

2. Contestants representing two different betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heat different betting interests, irrespective of order, and the fourth place betting interest shall share in a profit split.

(j) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the different betting interests involved in the dead heat for third shall share in a profit split.

(k) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three different finishers, in correct sequence, along with any of the different betting interests involved in the dead heat for fourth shall share in a profit split.

(l) The net carryover superfecta pool shall be distributed to winning wagers based on the following and in accordance with the official order of finish:

1. If tickets are sold on the winning combination of the superfecta, the net pool shall have added to it to any carryover monies from previous superfecta races, and shall then be equally divided among those ticket holders.

2. If no tickets are sold on the winning combination of the superfecta, then the net pool shall be divided into two separate pools. Eighty percent of the net pool shall be paid into a pool known as the Jackpot, and carried over to the next regularly scheduled superfecta race. The remaining 20 percent of the net pool shall be paid into a pool known as the superfecta consolation pool, and this pool equally divided among those ticket holders who correctly selected the first three finishers in exact order. If no ticket has been sold correctly selecting the first three finishers in exact order, then the superfecta consolation pool shall be paid to the first two finishers in exact order. If no ticket has been sold correctly selecting the first two finishers in exact order, then the superfecta consolation pool shall be paid to those ticket holders who selected the winning horse. In the event no ticket has been sold correctly selecting the winning horse to finish first, then the superfecta gross pool (excluding monies carried over from previous superfecta races) shall be refunded.

3. If the superfecta gross pool is refunded in accordance with the above-described rules, then all monies carried over, if any, shall be held in escrow until the next regularly scheduled superfecta.

4. If fewer than four horses finish, the payoff shall be made from the superfecta consolation pool only, and shall be made to holders of tickets correctly selecting the actual finishing horses in exact order, ignoring the balance of the selection. In this event, the Jackpot will be carried over to the next regularly scheduled superfecta race.

5. In the event the accumulated Jackpot has not been distributed prior to the final day of the meeting in which

the Jackpot was generated, then the accumulated Jackpot and the net pool in the final superfecta race of the meet shall be distributed to closing day holders of superfecta tickets who correctly select the first four official finishers in exact order, or if no ticket is sold as above described, to those who correctly select the first three finishers in exact order, or is no ticket is sold as above described, to those who correctly select the first two finishers in exact order, or if no ticket is sold as above described to those who correctly selected the winning horse to finish first. In the event no ticket has been sold correctly selecting the winning horse to finish first, then the gross superfecta pool will be refunded and the Jackpot distributed equally to all closing day superfecta ticket holders.

New Rule, R.1994 d.91, effective February 22, 1994.

See: 25 N.J.R. 5451(a), 26 N.J.R. 1107(b).

Petition for Rulemaking.

See: 34 N.J.R. 3655(b), 3995(a).

Petition for Rulemaking.

See: 35 N.J.R. 279(b), 897(b).

Amended by R.2003 d.492, effective December 15, 2003.

See: 35 N.J.R. 3464(a), 35 N.J.R. 5550(a).

Rewrote (a); in (f), inserted "non-carryover" preceding "superfecta pool" in the introductory paragraph; added (l).

Amended by R.2003 d.493, effective December 15, 2003.

See: 35 N.J.R. 3465(a), 35 N.J.R. 5550(b).

In (e), substituted "six" for "seven".

#### **13:71-27.60 Distribution of funds derived from casino simulcasting in lieu of N.J.S.A. 5:12-203g(2)**

(a) Pursuant to N.J.S.A. 5:12-204, the formula contained in N.J.S.A. 5:12-203g(2) is superseded and revised as set forth in this section to harness races, and as set forth in N.J.A.C. 13:70-29.62 as to running races. Of that amount remaining after the deduction of the amounts under subsections a, b, c, d, e, f and paragraph g(1) of N.J.S.A. 5:12-203, 43 percent shall be paid to the New Jersey Racing Commission and shall be distributed, in the following year, as provided herein, to New Jersey racetracks for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46a(4) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 2d of P.L. 1984, c.236 (N.J.S.A. 5:5-66.1), section 5a(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7). This money shall be distributed in accord with the percentages set forth in (b) and (c) below, using the formula set forth in (d) below. Where a New Jersey permitholder conducts both running races and harness races, this section shall be applicable to the permitholder's harness races and N.J.A.C. 13:70-29.62 shall be applicable to the permitholder's running races.

(b) Of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:70-29.62, 60 percent of the total shall be distributed to permitholders conducting running races and 40 percent of the total shall be distributed to racetracks conducting harness races for 1998 and 1999.

(c) Following 1999, of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:70-29.62, 50 percent of

the total shall be distributed to permitholders conducting running races and 50 percent of the total shall be distributed to racetracks conducting harness races.

(d) The formula upon which the monies referred to in (a) above is to be distributed to the New Jersey racetracks conducting harness races, under either (b) or (c) above, whichever is applicable, shall be as follows:

$$A/B = C/D$$

where:

A = the total amount distributed by each racetrack conducting harness racing, pursuant to section 46a(4) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 2d of P.L. 1984, c.236 (N.J.S.A. 5:5-66.1), section 5a(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), during the preceding calendar year, plus any additional amounts paid out by each racetrack for overnight purses during the preceding calendar year from the permitholders' share of the pari-mutuel pool;

B = the total amount distributed by all harness racetracks Statewide pursuant to section 46a(4) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 2d of P.L. 1984, c.236 (N.J.S.A. 5:5-66.1), section 5a(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), and section 7f(1)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), during the preceding calendar year, plus any additional amounts paid out by racetracks for overnight purses during the preceding calendar year from the permitholder's share of the pari-mutuel pool;

C = the amount to be distributed to each racetrack conducting harness races from the moneys available for distribution pursuant to this section;

D = 40 percent (50 percent after 1999) of the total amount of moneys available for distribution pursuant to this section.

New Rule, R.1998 d.87, effective February 17, 1998.  
See: 29 N.J.R. 4397(a), 30 N.J.R. 702(a).

### 13:71-27.61 Handicapping contests

(a) Notwithstanding any other provision of law to the contrary, a permit holder, casino simulcasting licensee or a combination thereof may operate a handicapping contest at which the participants may be charged an entry fee. The contest must be conducted in accordance with the provisions of this rule.

(b) The operator of a handicapping contest shall distribute all of the entry fees as prizes to the winners of the contest. Nothing in this section shall preclude an operator from providing additional prizes or promotions.

(c) Operators must apply to and receive the approval of the New Jersey Racing Commission to conduct a handicapping contest in New Jersey. The operators must secure the Commission's written approval of the rules and the payment of prizes prior to the acceptance of any entry fees regarding said contest.

(d) The horse races that are the subject of the handicapping contest must be races on which the operator of the contest is authorized to conduct wagering.

(e) The operator of a handicapping contest must apply to the Racing Commission for approval of each and every contest.

(f) An entrant must personally place all wagers. No person shall directly or indirectly act as a transmitter, intermediary, or agent in placing wagers for the entrant.

(g) Winners of wagers where taxes apply are solely responsible for the reporting, signing and deductions made to the appropriate State or Federal tax agencies.

(h) Employees or their families of the venue conducting a handicapping contest are not eligible to participate in any tournament.

(i) Denominations of wagers and types of pools wagered must be agreed to in contract form between the contest venue and the racetracks participating in a handicapping contest.

(j) Racetracks, for the purpose of this section, are defined as both in and out-of-State.

(k) All track rulings are official in the event of scratches and disqualifications.

New Rule, R.2003 d.212, effective May 19, 2003.  
See: 34 N.J.R. 3926(a), 35 N.J.R. 2250(b).

## SUBCHAPTER 28. INITIAL TRACK APPLICATION

### 13:71-28.1 Permit to hold race meetings

(a) No license or permit shall be transferable or assignable in any manner or in any particular.

(b) An application for a permit to conduct a horse race meeting shall be filed on form R-1 in the case of harness races and on form R-2 in the case of running races, which forms shall be prescribed and furnished by the Commission. The Commission may require from time-to-time additional information which shall be attached to, and made a part of, and filed with the application. The application and additional information shall be submitted in affidavit form, sworn to and subscribed before a person legally competent to take oaths. The application shall be filed with the Commission prior to August 1, of any year.