

13:70-3.11 Video tape system

An association shall install and be responsible for the proper operation of an accurate video tape system. The original tapes produced by this system shall be stored in a safe place for a period of at least one year from the date of the race.

13:70-3.12 Starting gates

An association shall provide and maintain in good working order two starting gates.

13:70-3.13 Maintenance of grounds and facilities

An association shall at all times maintain its grounds and facilities so as to be neat and clean, painted in good repair, with special consideration for the comfort and safety of patrons, employees and other persons whose business requires their attendance; and with special consideration for the health and safety of horses stabled, exercising or entered to race; and shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

13:70-3.14 Barns and stalls

An association shall be responsible for providing and maintaining fire-resistant barns and stalls in good repair, in a clean and sanitary condition; each barn and each stall shall be numbered or lettered for identification; adequate drainage, sufficiently manned fire-fighting equipment, and the manure removal from the stable area shall be provided and maintained.

13:70-3.15 Fire inspection stable area

(a) The Racing Commission shall appoint annually a qualified engineer to inspect the stable area at all tracks licensed by the Commission to insure that said stable areas are adequately guarded against the hazards of fire.

(b) The engineer so appointed shall be paid by the track associations in an amount established by the Commission and shall conduct two such inspections of each stable area during the racing season and report thereon to the Commission.

(c) All recommendations of the engineer relating to fire conditions in the stable area shall be acted upon immediately by the permit holder.

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

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

Old text deleted and new text substituted therefor.

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

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

Engineering firm changed to engineer.

13:70-3.16 Smoking prohibited

Smoking is prohibited under the shed row of any barn. Persons found violating this rule will be reported to the stewards and shall be subject to a fine of \$25.00 for the first

offense, \$50.00 for the second offense and to suspension for the third or subsequent violation.

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

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

"an indefinite" changed to "suspension".

13:70-3.17 Storage of hay, straw or feed

The storage of hay, straw or feed in the stall of any barn located on the premises licensed by this Commission will be allowed only with the express permission of the Racing Commission. Each track association shall be required to provide adequately protected detached sheds for the storage of hay, straw, feed and any other material that may be considered of a flammable nature, when the Commission deems it necessary. Any person or permit holder violating this rule shall be reported to the stewards and subject to a fine or to an indefinite suspension.

13:70-3.18 Stable employees' facilities

An association shall provide and maintain in good repair, adequate living quarters and conveniently located sanitary facilities, such as showers, toilets and wash basins for stable employees.

13:70-3.19 Ambulances

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds during the operation of its race meeting.

13:70-3.20 First aid facilities

An association shall equip and maintain adequate first aid facilities with not less than two beds and attendance of a competent physician and a registered nurse during racing hours.

13:70-3.21 (Reserved)

Repealed by R.1996 d.394, effective August 19, 1996.

See: 28 N.J.R. 2793(a), 28 N.J.R. 3969(a).

Section was "Betting prohibited outside grounds".

13:70-3.22 Handbooking prohibited on grounds

Handbooking shall be prohibited on the grounds and its operator shall be excluded therefrom.

13:70-3.23 Gambling devices

No gambling device, other than permitted by law, shall be permitted on the grounds.

13:70-3.24 Petty games of chance

Petty games of chance are prohibited.

13:70-3.25 Communication system

An association shall install and maintain in good service, a communication system between the stewards stand, pari-

mutuel department, starting gate, clerk of scales, patrol judges and the State veterinarian.

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

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

“and the State veterinarian” added.

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

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

Punctuation.

13:70-3.26 Disqualified personnel kept off grounds

During the term of disqualification of any participant in racing, it shall be the duty of the association to see to it that the privileges of his admission badge are revoked, and that he is kept out of the grounds, unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in these rules.

13:70-3.27 Ejected personnel; readmission; notice

Any persons ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the official issuing the ejection order. Notification of such permission for reentry shall be filed with the Racing Commission.

13:70-3.28 Availability of purse money to winners

All portions of purse money shall be made available to the winners thereof 72 hours (Sundays excluded) following their winning.

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

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

48 changed to 72 hours.

13:70-3.29 Deductions from winnings

(a) No percentage of winnings shall be deducted by an association for itself or for another person, club or body, unless requested by the person to whom such winnings are payable, except that an association may deduct from winnings any money due it. The association shall also deduct the amount calculated by the New Jersey Horse Racing Injury Compensation Board, which shall not exceed three percent of gross overnight purses paid to owners, as assessments for the cost of workers' compensation insurance coverage pursuant to N.J.A.C. 13:70-3.46 and the rules of the New Jersey Horse Racing Injury Compensation Board set forth at N.J.A.C. 13:70A-1.1 et seq.

1. The horsemen's bookkeeper at each racetrack in New Jersey shall transmit on a weekly basis all assessments collected for the cost of workers' compensation insurance or self-insurance coverage to the New Jersey Racing Commission, which shall deposit these monies in a separate account for the use of the New Jersey Horse Racing Injury Compensation Board.

Amended by R.1997 d.51, effective February 3, 1997.

See: 28 N.J.R. 4736(a), 29 N.J.R. 447(b).

In (a), inserted text “, and may withhold an amount ... N.J.S.A. 34:15-129 et seq.”; and added (a)1.

Amended by R.2000 d.34, effective January 18, 2000.

See: 31 N.J.R. 3047(b), 32 N.J.R. 321(d).

Rewrote (a).

Case Notes

Regulation does not apply to a racetrack when deducting statutorily authorized payments from purse winnings for the New Jersey Horsemen's Benevolent and Protective Association. *Horsemen's Benevolent and Protective Ass'n, New Jersey Div. v. Atlantic City Racing Ass'n*, 98 N.J. 445, 487 A.2d 707 (1985).

13:70-3.30 Unredeemed mutuel tickets

(a) Every association shall carry on its books, an account which shows the total amount due on outstanding unredeemed mutuel tickets not presented for payment.

(b) All sums held by an association for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within six months from the time such tickets are issued shall be paid to the Commission upon the expiration of such six month holding period.

13:70-3.31 Financial statements

Each association shall file a complete financial statement with the Commission on or before February 15 of the calendar year following the association's last race meeting.

13:70-3.32 Employment application blank

(a) Every person employed by any race track association or by any concessionaire must fill out an employment application blank thereof, which must contain a statement of permanent residence and the following question: Have you ever been convicted of a crime, ruled off, set down, suspended or otherwise debarred from participating in racing by any racing organization, commission or other recognized turf authority in the United States or elsewhere, or has an indictment or information been returned or complaint made against you by the United States or any state, charging sale, use or possession of narcotics. State full details.

(b) All such employment application records must be kept by any race association or by any concessionaire for a period of two years, and must be made available for inspection by the New Jersey Commission, if so requested.

13:70-3.33 Weekly reports on employees

Each race track association and each concessionaire shall make weekly detailed reports and deliver such reports to the Racing Commission of all employees actually engaged during the past week, stating the name, department, license number (if license is required) and position therein, and YES and NO to indicate whether a resident of New Jersey, under columns so entitled. Such lists shall be compiled by departments, and, if any employee is engaged in two departments, a notation opposite his name shall so state.

13:70-3.34 Weekly report endorsement

(a) The weekly reports of each department shall have the following endorsement signed by the department manager:

1. The above list of employees and information contained therein is a complete report of all employees engaged in my department for the week ending, 19. . . . None of the above names appears on the Security Guide list for the year 19. . . .

As indicated on the above list, the number of employees is as follows:

Percent of residents percent
 Percent of nonresidents percent
 Total Employees _____
 Residents _____
 Nonresidents _____
 Exemptions requested _____
 Department Manager _____

13:70-3.35 Division of departments

(a) The departments shall be divided and designated as follows:

1. General manager and office department (including office help, auditing and bookkeeping department employees);
2. Racing secretary's office (including all employees under the control of the racing secretary and including jockey room employees and valets);
3. Mutuel department (including manager of the mutuel department and all employees under his control including calculators, sheet writers, supervisors, money room, messengers and runners, outbook clerks, program clerks, porters, information and change clerks, approximate odds board calculator clerks and boardmen, miscellaneous assistants, cashiers and sellers);
 - i. All of the individuals mentioned in (a)3 above, when assigned to work shall be prohibited from wagering. Violation of the above may subject the individual to a fine, suspension or both, or to revocation of his or her license;
4. Track superintendent's office (including all track workers, mechanics, porters, janitors, gardeners, watchmen and employees who are under the control of the track superintendent);
5. Admissions department (including sellers, collectors, stile men, ushers and miscellaneous employees under the control of the manager of said department);
6. Concessions (including all employees engaged in the auto parking lots if the concession of parking is contracted to concessionaires and all employees of all concessions, whether operated by association or contracted to concessionaires);
7. Parking lot employees if not contracted to concessionaires;

8. Department of Security (including detectives, policemen watchmen and fire protection and miscellaneous employees under the control of the chief of security of the race track);

9. Publicity department;

10. Printing (including all printers and other employees employed on programs, turf sheets and other publications);

11. All independent contractors and their employees working within the licensed premises;

12. Miscellaneous employees department (including all employees not designated in any other department).

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

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

(a)3 "ticket checkers, ticket room" deleted. (a)3i inserted.

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

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

"Police" changed to "security".

13:70-3.36 Nonresident defined

Any person who has voted within two years in any state other than New Jersey since casting his last vote in New Jersey, or who has made representation within two years that he is a citizen or resident of a state other than New Jersey shall be considered not a resident of New Jersey.

13:70-3.37 Decisions on citizenship and residence

The Commission shall make decision of the citizenship and residence of each employee under the laws of the State of New Jersey and the rules, regulations and conditions of the Commission which shall be binding upon the employees and the race track association.

13:70-3.38 False or misleading statements

Any employee making any false, untrue or misleading statement with reference to his citizenship or residence in his application or additional written or oral examination may be suspended by the Racing Commission and may be ruled off the turf for life by the Racing Commission and may be refused all privileges of the race track under the jurisdiction of the Commission.

13:70-3.39 Compensation insurance

Associations are required to carry adequate compensation insurance covering all persons in their employ.

13:70-3.40 Admission; age

(a) Any child under 18 years of age must be accompanied by an adult, parent or guardian to be admitted to any racetrack enclosure as a spectator during the hours when the running of races is being conducted.

(b) No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Amended by R.1978 d.353, effective October 2, 1978.

See: 10 N.J.R. 349(b), 10 N.J.R. 510(b).

Amended by R.1989 d.547, effective November 6, 1989.

See: 21 N.J.R. 1972(a), 21 N.J.R. 3475(c).

Deleted old (b) regarding requirement that children (12-16) be accompanied by adult during nighttime races.

Relettered (c) as (b).

Amended by R.1993 d.483, effective October 4, 1993.

See: 25 N.J.R. 2647(a), 25 N.J.R. 4600(b).

13:70-3.41 Employee compensation insurance

(a) Every owner and trainer shall establish a horsemen's bookkeeper account at each track association where horses he or she owns or trains have been or will be entered to race. Every trainer shall deposit sufficient funds in his or her horsemen's bookkeeper account to be used exclusively to pay the amount assessed by the Board prior to its due date. In the case of trainers:

1. The cost of assessment for multiple starts shall be paid into the horsemen's bookkeeper account prior to the first start.

2. The cost of assessment per start shall be paid into the horsemen's bookkeeper account prior to each start.

(b) No owner shall be allowed to enter a horse without first paying the cost of assessment into the horsemen's bookkeeper account. Any owner or trainer failing to comply with this rule shall be subject to suspension, fine or other penalty as determined by the Racing Commission.

(c) All concessionaires shall carry workers' compensation insurance covering all employees and shall provide adequate proof of compliance which shall be in the form of:

1. A certificate of insurance, valid for the year through December 31 (for which licensing is sought), issued by an insurance company authorized to do business in the State of New Jersey; or

i. A certificate, if offered and found not to be valid, may result in penalties provided in N.J.A.C. 13:70-23 up to and including revocation of license of the person who submitted the certificate; or

2. Proof of payment of the required premium entitling an individual or entity to participate in a workmen's compensation insurance group program.

i. Any group or organization sponsoring such a program shall guarantee worker's compensation coverage for those eligible individuals or entities which pay the required premium. A copy of the worker's compensation insurance group program and eligibility requirements shall be filed by the sponsoring group or organization with the New Jersey Racing Commission each year.

(d) Compliance with this rule shall be a requirement for relicensure.

Amended by R.1990 d.574, effective November 19, 1990.

See: 22 N.J.R. 1716(a), 22 N.J.R. 3499(c).

New (b) added provision requiring proof of compliance with worker compensation rules.

Amended by R.2000 d.34, effective January 18, 2000.

See: 31 N.J.R. 3047(b), 32 N.J.R. 321(d).

Rewrote the section.

13:70-3.42 Certificate of compliance on file

Effective January 1, 1969, a certificate of compliance with section N.J.A.C. 13:70-3.41, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the racing secretary.

Amended by R.1987 d.42, effective January 5, 1987.

See: 18 N.J.R. 2116(b), 19 N.J.R. 138(a).

Cross reference changed from section 43 to 41.

13:70-3.43 Certificate of veterinary examination

(a) All horses, including ponies, entering the grounds of any race track in New Jersey, must be accompanied by a current, valid certificate of veterinary examination.

(b) A current certificate is one which has been issued within a ten-day period immediately preceding date of entry.

(c) To be considered valid, the certificate must contain:

1. Adequate identification and/or description of the subject animal;

2. A declaration that said animal is free of apparent symptoms of an infectious or communicable disease;

3. A record of the horse's body temperature at the time that the examination is conducted;

4. The signature of an accredited, licensed veterinarian who has conducted the examination.

(d) Any horse accompanied by a current certificate of examination which records a body temperature reading of more than 102 degrees Fahrenheit will be denied access to the grounds of the racing association. The racing association will be responsible for compliance with this rule, and will determine that each horse entering the grounds is properly certified in accordance with the provisions of this rule. The racing secretary will maintain adequate records to substantiate the certification of all horses on the grounds.

(e) Nothing herein contained is to be construed as a limitation on the movement of horses from one New Jersey race track to another.

13:70-3.44 Telephone

All public telephones at the race track may remain open during the race day, with the approval of the Commission.

Repeal and New Rule, R.1990 d.533, effective November 5, 1990.

See: 22 N.J.R. 2402(a), 22 N.J.R. 3385(a).

Former rule closed telephones and telegraphs with the opening of the pari-mutuel window for the first race of the day.

13:70-3.45 (Reserved)

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

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

Repealed.

13:70-3.46 Horsemen's bookkeeper account

(a) Each track association shall establish a horsemen's bookkeeper account to hold monies deposited by thoroughbred owners and trainers. The horsemen's bookkeeper shall maintain a record of each account crediting such account, as applicable, with all earnings, awards or deposits. The horsemen's bookkeeper shall also deduct payments as directed by the account holder or his or her authorized agent and collect assessments for the cost of workers' compensation insurance coverage pursuant to this chapter and the rules promulgated by the New Jersey Horse Racing Injury Compensation Board as set forth at N.J.A.C. 13:70A-1.1 et seq.

(b) No trainer shall be allowed to enter a horse without first paying the cost of assessment into the horsemen's bookkeeper account.

(c) In the case of trainers, the horsemen's bookkeeper at each racetrack in New Jersey shall record the number of starts at the racetrack where he or she is employed for every horse of each trainer and provide this information to the New Jersey Racing Commission to be forwarded to the New Jersey Horse Racing Injury Compensation Board.

(d) The horsemen's bookkeeper at each racetrack in New Jersey shall transmit on a weekly basis all monies collected for the cost of workers' compensation insurance or self-insurance coverage to the New Jersey Racing Commission, which shall deposit these monies in a separate account for the use of the New Jersey Horse Racing Injury Compensation Board.

(e) All thoroughbred track associations shall be required to invest in either New Jersey business savings accounts, bank certificates of deposit or United States Treasury notes, the sums deposited by the owners of thoroughbred horses with the horsemen's bookkeeper. Such investments are to be held in the name of the track association's horsemen's bookkeeper account. No more than 80 percent of said

funds shall be invested at any time. No less than 20 percent of all the funds shall, at all times, be available for use by the track association's horsemen's bookkeeper. The funds not invested shall be deposited in a separate trust account and shall, at no time, be commingled with any other funds of the track association.

(f) The income realized from the invested funds shall be used firstly, to reimburse the track association for one-half of the cost and expense of operating the horsemen's bookkeeper's account, with the remainder of the income being used for programs managed by the Horsemen's Benevolent and Protective Association, and designed to benefit the racing industry.

(g) The specific programs and anticipated budget for the Horsemen's Benevolent and Protective Association for any calendar year shall be submitted to the New Jersey Racing Commission for its approval no later than December 1 of the preceding calendar year. The programs and budget may be amended during said calendar year with prior approval of the New Jersey Racing Commission.

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

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

Amended by R.1985 d.204, effective May 6, 1985.

See: 17 N.J.R. 173(a), 17 N.J.R. 1135(a).

(c) deleted text: "with the remainder . . . of thoroughbred horses" and substituted "with the remainder . . . New Jersey Racing Commission."

Amended by R.2000 d.34, effective January 18, 2000.

See: 31 N.J.R. 3047(b), 32 N.J.R. 321(d).

Rewrote (a); inserted new (b) through (d); and recodified former (b) through (d) as (e) through (g).

13:70-3.47 Track entrance; Coggins test requirements for horses, ponies or equine mascot

(a) No horse shall enter the grounds of any track association absent presentation of a valid certificate of a negative Coggins test. Said certificate shall:

1. Identify the horse by tattoo number;
2. Indicate said test was performed within one year prior to the date of presentation to the racing secretary;