

(g) The number of entries (or starters) required is as follows:

1. As long as at least one horse remains within an entry or the field, that betting interest will not be deemed a scratch. If a betting interest is scratched or declared a non-starter, the actual favorite as evidenced by Breeders' Cup host track win pool at the start of the race will be substituted. If the win pool amounts are equal, the substitute will be the lowest program numbered betting interest.

New Rule, R.1992 d.200, effective May 4, 1992.  
See: 23 N.J.R. 1769(b), 24 N.J.R. 1800(b).

### 13:70-29.58 (Reserved)

### 13:70-29.59 Cancellations

(a) Cancellations of mutuel tickets are prohibited on wagers purchased on the current race once the patron has left the window on all types of wagers where odds or probable payouts are displayed to the public.

(b) Mutuel clerks shall be permitted to cancel current race mutuel tickets during the delay period provided it is the last transaction before the bell sounds signaling the end of wagering. If it is determined by the Executive Director of the Racing Commission or his or her designee that mutuel clerks are abusing this cancellation privilege, they will be subject to fine and/or suspension.

(c) No cancellation of mutuel tickets is permitted after the delay period.

(d) Cancellation of all advance wagers is permitted up until the race immediately preceding the advance wager becomes official.

(e) Mutuel clerks are permitted to cancel mutuel tickets purchased at self-service terminals provided they are advance wagers or wagers where odds or probable payouts are not displayed to the public.

New Rule, R.1991 d.542, effective November 4, 1991.  
See: 23 N.J.R. 2267(a), 23 N.J.R. 3340(a).

### 13:70-29.60 Expiration of mutuel tickets

All mutuel tickets shall expire six months and one day from the date of issue (that is, tickets purchased on January 1 will expire at the close of business of July 1).

New Rule, R.1991 d.543, effective November 4, 1991.  
See: 23 N.J.R. 2267(b), 23 N.J.R. 3340(a).  
Amended by R.2002 d.347, effective November 4, 2002.  
See: 33 N.J.R. 3625(a), 34 N.J.R. 3782(a).

Deleted "and vouchers" following "tickets" throughout.

### 13:70-29.61 Superfecta

(a) The superfecta (or other approved name) is a form of pari-mutuel wagering where each bettor selects, in order, the first, second, third and fourth placed horses in the designated superfecta race. The superfecta pool shall be held entirely

separate from all other pools, and is not part of a daily double, exacta or other wagering pool.

(b) Superfecta tickets shall be sold in not less than \$1.00 denominations.

(c) Races in which superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) If a horse is scratched or declared a non-starter, no further superfecta tickets may be issued designating such horse and all superfecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(e) Where a field in a superfecta race is fewer than six at wagering time, said race shall not be run as a superfecta. A late scratch after wagering starts will not affect the superfecta.

(f) The net superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

1. As a single price pool to those whose combination finished in correct sequence as the first four different betting interests; but if there are no such wagers, then:

2. As a single pool to those whose combination included, in correct sequence the first three different betting interests; but if there are no such wagers, then:

3. As a single price pool to those whose combination included, in correct sequence, the first two different betting interests; but if there are no such wagers, then:

4. As a single price pool to those whose combination correctly selected the first place betting interest only: but if there are no such wagers, then:

5. The entire pool of superfecta wagers shall be refunded for that contest.

(g) If less than four different betting interests finish the race and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of different betting interests completing the race shall be ignored.

(h) If there is a dead heat for first involving:

1. Contestants representing four or more different betting interests, all of the wagering combinations selecting the four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

2. Contestants representing three different betting interests, all of the wagering combinations selecting the three dead-heated different betting interests, irrespective of order, along with the fourth place different interest shall share in a profit split.

3. Contestants representing two different betting interests, both of the wagering combinations selecting the

two dead-heated different betting interests, irrespective of order, along with the third place and fourth place different betting interest shall share in a profit split.

(i) If there is a dead heat for second involving:

1. Contestants representing three or more different betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three different betting interests involved in the dead heat for second shall share in a profit split.

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

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

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

New Rule, R.1994 d.92, effective February 22, 1994.

See: 25 N.J.R. 5450(a), 26 N.J.R. 1106(c).

Petition for Rulemaking.

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

Amended by R.2003 d.490, effective December 15, 2003.

See: 35 N.J.R. 3462(a), 35 N.J.R. 5549(b).

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

### **13:70-29.62 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 as to running races, and as set forth in N.J.A.C. 13:71-27.60 as to harness racing. 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 conducting running races and to New Jersey racetracks conducting harness racing as set forth in N.J.A.C. 13:71-27.60. Such monies shall be used for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46b(1)(d) or 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(2)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), in the case of running races. This money shall be distributed to those racetracks conducting running races 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 permitholders running races and

N.J.A.C. 13:71-27.60 shall be applicable to the permitholder's harness races.

(b) Of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:71-27.60, 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. 13:71-27.60, 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 running 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 running races, pursuant to section 46b(1)(d) or 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(2)(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 racetracks conducting running races Statewide pursuant to section 46b(1)(d) and 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), and section 7f(2)(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 running races from the total moneys available for distribution pursuant to this section;

D = 60 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).

### **13:70-29.63 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.211, effective May 19, 2003.

See: 34 N.J.R. 3924(a), 35 N.J.R. 2250(a).

Public Notice: Receipt of Petition for Rulemaking: Handicapping Contests.

See: 38 N.J.R. 850(a).

Petition for Rulemaking: Racing Commission: thoroughbred racing: action on rulemaking petition regarding handicapping contests.

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

Public Notice: Racing Commission: Thoroughbred Racing: Notice of Action (Final) on Petition for Rulemaking.

See: 38 N.J.R. 2534(b).

### 13:70-29.64 The Choose (N)

(a) The Choose (N) is a wager which requires that a patron select the first place winners in each of (N) races, with the letter (N) representing the number of races comprising the wager. The number of races comprising the Choose (N), and thus representing the letter (N), shall be determined by the racing association (licensee) offering the Choose (N). The number of eligible races, from which a patron in his or her discretion may place a Choose (N) wager, may equal or exceed the number of races comprising the wager (N) and shall be determined by the licensee. For example, where a licensee determines that the Choose (N) shall consist of selecting the first place winners in five races (that is, a

Choose (5)), with nine eligible races for the patron to select from, the patron would be required to select the first place finishers in any five of the nine eligible races. A licensee may not offer a Choose (N) unless the format associated with the particular Choose (N) wagering event is first approved by the Racing Commission Executive Director (Executive Director), as required by (l) and (m) below. In approving any request of a licensee associated with a Choose (N), the Executive Director may impose such conditions as are consistent with the best interests of racing and the interests of the wagering public.

(b) The races eligible for a Choose (N) may be conducted on the same day or may extend over any number of days as determined by the licensee, and some races may be closed to Choose (N) wagering at the discretion of the licensee. The eligible races to a Choose (N) need not be consecutively contested races. In a Choose (N), the first race wagered upon by a patron as part of the wager may begin with any of the eligible races provided that the total number of eligible races remaining uncontested at the time the wager is placed equals or exceeds the number of races comprising the Choose (N). For example, in a Choose (6) with 10 eligible races, the following would be examples of permissible wagers: assuming none of the 10 eligible races have been conducted, a patron could select one horse as the first place winner in any six of the 10 eligible races (for example, the patron could wager on: races 1 through 6; races 2 through 4 and 6 through 8, etc.); and, assuming races 1 and 2 of the 10 eligible races have been conducted, the patron could select one horse to finish first in any six of the remaining eight eligible races (for example, the patron could wager on: races 4 through 9; race 3, 5 and races 7 through 10, etc.). However, assuming the first five or more of the 10 eligible races in this example have been contested, a patron could not place any Choose (6) wager because the wager requires the selection of the first place finishers in six separate races.

(c) Each Choose (N) wagering pool shall be maintained separately from all other wagering pools offered by the licensee, and the proceeds to be paid on winning Choose (N) wagers shall be made only from the Choose (N) wagering pool. The Choose (N) wagering pool shall close after each Choose (N) eligible race, but shall reopen with respect to subsequent eligible races for the particular Choose (N) provided there are at least as many races remaining as required to be selected on a winning Choose (N) ticket. Following the conduct of all eligible races comprising any Choose (N), the Choose (N) wagering pool shall be distributed as follows:

1. A Choose (N) with no "carryover amount" requires that the "net wagering pool," which for purposes of this section means the amount of dollars wagered for the particular Choose (N) to be returned to the wagering public as winnings, be distributed immediately following the last eligible race of the particular Choose (N) offering. In such case, the Choose (N) "net wagering pool" shall be equally distributed to the holder or holders of Choose (N) tickets

which correctly select each first place winner in each race (N) from the eligible races comprising the Choose (N). If no Choose (N) ticket correctly selects each first place winner in each race comprising the Choose (N), the “net wagering pool” of a Choose (N) with no “carryover amount” shall be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the Choose (N).

2. A “carryover amount” is the portion of a Choose (N) “net wagering pool” which, in circumstances as set forth in this section, is carried over and added to the wagering pool in one or more designated subsequent Choose (N) offerings that also have a “carryover amount” feature. In an initial offering of a Choose (N) with “carryover amount” feature, as no “carryover amount” has then accumulated, 100 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets which correctly select the first place winners in each race (N) comprising the Choose (N). However, if no Choose (N) ticket correctly selects the first place winner in each race comprising any Choose (N) with “carryover amount” feature: 25 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets correctly selecting the greatest number of first place winners of the races comprising the Choose (N); and the remaining 75 percent of the “net wagering pool” for that particular Choose (N) shall be added as the “carryover amount” portion of the wagering pool for a designated subsequent Choose (N) offering of the licensee. In any Choose (N) with a “carryover amount” feature, 100 percent of the “net wagering pool” for the particular Choose (N), plus any accumulated “carryover amount”, shall be equally distributed to the holder or holders of Choose (N) tickets which correctly select the first place winners in each race (N) comprising the Choose (N).

i. With the written approval of the Racing Commission Executive Director, the licensee may contribute to the Choose (N) “carryover amount” a sum of money.

3. A Choose (N) with “carryover amount” feature, as described in (c)2 above, may with the prior approval of the Executive Director have its carryover capped at a designated maximum dollar level, as determined by the licensee. If the cap amount has not been reached, and no Choose (N) ticket correctly selects the first place winner in each race comprising the Choose (N): 25 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets correctly selecting the greatest number of first place winners of the races comprising the Choose (N); and the remaining 75 percent of the “net wagering pool” for that particular Choose (N) shall be added as the “carryover amount” portion of the wagering pool for a designated subsequent Choose (N) offering of the licensee. If the

“carryover amount cap” is reached, no additional money shall be added from the “net wagering pool” to the carryover amount in any subsequent Choose (N). In such event, and where no Choose (N) ticket correctly selects the first place winner in each race comprising the Choose (N) where the “carryover amount cap” has been reached, 100 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets correctly selecting the greatest number of first place winners of the races comprising the Choose (N), and the capped carryover amount shall be applied to a subsequent Choose (N) offering designated by the licensee. In any Choose (N) with a “carryover amount cap” feature, regardless of whether the cap amount has been reached, the “net wagering pool” for the particular Choose (N), plus any accumulated “carryover amount”, shall be equally distributed to the holder or holders of Choose (N) tickets which correctly select the first place winners in each race (N) comprising the Choose (N).

i. A request to place a cap on a Choose (N) “carryover amount” may be approved by the Executive Director in the following circumstances: at the time a licensee first requests authorization to offer a Choose (N) pursuant to (l) below (that is, where the licensee seeks approval to offer a Choose (N) with “carryover amount cap” feature); and, where the licensee has previously had approved Choose (N) with “carryover amount” feature, where a carryover amount exists as a result of no one winning a prior Choose (N) offering, and the licensee seeks to impose a cap on the “carryover amount.”

ii. With the written approval of the Executive Director, the licensee may contribute to the Choose (N) “carryover amount cap” a sum of money up to but not exceeding the designated cap.

(d) Notwithstanding (c)2 and 3 above, a Choose (N) with “carryover amount” or Choose (N) with “carryover amount cap,” with the prior approval of the Executive Director, may be designated for “specified date distribution” at the conclusion of a specified Choose (N) wagering event. In such case, the “net wagering pool,” plus the “carryover amount” or “carryover cap amount” as applicable, shall be equally distributed to the holder or holders of Choose (N) tickets which have correctly selected the first place finishers in each race (N) comprising the Choose (N). If on the specified date of distribution no Choose (N) ticket correctly selects the first place winners in each race comprising the “specified date distribution” Choose (N) wager, the “net wagering pool,” plus the “carryover amount” or “carryover cap amount” as applicable, shall be equally distributed to the holder or holders of Choose (N) tickets selecting the greatest number of first place winners in each race (N) comprising the Choose (N). A licensee’s request for “specified date distribution” shall be approved by the Executive Director where: the licensee establishes to the Executive Director’s satisfaction