

**CHAPTER 70**

**HORSE RACING**

**Authority**

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

**Source and Effective Date**

R.1995 d.102, effective January 25, 1995.  
See: 26 N.J.R. 4742(a), 27 N.J.R. 733(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 70, Horse Racing, expires on January 25, 2000.

**Chapter Historical Note**

All provisions of this chapter became effective prior to September 1, 1969.

1975 Revisions: Amendments became effective February 21, 1975 as R.1975 d.37. See: 7 N.J.R. 11(a), 7 N.J.R. 170(b).

1976 Revisions: Amendments became effective April 22, 1976 as R.1976 d.125. See: 8 N.J.R. 47(b), 8 N.J.R. 308(a). Further amendments and Subchapter 31 became effective September 16, 1976 as R.1976 d.292. See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

1977 Revisions: Amendments became effective January 17, 1977 as R.1977 d.8. See: 8 N.J.R. 531(c), 9 N.J.R. 94(d). Further amendments became effective August 29, 1977 as R.1977 d.331. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

1978 Revisions: Amendments became effective April 19, 1978 as R.1978 d.132. See: 9 N.J.R. 540(a), 10 N.J.R. 295(b). Further amendments became effective August 1, 1978 as R.1978 d.269. See: 10 N.J.R. 259(a), 10 N.J.R. 403(c). Amendments became effective August 9, 1977 as R.1978 d.275. See: 10 N.J.R. 169(b), 10 N.J.R. 404(b). Further amendments became effective August 29, 1977 as R.1977 d.331. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a). October 2, 1978 as R.1978 d.353. See: 10 N.J.R. 349(b), 10 N.J.R. 510(b).

1979 Revisions: Amendments became effective April 12, 1979 as R.1979 d.144. See: 11 N.J.R. 21(b), 11 N.J.R. 258(a). Further amendments became effective June 20, 1979 as R.1979 d.250. See: 10 N.J.R. 509(a), 11 N.J.R. 400(a). Further amendments became effective July 18, 1979 as R.1979 d.274. See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

1980 Revisions: Subchapter 14A Stimulation and Test and amendments became effective January 1, 1980 as R.1979 d.497. See: 11 N.J.R. 579(a), 12 N.J.R. 91(b). Further amendments became effective February 27, 1980 as R.1980 d.95. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c). Further amendments became effective July 8, 1980 as R.1980 d.286. See: 12 N.J.R. 494(a).

1981 Revisions: Amendments became effective February 2, 1981 as R.1981 d.32. See: 13 N.J.R. 150(f). Amendments became effective December 21, 1981 as R.1981 d.489. See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).

1982 Revisions: Amendments substantially revised this chapter effective June 21, 1982 as R.1982 d.183. See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

1983 Revisions: Amendments became effective February 7, 1983 as R.1983 d.14. See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b). Further amendments became effective April 4, 1983 (operative January 1, 1984) as R.1983 d.639. See: 14 N.J.R. 1444(a), 15 N.J.R. 553(b). Subchapters 3, 14, 15, 19 and 29 were readopted in compliance with Executive Order 66(1978), effective July 8, 1983 as R.1983 d.295. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a). Further amendments became effective

November 7, 1983 (operative January 2, 1984) as R.1983 d.512. See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).

1984 Revisions: Amendments became effective February 21, 1984 as R.1984 d.43. See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a). Subchapter 4 was readopted pursuant to Executive Order 66(1978) effective March 19, 1984 as R.1984 d.103. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a). Subchapter 6 was readopted pursuant to Executive Order 66(1978) effective May 18, 1984 as R.1984 d.213. See: 16 N.J.R. 690(a), 16 N.J.R. 1361(a). Further amendments became effective July 16, 1984 as R.1984 d.308. See: 16 N.J.R. 845(a), 16 N.J.R. 2005(a). Further amendments became effective October 1, 1984 as R.1984 d.444. See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a). Further amendments became effective November 19, 1984 (operative January 1, 1985) as R.1984 d.524. See: 16 N.J.R. 2348(a), 16 N.J.R. 3215(a). Subchapters 2 and 14A expired December 19, 1984 in accordance with Executive Order 66(1978). A readoption was filed December 24, 1984 as R.1984 d.621. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

1985 Revisions: Subchapter 14A was readopted with amendments pursuant to Executive Order 66(1978) effective February 19, 1985 (operative April 1, 1985) as R.1985 d.59. See: 16 N.J.R. 3180(a), 17 N.J.R. 468(a). New rules (sections 10 and 11) became effective February 19, 1985 (operative April 1, 1985) as R.1985 d.57. See: 16 N.J.R. 1457(a), 17 N.J.R. 470(a). Subchapter 12 was readopted pursuant to Executive Order 66(1978) effective February 25, 1985 as R.1985 d.137. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c). Amendments became effective May 6, 1985 as R.1985 d.204. See: 17 N.J.R. 173(a), 17 N.J.R. 1135(a). Further amendments became effective December 2, 1985 (operative January 1, 1986) as R.1985 d.602. See: 17 N.J.R. 1640(a), 17 N.J.R. 2912(a). Further amendments became effective December 16, 1985 (operative January 1, 1986) as R.1985 d.639. See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

1986 Revisions: Amendments became effective January 6, 1986 as R.1985 d.663. See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b). Further amendments became effective May 19, 1986 as R.1986 d.171. See: 18 N.J.R. 402(a), 18 N.J.R. 1104(c). Further amendments became effective June 16, 1986 as R.1986 d.215. See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a). An emergency adoption to N.J.A.C. 13:70-29.56 became effective July 17, 1986 (expires September 15, 1986) as R.1986 d.334. See: 18 N.J.R. 1619(a) and was readopted as R.1986 d.411, effective September 15, 1986. See: 2054(b). Further amendments became effective October 6, 1986 as R.1986 d.416. See: 18 N.J.R. 401(a), 18 N.J.R. 1448(b), 18 N.J.R. 2054(a).

1987 Revisions: Amendments became effective January 5, 1987 as R.1987 d.42. See: 18 N.J.R. 2116(b), 19 N.J.R. 138(a). Further amendments became effective March 2, 1987 as R.1987 d.120. See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d). Further amendments became effective October 19, 1987 (operative December 26, 1987) as R.1987 d.420. See: 19 N.J.R. 1419(a), 19 N.J.R. 1911(a). A new rule became effective February 16, 1988 as R.1988 d.75. See: 19 N.J.R. 1418(a), 20 N.J.R. 404(b). Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.1990 d.127, effective January 25, 1990. See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Pursuant to Executive Order No. 66(1978), Chapter 70 was readopted as R.1995 d.102. See: Source and Effective Date.

**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).

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**SUBCHAPTER 1. GENERAL RULES**

**13:70-1.1 Applicability**

These rules are to apply to all tracks, all race meetings and to all persons and all matters within the jurisdiction of the New Jersey Racing Commission.

**Case Notes**

Suspension of wife's license due to husband's criminal conviction upheld; rule not assailable on equal protection grounds; full constitutional safeguards observed in suspension. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

**13:70-1.2 Gender**

The definitions and interpretations of racing terms, as well as the Foreword, are to be considered in connection with the rules and as part of them. Wherever "he" is used, it shall be construed to mean "he" or "she".

**13:70-1.3 Scope; authority of Executive Director**

(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 (N.J.S.A. 5:5-22 et seq.) and by the New Jersey Racing Commission.

(e) The design of Super-Six tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(f) The Super-Six pari-mutuel pool shall be calculated as follows:

1. 100 percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the Super-Six.

2. In the event there is no pari-mutuel ticket held which correctly designates the winner of all races comprising the Super-Six, 25 percent of that racing date's net amount available for distribution shall be distributed among the holders of pari-mutuel tickets correctly designating the most winning selections of the six races comprising the Super-Six, and the remaining undistributed 75 percent of said pool shall be carried over and added to the pool on the next day on which wagering is conducted.

3. If, on the last day on which the system of wagering is conducted at a horse race meeting, no bettor selects the winning horses in those 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. In no event shall any part of the pool be carried over to the next year's race meeting.

(g) Those horses constituting an entry or a field as defined within the rules and regulations of the Commission shall race in any Super-Six race as a single wagering interest for the purpose of the Super-Six pari-mutuel pool calculations and payouts to the public. A scratch after wagering has begun of any part of an entry or field selection in such a race shall be of no effect with respect to the status of such entry and/or field as a viable wagering interest.

(h) At any time after wagering begins on the Super-Six pool should a horse, entire betting entry or field be scratched or declared a non starter in any Super-Six race, no further tickets selecting such horse, betting entry or field shall be issued, and wagers upon such horse, betting entry or field, for purposes of the Super-Six pool shall be deemed wagers upon the horse, betting entry or field upon which the most money has been wagered in the win pool at the track at the close of win pool betting for such race. In the event of a money tie, the tied horse, betting entry or field with the most inside post position shall be designated.

(i) After off-time, there shall be no refund in either of the above cases, provided for in subsection (h) of this section.

(j) For the purpose of this section, when horses are prevented from starting by any malfunction of the starting gate itself they shall be considered as having been excused by the Stewards.

(k) If, for any reason, any race or races of a Super-Six program is cancelled and declared "No Race," the Super-Six pool shall be distributed to the holders of the most winning selections of the remaining races pursuant to (f)1 and 2 above. In the event the Stewards cancel or declare as "No Race" three or more of the Super-Six races for any given date, all pari-mutuel tickets for that Super-Six pool shall be refunded and the Super-Six cancelled for that day.

(l) In the event of a dead heat for win between two or more horses in any Super-Six race, all such horses in the dead heat for win shall be considered as the winning horse in the race for the purpose of distributing the Super-Six pari-mutuel pool.

(m) No person shall disclose the number of tickets sold in the Super-Six pool or the number or amount of tickets selecting winners of Super-Six races prior to the time the Judges have declared the last Super-Six race on any given date official.

(n) No pari-mutuel ticket for the Super-Six pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the six races comprising the Super-Six, except for refunds as required by this section.

(o) This rule shall be prominently displayed throughout the betting area of each association conducting a Super-Six program and in the official racing program.

(p) Should circumstances occur which are not foreseen in this section, questions arising thereby shall be resolved in accordance with general pari-mutuel practice. Decisions regarding distribution of Super-Six pools will be final.

R.1980 d.286, eff. July 8, 1980.

See: 12 N.J.R. 494(a).

Emergency Amendment, R.1986 d.334, effective July 17, 1986 (expires September 15, 1986).

See: 18 N.J.R. 1619(a).

Readoption of Concurrent Proposal, R.1986 d.411, effective September 15, 1986.

See: 18 N.J.R. 1619(a), 18 N.J.R. 2054(b).

### 13:70-29.57 Pick-Seven

(a) This section codifies procedures to allow New Jersey to participate in a nationwide common pool in a Pick-Seven Wager in the Breeders' Cup.

(b) The payoff is calculated as follows:

1. Wagers select first-place finishers for seven Breeders' Cup races. The net pool is divided into major (75 percent) and minor (25 percent) shares. The major share is distributed to the ticket(s) correctly selecting the first-place finishers in all seven races and calculated using the net pool pricing method. The minor share is distributed to tickets correctly selecting the first-place finishers in the most (but not all) of the seven races and calculated using the net pool pricing method.

2. To determine the net pool, there shall be a deduction from gross wagers in each jurisdiction in an amount equal to the applicable takeout for that jurisdiction. The remaining amount of the wagers from all jurisdictions is combined to form the total net pool, on the basis of which a base payout price is determined. Each jurisdiction's winning payout price is determined by applying that jurisdiction's takeout rate to the base price. Each jurisdiction's individual rules relating to breakage and uncashed winning tickets shall also apply. Any other questions that arise not specifically covered in this section shall be covered by the rules of racing of the New Jersey Racing Commission.

(c) Dead heat procedures are as follows:

1. If there is a dead heat for first in any race, the winning combinations shall include all wagers selecting any dead heat finishes.

(d) No ticket sold procedures are as follows:

1. If no ticket is sold correctly selecting the seven first-place finishers, then the entire net pool will be distributed to the wagers selecting the most official winners of the seven Breeders' Cup races.

(e) Refund procedures are as follows:

1. If three or more races are cancelled, then the entire Pick-Seven pool shall be refunded.

(f) The effect of a cancelled race on the pool is as follows:

1. In the event that one or more of the races, comprising the Pick-Seven, is cancelled for any reason, the distribution of the net amount subject to distribution in the Pick-Seven pool shall be among the holders of the pari-mutuel tickets which currently designate the most official winners in all remaining races comprising the Pick-Seven.

(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 and vouchers**

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

**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 less than seven 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).

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## SUBCHAPTER 30. INITIAL TRACK APPLICATION

### 13:70-30.1 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 judgement 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 purposes 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 commission 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 above requirements 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.