-17.2 Insurance of a fair start
- 13:70-17.3 Final decision; starts
- 13:70-17.4 Appointing starter's assistants
- 13:70-17.5 Horses; starter's control
- 13:70-17.6 Horses' positions
- 13:70-17.7 Delays
- 13:70-17.8 Injured horses
- 13:70-17.9 Starting gate
- 13:70-17.10 Excusing horses; notice
- 13:70-17.11 Flag
- 13:70-17.12 Inability to place horse in starting gate
- 13:70-17.13 Schooling list
- 13:70-17.14 Filing schooling list and horses stricken from list
- 13:70-17.15 Approval of starter
- 13:70-17.16 Abusive language
- 13:70-17.17 Fines and suspensions by starter

## SUBCHAPTER 18. RACING SECRETARY

- 13:70-18.1 Discharge of duties
- 13:70-18.2 Official program
- 13:70-18.3 Contents of program
- 13:70-18.4 Entries and declarations
- 13:70-18.5 Assign stabling
- 13:70-18.6 Conditions; program
- 13:70-18.7 Number of entrants; overnight race
- 13:70-18.8 List of eliminated horses
- 13:70-18.9 The "also-eligible" list

## SUBCHAPTER 19. OTHER OFFICIALS

- 13:70-19.1 Duties of clerk of the scales
- 13:70-19.2 Recording jockey changes and weights; notice
- 13:70-19.3 Post-race data reports
- 13:70-19.4 Infraction of rules; reports
- 13:70-19.5 Riding engagements for jockeys

**13:70-5.24 Liability**

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

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

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

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

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

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

**Case Notes**

Racing Commission has not regulated the right of a licensed horse owner to race his horse at a given track; Commission not proper forum for owner's dispute with racetrack for barring his horse, as the action was not taken under color of State law or regulation. *Marzocca v. Ferone*. 186 N.J. Super. 483, 453 A.2d 228 (App.Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1985).

**13:70-6.2 Application for license**

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

**13:70-6.3 Racing secretary**

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

**13:70-6.4 Written entries and declarations**

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

**13:70-6.5 Coupled horses**

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

worth \$500,000 or more, all horses entered to race in such races, regardless of common trainers or ownership interest, shall race as individual betting interests. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible but the divisions in which they compete and their post positions shall be drawn by lot.

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

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

Section substantially amended.

Petition for Rulemaking.

See: 34 N.J.R. 3030(b), 3545(a).

Amended by R.2004 d.153, effective April 19, 2004.

See: 35 N.J.R. 4180(b), 36 N.J.R. 1951(a).

Inserted the fourth sentence.

**13:70-6.6 Entries or scratches**

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

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

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

**13:70-6.7 Persons with recorded interest**

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

**13:70-6.8 Joint subscriptions and entries**

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

**13:70-6.9 Horse entered for first time**

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

**13:70-6.10 Unreported racing starts**

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

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

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

Grammar and punctuation.

**13:70-6.11 Denial of nominations or entries**

The nominations or entries of any person, or the transfer of any nomination or entry, may be cancelled or refused

provided that notice and reason therefore is given to any affected person or persons.

As amended, R.1979 d.250, effective June 20, 1979.  
See: 10 N.J.R. 509(a), 11 N.J.R. 400(a).

### 13:70-6.12 Registered horses

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

### 13:70-6.13 Certificate and tattooing requirements

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

### 13:70-6.14 Licensed trainer

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

### 13:70-6.15 Horse to be fully identified

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

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

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

As amended, R.1976 d.125, effective April 22, 1976.  
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).  
As amended, R.1981 d.489, effective December 21, 1981.  
See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).  
Added "without . . . stewards,".

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

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

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

### 13:70-6.18 Stabling

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

As amended, R.1982 d.183, effective June 21, 1982.  
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).  
"or at . . . Commission" added, "in stabling . . . association" deleted.

### 13:70-6.19 Ownership registered; true ownership

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

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

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

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

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

### 13:70-6.22 Partnerships

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

### 13:70-6.23 Eligibility

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

### 13:70-6.24 Disqualified persons

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

### 13:70-6.25 Return of money; disqualified persons

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

### 13:70-6.26 Entering or starting disqualified horse

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

(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.

#### 13:70-14A.4 Post-race testing program; split urine sample

(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.

(d) For each horse to be tested, the State Veterinarian or a designated employee shall cause one sample of the horse's urine to be sent to the Racing Commission laboratory. Following the testing of the urine sample (hereinafter "primary sample"), any residue portion of the urine sample taken (hereinafter "split sample") shall be preserved by the Racing Commission laboratory until either: it is determined by said laboratory that the primary urine sample is negative for a foreign substance; or, if the primary urine sample is determined positive for a foreign substance, for 10 days following the issuance of written notification of such finding to the owner and trainer at their respective addresses as set forth in their current license applications on file with the Racing Commission. The owner or trainer, prior to the expiration of such 10-day time period, may request in writing to the Racing Commission's Executive Director that any split sample be sent to another laboratory for testing (hereinafter "outside laboratory"). The outside laboratory shall be selected by the requesting owner or trainer from a minimum of three appearing on a list of eligible laboratories to be previously approved by the Racing Commission. If no such request is timely made, upon expiration of the 10-day period, the Racing Commission laboratory shall properly dispose of any split sample and the findings of its testing shall be conclusive. If such a request is timely made, and if the entire primary sample was consumed during the Racing

Commission laboratory testing process, the results of the Racing Commission laboratory testing on the primary sample shall be conclusive. If such a request is timely made, and a split sample remains, the Racing Commission laboratory shall cause the split sample or portion thereof to be delivered to the selected outside laboratory for testing. If the Board of Stewards determines that the outside laboratory confirms substantially the Racing Commission laboratory findings, or that the split sample was not of sufficient quantity for the outside laboratory to conduct valid testing or to reach a valid testing conclusion, those findings of the Racing Commission laboratory shall be considered conclusive. If the Board of Stewards determines that the outside laboratory does not confirm substantially the Racing Commission laboratory findings, any outstanding allegation or determined finding that the foreign substance in question was in the horse's system at the time of the subject race shall be dismissed. The owner or trainer requesting the testing of any split sample shall bear all costs related to the shipment and testing of same by the outside laboratory. The timely submission by an owner or trainer of a request for split sample testing shall not result in a deferral or suspension of the implementation of the procedures set forth in N.J.A.C. 13:70-14A.5.

(e) Nothing contained in (d) above shall be interpreted: to preclude the State Steward from initiating the procedure set forth in N.J.A.C. 13:70-14A.5 upon notification of a positive urine test by the Racing Commission laboratory; or to preclude the holding of an initial hearing with respect to an alleged violation of this subchapter where a request for testing of the split sample has been timely made and the results of testing by the outside laboratory are pending. However, where in such circumstance an appeal of any initial determined violation is filed pursuant to N.J.A.C. 13:70-13A.4, a stay of any ordered penalty notwithstanding the provisions of N.J.A.C. 13:70-13A.8 shall be issued pending receipt of the results of the outside laboratory testing. In the event the Board of Stewards determines in such case that the outside laboratory does not confirm substantially the Racing Commission laboratory findings, and the determined violation is therefore dismissed pursuant to (d) above, any allegation or determination of a violation as a result of any search initiated pursuant to N.J.A.C. 13:70-14A.5 shall not be affected.

Amended by R.1999 d.98, effective April 5, 1999.

See: 30 N.J.R. 3757(a), 31 N.J.R. 887(b).

Added (d) and (e).

Amended by R.2001 d.249, effective July 16, 2001.

See: 33 N.J.R. 1335(a), 33 N.J.R. 2492(a).

Rewrote (d).

#### 13:70-14A.5 Procedure following positive chemical analysis

(a) On receiving written notice from the official chemist that a post-race specimen has been found "positive" for any drug or substance foreign to the natural horse, the stewards shall proceed as follows:

1. They shall notify the State Police and authorize a search of the premises occupied by the stable involved.
2. They shall, as quickly as possible, notify the owner and trainer of the horse involved.
3. They 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 Stewards.

#### Case Notes

Rule permitting warrantless administrative search of premises after positive drug test valid as within warrant exception for industries subject to pervasive and long-standing government regulation; scope of search (cited as former N.J.A.C. 13:70-14A.12 and 13:70-14.21). *State v. Dolce*, 178 N.J.Super. 275, 428 A.2d 947 (App.Div.1981).

#### 13:70-14A.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 substance 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

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 (citing former N.J.A.C. 13:70-14.19). *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

#### 13:70-14A.7 Penalties

(a) Should the stewards 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 Stewards 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 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. 13:70-14A.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 13:70-14A.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. 13:70-14A.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 Stewards. (See N.J.A.C. 13:70-13A for rules concerning Appeals.)

#### Case Notes

Owner/trainer license was properly suspended for finding of procaine in horse's system. *Dickey v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 34.

#### 13:70-14A.8 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.262, effective June 7, 1993.  
See: 24 N.J.R. 1060(a), 25 N.J.R. 2488(a).

#### 13:70-14A.9 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone

(a) The stewards may permit the administration of medication to control respiratory bleeding in animals that:

1. At any time have been charted to have bled in the "Daily Racing Form"; or

2. 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

3. Are observed in New Jersey to bleed during the running or driving of a workout or race at a duly licensed New Jersey racetrack, or in the detention barn following such workout or race by a State or Associate State Veterinarian or by a licensed veterinarian at any time on the grounds of a racetrack and have been placed on a veterinarian's list for at least 10 days; or

4. 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 0.50 milligrams (mg) per pound of body weight (1.00 mg per kilogram) or 500 milligrams (10 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 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) Any horse having bled in any jurisdiction shall be placed on the veterinarian's list for bleeding and 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. 13:70-14A.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. 13:70-14A.9(g)1—\$250.00 fine;

ii. Second violation of N.J.A.C. 13:70-14A.9(g)1—\$500.00 fine and seven days suspension;

iii. Third violation of N.J.A.C. 13:70-14A.9(g)1—\$500.00 fine, loss of any purse and suspension; and

iv. Fourth or subsequent violation of N.J.A.C. 13:70-14A.9(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 quantities exceeding 3.0 micrograms per milliliter up to but not including 5.0 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. 13:70-14A.9(g)2—\$500.00 fine;

ii. Second violation of N.J.A.C. 13:70-14A.9(g)2—\$500.00 fine, loss of any purse and 15 days suspension;

iii. Third violation of N.J.A.C. 13:70-14A.9(g)2—\$500.00 fine, loss of any purse and suspension; and

iv. Fourth or subsequent violation of N.J.A.C. 13:70-14A.9(g)2—such fines, suspensions and/or other penalties allowed by this chapter.

3. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity equal to or exceeding 5.0 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. 13:70-14A.9(g)3—\$500.00 fine, loss of purse and 15 days suspension; and

ii. Second or subsequent violations of N.J.A.C. 13:70-14A.9(g)3—such fines, suspension and/or other penalties allowed by this chapter.

Amended by R.1988 d.244, effective June 6, 1988.

See: 20 N.J.R. 506(b), 20 N.J.R. 1207(b).

A respiratory bleeder has an additional opportunity to participate and further allows a horse that is a third time bleeder to be suspended from racing for three months rather than being barred from racing.

Amended by R.1990 d.485, effective October 1, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1716(b), 22 N.J.R. 3154(a).

Authorizes the administration of medication in assigned stall instead of detention barns; dosage levels and time requirements adopted are those recommended by the Association of Racing Commissioners International and provides for disciplinary action in the event post-race tests show excessive levels in blood of horse.

Amended by R.1990 d.576, effective November 19, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1233(a), 22 N.J.R. 3499(d).

Provides for the acceptance of certification of respiratory bleeders from racing commissions in other jurisdictions.

Amended by R.1991 d.263, effective May 20, 1991.

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

Change in text from "14 calendar days" to "10 calendar days" and from "three months" to "90 days" in (d).

Amended by R.1992 d.19, effective January 6, 1992.

See: 23 N.J.R. 2919(c), 24 N.J.R. 108(b).

Revised (a)3.

Amended by R.1994 d.129, effective March 7, 1994.

See: 25 N.J.R. 3100(a), 26 N.J.R. 1237(a).

Amended by R.1995 d.298, effective June 5, 1995.

See: 26 N.J.R. 1956(a), 27 N.J.R. 2243(b).

Amended by R.1996 d.444, effective October 7, 1996.

See: 28 N.J.R. 3054(a), 28 N.J.R. 4488(a).

Amended by R.1997 d.90, effective February 18, 1997.

See: 28 N.J.R. 5056(a), 29 N.J.R. 584(a).

In (a)3, inserted reference to observation by a licensed veterinarian on the racetrack grounds.

Petition for Rulemaking: New Jersey Racing Commission; Notice of Action on Petition for Rulemaking: Administering Medication to Respiratory Bleeders.

See: 38 N.J.R. 1881(a).

### 13:70-14A.10 Breathalyzer test

Officials, jockeys, trainers and grooms shall, when directed by the State Steward, 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 stewards 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 stewards may deem appropriate.

#### Case Notes

Regulation valid as reasonable under the Fourth Amendment; drug disclosure form did not violate jockey's privacy interests; urinalysis test information use regulations must also be applied to breathalyzer test results; tests to be conducted privately. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

Preliminary injunction denied to jockeys who sought to halt implementation of Commission's breathalyzer and urine test regulations, as they did not establish a likelihood of success on the merits of their unconstitutionality claim; horse racing comes within a recognized "pervasively regulated business" exception to the administrative search warrant requirement. *Shoemaker v. Handel*, 608 F.Supp. 1151 (D.N.J.1985).

**13:70-14A.11 Urine test**

(a) No licensee or official shall use any Controlled Dangerous Substance as defined in the "New Jersey Controlled Dangerous Substance Act", N.J.S.A. 24:21-1, et seq. or any prescription legend drug, unless such substance was obtained directly, or pursuant to a 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, jockey, trainer and groom to give notice to the State Steward that he is using a Controlled Dangerous Substance or prescription legend drug pursuant to a valid prescription or order from a licensed practitioner when requested.

(b) Every official, jockey, trainer and groom for any race at any licensed racetrack may be subjected to a urine test, or other non-invasive fluid test at the direction of the State Steward in a manner prescribed by the New Jersey Racing Commission. Any official, jockey, trainer or groom who fails to submit to a urine test when requested to do so by the State Steward shall be liable to the penalties provided in N.J.A.C. 13:70-31.

(c) Any official, jockey, trainer and 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, jockey, trainer or groom. The portion of the form which is provided to the laboratory for analysis shall not identify the individual official, jockey, trainer or groom by name. It shall be the obligation of the official, jockey, trainer or groom to cooperate fully with the Chemical Inspector in obtaining any sample which may be required 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 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 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. 13:70-31, 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.

**13:70-29.6 Also eligible list**

If the entries in an overnight race exceed the acceptable number, as many as six of those that have not been drawn shall also be listed on the entry sheet as "also eligible" to start. After any horses in the body of the race have been excused at scratch time, a new drawing shall be taken from horses on the also-eligible list, and their order of post position shall be determined by the sequence in which they are drawn. 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.

**13:70-29.7 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 jockeys, scratches, substitute races, track conditions, whether races are to be run on the turf or regular course, 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.

**13:70-29.8 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.)

As amended, R.1979 d.274, effective July 18, 1979.  
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

**13:70-29.9 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.

**13:70-29.10 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 print-out 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 total pool.

(c) All pay-slips are to be checked in (calculating sheet) computer print-out sheet as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the (calculator) computer print-out sheet before they are released to the public.

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

**13:70-29.11 (Reserved)**

As amended, R.1981 d.183, effective June 21, 1982.  
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

**13:70-29.12 Ticket sales**

No ticket may be sold after the totalisator has been locked or wagering has ceased.

**13:70-29.13 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 wagers will be made only on presentation of appropriate pari-mutuel tickets.

Petition for Rulemaking.  
See: 35 N.J.R. 278(b), 896(c).  
Petition for Rulemaking.  
See: 36 N.J.R. 4999(a), 5976(a).

**Case Notes**

Race track patron could not receive payment for a winning horse race ticket that was allegedly stolen even if he could prove he purchased it. *Ryan v. New Jersey Racing Com'n*, 336 N.J.Super. 237 (A.D. 2001).

**13:70-29.14 Emergencies**

Should any emergency arise in connection with the operation of the pari-mutuel department not covered by these rules 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.

As amended, R.1981 d.183, effective June 21, 1982.  
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).  
Substantially amended.

**13:70-29.15 Advice; horses competing**

The manager of the pari-mutuel department shall be properly and timely advised by the stewards, prior to the

beginning of wagering on each race, of the horses that will compete in the race.

#### 13:70-29.16 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 stewards.

#### 13:70-29.17 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.

#### 13:70-29.18 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.

#### 13:70-29.19 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.

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

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

(a)4: changed; (a)5: deleted.

Amended by R.1990 d.184, effective April 2, 1990.

See: 21 N.J.R. 3254(a), 22 N.J.R. 1149(a).

Prohibits place and show wagering on particular horses.

#### 13:70-29.20 Cease wagering

Wagering shall cease not later than off-time.

#### 13:70-29.21 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.

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

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

#### 13:70-29.22 Name and numbers of horses in gate

If a horse or horses are locked in the gate, the stewards shall promptly notify the manager of the pari-mutuel department of the name and number of said horse or horses.

#### 13:70-29.23 Written notice of official placement

At the end of each race, the placing judges shall advise the manager of the parimutuel department in writing of the official placement of the horses; and no payoff shall be made until the receipt of such written notice.

#### 13:70-29.24 Basis of payoffs

Whenever the totalisator falls 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.)

As amended, R.1979 d.274, effective July 18, 1979.  
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

As amended, R.1979 d.274, effective July 18, 1979.  
See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

**13:70-29.25 Recapitulation of sales**

All monies remaining undistributed following the calculation of all pools shall be paid to the State.

**13:70-29.51 Break to nickel in the event of a minus pool**

The minimum pari-mutuel payoff by any licensee conducting pari-mutuel 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 pari-mutuel pool to return \$2.20 on each \$2.00 wager.

**13:70-29.52 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 and regulations 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) In accordance with (k) below, when the condition of the turf course warrants a change of racing surface in any of the legs of the Pick (N) races, and such change has not been known to the betting public prior to the close of the Pick (N) pool, the stewards shall declare the changed leg(s) a "no contest" for Pick (N) wagering purposes, and the pool shall be distributed in accordance with (k) below.

(j) 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, Pick 11 or more races are cancelled or declared no contest.

(k) As specified in (i) above, if at least one contest included as part of a Pick (N) is cancelled or declared "no contest," but not more than the number specified in subsection (j) of this rule, the net pool shall be distributed as a

single price pool to those whose selection finished first in the greatest number of Pick (N) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (N) carryover but not the carryover from previous performances.

(l) 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.

(m) 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.

(n) An association, with the written approval of the Commission, may contribute funds to the net Pick(N) pool or the carry-over pool.

(o) 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.

Repealed by R.1982 d.183, effective June 21, 1982.

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

New Rule, R.1993 d.685, effective December 20, 1993.

See: 25 N.J.R. 4585(b), 25 N.J.R. 5938(c).

Amended by R.2003 d.489, effective December 15, 2003.

See: 35 N.J.R. 3461(b), 35 N.J.R. 5549(a).

Added a new (i); recodified former (i) as (j); added a new (k); recodified former (j) through (m) as (l) through (o).

Petition for Rulemaking

See: 37 N.J.R. 2575(b), 3463(c).

### 13:70-29.53 Trifecta

(a) The trifecta (or other approved name) is a form of pari-mutuel 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 pari-mutuel 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 wagering public.

(h) Where a field in a trifecta race is less than five at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not affect the trifecta.

(i) In the 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.

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.1978 d.235, effective July 17, 1978.

See: 10 N.J.R. 258(c), 10 N.J.R. 351(c).

As amended, R.1978 d.270, effective August 1, 1978.

See: 10 N.J.R. 169(a), 10 N.J.R. 404(a).

Amended by R.1988 d.132, effective March 21, 1988.

See: 19 N.J.R. 2385(a), 20 N.J.R. 670(a).

(b): \$46.00 changed to \$6.00; (h) "nine" changed to "seven"; deleted "or where a field in a trifecta race in harness racing is two or more horses short of filling the available positions of the starting gate at wagering time,".

Amended by R.1993 d.516, effective October 18, 1993.

See: 25 N.J.R. 3103(a), 25 N.J.R. 4751(a).

Amended by R.2001 d.248, effective July 16, 2001.

See: 33 N.J.R. 1337(a), 33 N.J.R. 2493(a).

In (h), substituted "six" for "seven".  
Amended by R.2004 d.359, effective September 20, 2004.  
See: 36 N.J.R. 2159(a), 36 N.J.R. 4320(a).  
In (h), substituted "five" for "six" after "less than" in the first sentence.

**13:70-29.54 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.

## 2. Exacta and daily double pools:

- i. Calculating sheets;
  - ii. Tickets by denomination and combinations;
  - iii. Machine sales by Division;
  - iv. Daily double will pay sheet.
3. Trifecta pools:
- i. Calculating sheet;
  - ii. Winning ticket combination sheet;
  - iii. Key wheel sheet;
  - iv. Machine sales by Division;
  - v. Trifecta ticket print.
4. Outstanding ticket balance report for all pools.

R.1979 d.274, eff. July 18, 1979.  
See: 11 N.J.R. 269(b), 11 N.J.R. 401(b).