

**CHAPTER 71
HARNESS RACING**

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

Source and Effective Date
R.2011 d.016, effective December 7, 2010.
See: 42 N.J.R. 1488(a), 43 N.J.R. 57(a).

Chapter Expiration Date
In accordance with N.J.S.A. 52:14B-5.1b, Chapter 71, Harness Racing, expires on December 7, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note
Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969.

Subchapter 14, Claiming, was repealed and Subchapter 14, Claiming, was adopted as new rules by R.1980 d.95, effective February 27, 1980.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Subchapter 3, Appeals, was repealed and Subchapter 3, Appeals, was adopted as new rules, and Subchapter 24, Authorized Agents, Subchapter 25, Vendors, Subchapter 26, Illegal Practices, Subchapter 27, Mutuels, and Subchapter 28, Initial Track Application, were adopted as R.1982 d.109, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Tracks, Subchapter 9, Veterinarians and Veterinarians Certificates, Subchapter 21, Placing Conditions and Purses, and Subchapter 23, Stimulations and Tests, were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Licensing, Subchapter 8, Officials, and Subchapter 17, Starting, 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).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Definitions, expired on December 19, 1984.

Subchapter 4, Definitions, 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Subchapter 23, Stimulation and Tests, was repealed and Subchapter 23, Medication and Testing Procedures, was adopted as new rules by R.1985 d.58, effective February 19, 1985.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, Claiming, 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, Harness Racing, 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, Harness Racing, was readopted as R.1995 d.103, effective January 25, 1995. See: 26 N.J.R. 4744(a), 27 N.J.R. 733(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.2000 d.35, effective December 22, 1999. See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Subchapter 30, "Self-Exclusion List" Rules, was adopted as R.2004 d.399, effective October 18, 2004. See: 36 N.J.R. 2980(a), 36 N.J.R. 4828(a).

Chapter 71, Harness Racing, was readopted as R.2005 d.234, effective June 17, 2005. See: 37 N.J.R. 419(a), 37 N.J.R. 2696(b).

Chapter 71, Harness Racing, was readopted as R.2011 d.016, effective December 7, 2010. See: Source and Effective Date.

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SUBCHAPTER 30. "SELF-EXCLUSION LIST" RULES

- 13:71-30.1 "Self-exclusion list" rules incorporated herein by reference

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, effective 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, effective 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, effective 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, effective 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, effective 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, effective April 5, 1982.

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

“Stewards” changed to “steward”; “Board of Judges” added.

Case Notes

Veterinarian’s use of non-FDA-approved drug for his own horse at his own farm in another state; not conduct detrimental to racing. *Chovanes v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 5.

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.

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

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

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

(g) A racing association may not offer a "Group Bet" unless the format associated with the particular "Group Bet" wagering event is first approved by the Racing Commission Executive Director (Executive Director). A racing association desiring to offer a "Group Bet" must file a written approval request with the Executive Director at least three days prior to the commencement of public wagering on the proposed "Group Bet," and the licensee may not offer public wagering on the proposed "Group Bet" until written approval of the Executive Director is issued. The written approval request of the racing association shall contain: the date of and race where the "Group Bet" is proposed to be offered; the name of each group, in the event the racing association intends to identify each group by a designation other than Group (A) and Group (B); the patron base to which the wager will be offered (for example, to racetrack patrons, account wagering patrons, casino simulcast facility patrons, simulcast outlets, off-track wagering facility patrons); and the method and time of advertisement of the "Group Bet" rules to the wagering

public. Such a request shall be approved by the Executive Director, subject to a determination by the Executive Director that the proposed "Group Bet" complies with this section in all aspects. In approving any request of a racing association related to a "Group Bet," the Executive Director may impose such conditions as are consistent with the best interests of racing and the interests of the wagering public. Any approval shall, however, be subject to the condition that the rules of the "Group Bet" be made available to the public at least 24 hours prior to the commencement of wagering. Although a "Group Bet" may be advertised to the public prior to the racing association obtaining such approval, any advertisement must contain language that "the offering of this wager is contingent upon and subject to the prior approval of the New Jersey Racing Commission."

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

New Rule, R.2006 d.85, effective February 21, 2006.
See: 37 N.J.R. 3799(a), 38 N.J.R. 1222(a).

13:71-27.64 Requirements under which permitholders may request Racing Commission approval for new pari-mutuel wagers

(a) The Racing Commission may approve or disapprove, at a public meeting, applications from permitholders for new forms of pari-mutuel wagering consistent with the best interests of racing. All applications must be filed with the Racing Commission on a form provided by the Racing Commission a minimum of 30 days prior to a scheduled public meeting and must include the following items before it will be considered by the Racing Commission:

1. A detailed description of the proposed wager along with the permitholder's rules of the wager including, but not limited to, the following:
 - i. The minimum dollar amount of the wager;
 - ii. The minimum number of starters;
 - iii. Carryover provisions, if any;
 - iv. The method of pool distribution; and
 - v. A description of all contingencies including how the wager is handled in the event of a scratch, dead heat, race cancellation or change of surface, etc.;
2. The application shall describe the provisions that will be implemented by the permitholder to notify the public of the new wager and of the permitholder's rules of the wager, as well as when the wager will be offered, provided it is approved by the Racing Commission; and

3. The application shall include a certification from the totalisator company confirming the wager has been successfully programmed, tested and conforms with the permit holder's rules of the wager in all respects.

New Rule, R.2007 d.114, effective April 16, 2007.
See: 39 N.J.R. 25(a), 39 N.J.R. 1488(d).

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 Commis-

sion 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, effective 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
140 East Front Street
PO Box 088
Trenton, NJ 08625-0888

or

Office of Administrative Law
Administrative Publications and Filings
PO Box 049
Trenton, NJ 08625-0049

Amended by R.2000 d.35, effective January 18, 2000.

See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

In Office of Administrative Law Note, changed addresses.

SUBCHAPTER 29. SULKY

Subchapter Historical Note

Petition for Rulemaking: Sulky.

See: 37 N.J.R. 3078(a), 3464(c), 4477(c).

Petition for Rulemaking: Racing Commission: harness racing: action on rulemaking petition regarding sulky identification.

See: 38 N.J.R. 1353(b).

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 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. If a sulky is involved in an accident, the Paddock Judge will affix a label to the sulky that says "do not use." The owner of the sulky that receives a "do not use" label must then have the sulky inspected by its manufacturer. The manufacturer is authorized to remove the "do not use" label after inspecting the sulky and making any necessary repairs. Only the manufacturer or his representative is permitted to remove the "do not use" label. Any person, other than a manufacturer's representative, removing a "do not use" label is subject to a fine and/or suspension. Documentation identifying the sulky and repairs made must be filed by the trainer with the Paddock Judge prior to its introduction back into use.

2. The driver/trainer is responsible for the operation and maintenance of all sulkies used during training, qualifying or racing of horses under his or her care. Sulkies found unfit for use by the Paddock Judge or representative thereof in participation of the above activities will subject the driver/trainer to a fine and/or suspension.

Recodified from N.J.A.C. 13:71-29.3 and amended by R.2007 d.115, effective April 16, 2007.

See: 38 N.J.R. 3747(a), 39 N.J.R. 1489(a).

Rewrote (a)1 and (a)2; and deleted (a)3 and (a)4. Former N.J.A.C. 13:71-29.2, Inspection stickers, repealed.

13:71-29.3 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.

Recodified from N.J.A.C. 13:71-29.4 by R.2007 d.115, effective April 16, 2007.

See: 38 N.J.R. 3747(a), 39 N.J.R. 1489(a).

Former N.J.A.C. 13:71-29.3, Certification, recodified to 13:71-29.2.

13:71-29.4 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.

Recodified from N.J.A.C. 13:71-29.5 by R.2007 d.115, effective April 16, 2007.

See: 38 N.J.R. 3747(a), 39 N.J.R. 1489(a).

Former N.J.A.C. 13:71-29.4, Serial numbers, recodified to 13:71-29.3.

13:71-29.5 (Reserved)

Recodified to N.J.A.C. 13:71-29.4 by R.2007 d.115, effective April 16, 2007.

See: 38 N.J.R. 3747(a), 39 N.J.R. 1489(a).

Section was "Liability insurance".

SUBCHAPTER 30. "SELF-EXCLUSION LIST" RULES

13:71-30.1 "Self-exclusion list" rules incorporated herein by reference

The Racing Commission rules, at N.J.A.C. 13:74A, Self-Exclusion List, sets forth rules and procedures allowing for individuals to voluntarily place themselves on a list of persons to be: excluded from thoroughbred racetracks licensed pursuant to N.J.A.C. 13:70, Horse Racing; excluded from standardbred or harness racetracks licensed pursuant to this chapter (N.J.A.C. 13:71, Harness Racing); excluded from off-track wagering facilities licensed pursuant to N.J.A.C. 13:74; and excluded from opening or maintaining a wagering account with the account wagering licensee as authorized pursuant to N.J.A.C. 13:74. All rules in N.J.A.C. 13:74A are applicable to this chapter and are incorporated herein by reference.