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- 13:70-32.1 "Self-exclusion list" rules incorporated herein by reference

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.

“Clocker” means a person charged with the responsibility of timing horses at a morning workout.

“Corrupt” or “fraudulent practice” means any attempt to enrich oneself or associates, or gain any advantage, through unfair, unlawful or dishonest behavior in connection with the racing of horses.

“Declaration” means the act of withdrawing an entered horse from a race before the closing of overnight entries.

“Delay period” means the set period of time between the sounding of the bell to signal the end of wagering in each race and the time mutuel machines will not accept cancellations and are completely deactivated for the current race. This delay period can be adjusted at the discretion of the Commission from zero to 20 seconds and is available only for the protection of the mutuel clerks by permitting them to cancel wagers that patrons place and refuse to accept immediately before the beginning of the delay period.

“Disciplinary action” means revocation of a license, suspension, ruling off, fine or reprimand or any combination thereof.

“Driver” means a person who drives horses in any race at a track, matinee fair or other non-extended pari-mutuel meeting.

“Driver-trainer” means a person who is licensed as a trainer of horses who also drives horses in any race at a track, matinee fair or other non-extended pari-mutuel meeting.

“Drug” means:

1. Articles recognized in the official U.S. Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and
2. Articles intended for use in the diagnosis, cure mitigation, treatment, or prevention of disease in man or other animals; and
3. Articles (other than food) intended to affect the structure or any function of the body or other animals; and
4. Articles intended for use as a component of any article specified in paragraphs 1, 2, or 3 but does not include devices or their components, parts or accessories.

“Early bird wagering” means wagering that occurs on races in advance of the normal time racetracks open mutuel machines for their live racing program.

“Entry” means:

1. According to the requirement of the text, a horse made eligible to run in a race; or

2. Two or more horses which are entered or run in a race and are coupled because of common ties.

“Equipment”, as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots, plates and so forth.

“Exercise personnel” means any person who is conducting a jogging or a work-out of a horse for the purposes of conditioning during training hours.

“Field” (or mutuel field) means the individual horses competing in a race exceed the numbering capacity of the tote; the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together for wagering purposes and called the “field” and a bet on one is a bet on all.

“Forensic analysis” means when samples are analyzed by scientifically qualified personnel within the Forensic Science Bureau of the Division of State Police.

“Forfeit” means money due because of an error, fault, neglect of duty, breach of contract or a penalty.

“Foul or careless riding” means any and all acts of a jockey committed in the running of a race designed to gain unfair or unsportsmanlike advantage, to the end of improving his own chance or position in a race or of lessening the chance or position of another in the race.

“Horse” means filly, mare, colt, horse and gelding.

“Jockey” means a race rider, whether jockey or apprentice.

“Law” or “Laws” means chapter 17 of the General Laws of New Jersey, 1940, N.J.S.A. 5:5-22 et seq. (being the general laws pertaining to horse racing), as further amended and supplemented.

“Licensee” means any association receiving a license from the commission to conduct horse racing; and, in context, any person licensed by the commission to participate in horse racing in any capacity.

“Locked in the gate” means that a horse is prevented from leaving the post at off-time because of the failure of the front door of the gate to open simultaneously with the other doors, thus preventing said horse from starting when the other horses officially start.

“Maiden” means a horse which at the time of starting has never won a race on the flat in any country.

“Maiden jumper” means a horse which has never won a race over hurdles or fences in any country. A maiden which has been disqualified after finishing first is still a maiden.

“Month” means a calendar month.

“Nominator” means the person in whose name a horse is entered for a race.

“Off-time” means the moment at which, on signal of the starter, the horses break and start to run.

“Owner” means sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

“Place” in racing means first, second, third, fourth or fifth and in that order called “Win”, “Place”, “Show”, “Fourth” and “Fifth”.

“Positive analysis” means when the analyst has accumulated sufficient scientific data to specifically identify the suspected drug(s) or foreign substance(s) present in the biological test sample.

“Post position” means the position assigned to the horse at the starting line of the race.

“Post time” means the time set for the arrival at the starting point of the horses in a race and must be prominently displayed at a reasonable time prior to the race.

“Race” means a contest for purse, stakes, premium or wager. It includes among others all races defined in the following paragraphs:

1. “Claiming race” means a race in which any horse entered therein may be claimed in conformity to the rules.

2. “Free” or “overnight handicap” means a handicap in which no liability for entrance money is incurred.

3. “Guaranteed race” means a race for which an association guarantees by its conditions a specified purse which shall be the limit of its liability. However, if in any such case there should be any surplus from entries and subscriptions over the sum guaranteed, it shall also be paid to the winner, unless by the conditions it is to be paid to other horses in the race.

4. “Handicap” means a race in which the weights to be carried by the entered horses are adjusted by the racing secretary for the purpose of equalizing their respective chances of winning.

5. “Highweight handicap” means a handicap in which the weight assigned to the top horse in the handicap is not less than 140 pounds.

6. “Match” means a private sweepstakes between two horses which are the property of two different owners; if either of the horses entered in the match dies, or if either owner dies the match is void. It remains a match even if money or another award is added to the stakes.

7. “Optional claiming race” means a race restricted to horses entered to be claimed for a stated price and those entered not to be claimed by the option designated in the conditions of the race. In case of horses which are entered to be claimed, the race shall be considered a claiming race for the purpose of determining future penalties and allowances, and for horses entered not to be claimed, the race shall be considered an allowance or purse race.

8. “Overnight race” means any race other than a stake or added money race.

9. “Produce race” or “furity” means a race to be contested by the produce of horses which are named or identified before the closing of the entries.

10. “Purse race” means a race for money or any other prize to which the owners of the horses engaged do not contribute.

11. “Stake race” or “sweepstakes” means a race to which nominators of the engaged entries contribute to a purse; to which money, or any other award, may be added; but no overnight race, regardless of its conditions, shall be deemed a stake race.

12. “Starter race” means an overnight race under allowance or handicap conditions, restricted to horses which have previously started for a designated claiming price or less, as stated in the conditions of the race.

13. “Walkover” means when one and only one of the owners who has nominated for a race qualifies a horse or horses to start. Where only one horse or interest has qualified to start in a race, that horse shall be ridden past the judge’s stand and go to the post and shall then be deemed the winner. It shall receive all entrance fees, forfeit, but no portion of any purse, stake or added money or any other prize.

14. “Weight for age race” means a race in which weights are assigned in keeping with the scale of weights adopted by these rules.

“Race day” means a day in which a numerical majority of scheduled races is conducted and shall be a part of the permit holder’s allocated racing days.

“Race meeting” means a group of days, Sunday excepted, on which horse racing is conducted for any stake, purse or reward, at a race track.

“Recognized meeting” means any meeting wherever held under the sanction of a turf authority having reciprocal relations with the New Jersey Racing Commission and other turf authorities, for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

“Respiratory bleeder” means a horse that shows evidence of hemorrhaging from the blood vessels of the nose, accessory nasal cavities, the pharynx, larynx and/or lung.

“Rule off” means the act of debarring from the grounds of an association and denying all racing privileges.

“Rules” means the rules and regulations therein prescribed and any amendments or additions thereto.

“Running meeting” means a meeting at which all horses entered to run in flat races must be registered in the American Stud Book maintained by the Jockey Club of New York, and all horses entered to be run in steeplechases must be registered in the Jockey Club or with the National Steeplechase and Hunt Association.

“Scratch” means the act of withdrawing an entered horse from a race after the closing of overnight entries.

“Scratch time” means the time set by any association for the closing of application for permission to withdraw from race of that day.

“Stable employee” means a person who is employed by the trainer to perform duties such as hot walker or groom.

“Starter” means a horse becomes a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

“Stewards” means the steward of the meeting or their duly appointed deputies.

“Subscription” means the act of nominating a horse for a stake race.

“Suspicious analysis” means when the biological sample being tested is suspected of containing any drug(s) or foreign chemical substance(s), however the presence of other foreign substance(s) interferes with the isolation, detection and identity of the suspected substance(s).

“Tote” or “tote board” means the totalizer.

“Trainer” means a person licensed to condition horses for races.

“Untried horse” means one whose produce are maidens.

“Year” means a calendar year.

Amended by R.1976 d.125, effective April 22, 1976.  
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).  
Amended by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).  
As amended, R.1982 d.183, effective June 21, 1982.  
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).  
Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
Corrections and stylistic changes.  
Amended by R.1991 d.546, effective November 4, 1991.

See: 23 N.J.R. 2266(a), 23 N.J.R. 3340(a).

Added definitions for “Advance wagers”, “Delay period”, “Early bird wagering”.

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

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

Inserted references to N.J.A.C. 13:71 and N.J.A.C. 13:71-4.1(b) in the introductory paragraph; and inserted “Assistant trainer”, “Driver”, “Driver-trainer”, “Exercise personnel”, “Stable employee” and “Trainer”.

## SUBCHAPTER 3. RACING ASSOCIATIONS

### 13:70-3.1 Racing Days

No meeting shall race on days other than stipulated by the Racing Commission.

#### Case Notes

Cited in examination of extent of State regulation of private trade activity. *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).

### 13:70-3.2 License for running meeting

A license for a running meeting will be granted by the Racing Commission only for racing grounds affording a course of one mile or more in circumference.

### 13:70-3.3 Names of officials; fingerprints; structure changes

(a) At least 30 days prior to the first day of a race meeting, the association shall submit in writing to the Racing Commission the names of all racing officials and department heads engaged for the meeting and all contractors working within the enclosure, and no racing official, department head or contractor shall be qualified to act until he shall have been approved by the Racing Commission.

(b) All racing officials must be fingerprinted prior to the submission of their names by the track association.

(c) In the event of incapacitation of any such approved racing official, the stewards may appoint a substitute temporarily, pending the approval of the Racing Commission.

(d) Prior to the commencement of any construction, alteration, change or improvement by a permit holder of any building, structure or physical layout at, about or within its licensed premises or track enclosure by a permit holder, plans and specifications regarding such construction, alteration, change or improvement must be reviewed and approved by the Racing Commission. All costs and expenses incurred for the study and approval of plans and specifications and inspection of the construction, by a commission-appointed engineering firm, shall be borne by the permit holder (track association).

(e) All annual applications for renewal of racing permits shall include the name and resume of the experience and background of the general manager or chief operating officer of the applicant for the approval of the commission.

Amended by R.1976 d.125, effective April 22, 1976.  
See: 8 N.J.R. 46(b), 8 N.J.R. 308(a).

#### 13:70-3.4 Photographic system

The Racing Commission shall require an association to install and maintain in good service a photographic system, approved by the commission, to record the complete finish of each and every race.

#### 13:70-3.5 Ownership approval

No person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership comprising a five percent or greater interest in any association or corporation which has been or shall be granted a permit to hold or conduct a horse race meeting without first obtaining the approval of the New Jersey Racing Commission pursuant to these rules and regulations. For purposes of this section "person" shall be construed to include the spouse and/or children or any such applicant and compliance with this section shall be required of all such persons holding any interest whatsoever whenever the total interest held by such persons as an aggregate exceeds the five percent requirement. Failure to comply with this regulation shall subject the applicant to disqualification and the permit holder to the penalties and sanctions provided by law.

As amended, R.1984 d.43, effective February 21, 1984.  
See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a).  
Substantially amended.

##### Case Notes

Stockbroker's violation of requirements for disclosure by stock transferee of proposed beneficial owner and owner's personal background was not proximate cause of premium which investor paid for subsequent private purchase of stock. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

Failure to list investor as beneficial owner of race track stock violated New Jersey State Racing Commission requirement. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

#### 13:70-3.6 Annual listing of shareholders

Racing associations shall file on an annual basis with the Commission a list of all person possessing directly or indirectly any shares of stock or certificates or other evidence of ownership of any interest in any association or corporation. Said filing shall take place prior to June 1 of each calendar year.

As amended R.1984 d.43, effective February 21, 1984.  
See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a).  
Substantially amended.

##### Case Notes

Stockbroker's violation of requirements for disclosure by stock transferee of proposed beneficial owner and owner's personal background was not proximate cause of premium which investor paid for subsequent private purchase of stock. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

Failure to list investor as beneficial owner of race track stock violated New Jersey State Racing Commission requirement. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

#### 13:70-3.7 Application forms; approval

Approval may only be given to such persons who make application therefor on the form prescribed by the New Jersey Racing Commission and only when such application is filed with the Executive Director of the Racing Commission properly completed and executed in all respects.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Reference to "secretary" changed to "Executive Director".

#### 13:70-3.8 Investigation

The commission may investigate the applicant or any person named in the application, with respect to such person's criminal record, subversive activities record and any other reports concerning such persons, in order to determine whether the applicant or a person for whom ownership is indirectly or beneficially to be held has not been convicted of a crime or moral turpitude, has not violated any rules and regulations previously or presently prescribed by the New Jersey Racing Commission, and who possesses sufficient moral responsibility so as not to be detrimental to the best interests of racing in New Jersey.

#### 13:70-3.9 Review of application approval

Applications may be approved, after due consideration by the Executive Director of the Racing Commission to whom such power is delegated, but the New Jersey Racing Commission may, in its discretion, review any such findings made by the Executive Director to determine whether any applicant merits approval.

As amended, R.1982 d.183, effective June 21, 1982.  
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

"secretary" changed to "Executive Director".

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Reference to "secretary" changed to "Executive Director".

#### 13:70-3.10 Application denials; notice

When an applicant, after due consideration, cannot be approved for reasons expressed in N.J.S.A. 5:5-22 et seq., as amended and supplemented, or if, in the opinion of the New Jersey Racing Commission, approval of such person will be detrimental to the best interests of racing in New Jersey, or if an applicant will hold ownership for another whose interest is beneficial, indirect or otherwise and the indirect or beneficial owner could not qualify to hold direct ownership for reasons expressed herein, the commission may disapprove such applicant by notifying the secretary of the association or corporation licensed to conduct a horse race meeting by registered mail. Such disapproved person may request, and the commission shall hold, a hearing, which request and hearing shall be made and had as provided for in N.J.S.A. 5:5-22, et seq.

**13:70-5.24 Liability**

All the parties in any multiple ownership and each of them shall be jointly and severally liable for all stakes, forfeits and other obligations.

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

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

“a partnership” deleted and “any multiple ownership” substituted.

**SUBCHAPTER 6. ENTRIES AND SUBSCRIPTIONS****13:70-6.1 Qualified to start**

A horse shall not be qualified to start in any race unless it has been and continues properly entered therein.

**Case Notes**

Racing Commission has not regulated the right of a licensed horse owner to race his horse at a given track; Commission not proper forum for owner's dispute with racetrack for barring his horse, as the action was not taken under color of State law or regulation. *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 (1985).

**13:70-6.2 Application for license**

No horse shall be qualified in any race unless its owner, trainer and jockey have submitted application for license to the Racing Commission except as heretofore stated in N.J.A.C. 13:70-4.14.

**13:70-6.3 Racing secretary**

For all races, the racing secretary is the person authorized to receive entries and declarations.

**13:70-6.4 Written entries and declarations**

Entries and declarations shall be made in writing, and signed by the owner of the horse, or by his authorized agent or some person deputed by him, and each association shall provide blank forms on which entries and declarations are to be made.

**13:70-6.5 Coupled horses**

All horses owned wholly or in part by the same owner or the spouse of any such owner, or trained by the same trainer, must be coupled and run as an entry. For purpose of this section, “ownership” shall be construed to mean any person required to be licensed as an owner pursuant to these rules and in the instance of multiple ownerships, persons possessing at least a five percent commonality of interest in each of the respective horses. Provided, however, that when a trainer enters two or more horses in a stake, handicap, futurity or other special event under bona fide separate ownerships, the horse may, at the request of the association and with the approval of the Commission, be permitted to race as separate

wagering entities. For races worth \$500,000 or more, all horses entered to race in such races, regardless of common trainers or ownership interest, shall race as individual betting interests. If the race is split in two or more divisions, horses in an “entry” shall be seeded in separate divisions insofar as possible but the divisions in which they compete and their post positions shall be drawn by lot.

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

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

Section substantially amended.

Petition for Rulemaking.

See: 34 N.J.R. 3030(b), 3545(a).

Amended by R.2004 d.153, effective April 19, 2004.

See: 35 N.J.R. 4180(b), 36 N.J.R. 1951(a).

Inserted the fourth sentence.

Petition for Rulemaking.

See: 38 N.J.R. 2746(a), 38 N.J.R. 2746(a), 38 N.J.R. 2893(a).

**13:70-6.6 Entries or scratches**

(a) Entries or scratches may be made by telephone, but must be confirmed promptly in writing should the stewards, racing secretary, or his assistants so request.

(b) Entries made by telegraph must be confirmed in writing.

(c) In case of omission, through error, of the name or weight of a horse entered, the omission shall be rectified by the racing secretary.

**13:70-6.7 Persons with recorded interest**

Any person having a recorded interest in a horse may enter that horse, unless prohibited by the terms of partnership papers registered with the Commission.

**13:70-6.8 Joint subscriptions and entries**

Joint subscription and entries may be made by any one or more of the owners; however all partners and each of them shall be jointly and severally liable for all fees and forfeits.

**13:70-6.9 Horse entered for first time**

If entered for the first time at a meeting, a horse shall be identified by stating its name, color, sex, age and the name of its sire and dam, as registered.

**13:70-6.10 Unreported racing starts**

A horse during the past calendar year that has started in a race which is not reported in the daily racing form monthly chart books, or a maiden which at any time has started in such a race, shall not be entered at a New Jersey track until all pertinent data relating to such race is available to the racing secretary.

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

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

Grammar and punctuation.

**13:70-6.11 Denial of nominations or entries**

The nominations or entries of any person, or the transfer of any nomination or entry, may be cancelled or refused provided that notice and reason therefore is given to any affected person or persons.

As amended, R.1979 d.250, effective June 20, 1979.  
See: 10 N.J.R. 509(a), 11 N.J.R. 400(a).

**13:70-6.12 Registered horses**

No horse shall be allowed to enter or start in any flat race unless duly registered and named at the registry office of the New York Jockey Club; and no horse shall be allowed to enter or start in a steeplechase unless duly registered and named at the Jockey Club, or with the National Steeplechase and Hunt Association.

**13:70-6.13 Certificate and tattooing requirements**

No horse shall be allowed to start unless a Jockey Club registration certificate is on file with the horse identifier, and unless it has been lippedattooed, with the exception that the stewards may, in their discretion and for good cause, waive these requirements if the horse is otherwise properly identified. However, said horse shall be tattooed thereafter within a period of time that is reasonably practical.

**13:70-6.14 Licensed trainer**

No horse shall be permitted to enter or start unless it is in the care of and is saddled by a licensed trainer.

**13:70-6.15 Horse to be fully identified**

No horse shall be permitted to start that has not been fully identified.

**13:70-6.16 Maiden horses; six years or older**

No maiden over six years of age shall be permitted to enter a race at any thoroughbred track in the State of New Jersey without the express approval of the stewards, except in steeplechase or hunt races.

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

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

As amended, R.1981 d.489, effective December 21, 1981.

See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).

Added "without ... stewards,".

**13:70-6.17 Person attempting establishment of horse's identity**

Any person attempting to establish the identity of a horse or its ownership shall be held to account, the same as the owner, and shall be subject to the same penalty in case of fraud or attempted fraud.

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

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

Grammar.

**13:70-6.18 Stabling**

No horse shall be permitted to enter or start unless stabled on the grounds of the association or at a farm approved by the Commission, except with the permission of the racing secretary.

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

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

"or at ... Commission" added, "in stabling ... association" deleted.

**13:70-6.19 Ownership registered; true ownership**

No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary; and the entry of a horse must be in the name of its true ownership.

**13:70-6.20 Filing of interests or changes in interests**

All interests in a horse, except a trainer's percentage of its winnings, shall be filed with the racing secretary before the horse shall start, as also shall every change in interest thereafter during the meeting.

**13:70-6.21 Limit on number of races per day**

No horse may be entered for two races on a single day.

**13:70-6.22 Partnerships**

No horse involved in a partnership shall be permitted to enter or to start until the rules for the registration of partnerships have been complied with.

**13:70-6.23 Eligibility**

To compete in a race, a horse must be eligible at the time of starting that race.

**13:70-6.24 Disqualified persons**

A horse shall not be qualified to be entered, or to start in any race, if owned in whole or part, or if under the management, directly or indirectly, of a disqualified person.

**13:70-6.25 Return of money; disqualified persons**

If any entry from any disqualified person or of a disqualified horse is received, such entry shall be void and any money paid for such entry shall be returned if the disqualification is disclosed 45 minutes before post time for the race. Otherwise, any such money shall be paid to the winner.

**13:70-6.26 Entering or starting disqualified horse**

No horse, disqualified in any jurisdiction, shall be allowed to be entered or to start in any race without permission of the stewards.

**13:70-9.31 Allowances for contracted apprentices**

In addition to the weight allowances specified in N.J.A.C. 13:70-9.29, a contracted apprentice may claim an allowance of three pounds for an additional year when riding horses owned or trained by the original contract employer, provided that his or her contract has not been permanently transferred, since his or her fifth winner. The holder of the contract at the time the apprentice rides his or her fifth winner shall be considered the original contract holder.

Amended by R.1995 d.479, effective September 5, 1995.  
See: 27 N.J.R. 643(a), 27 N.J.R. 3374(a).

**13:70-9.32 Extension of time period**

Under exceptional circumstances which would prevent an apprentice jockey from riding during the full periods specified above, such as service in the armed forces of the United States; personal injuries suffered in the course of his or her occupation or otherwise; a disabling illness; restrictions on racing; or any other valid reason, the Commission may extend such period to compensate therefor.

**13:70-9.33 Earnings**

No contract employer shall have any interest in the earnings of a jockey.

**13:70-9.34 Filing of jockey contracts**

All contracts, or a copy of the same, between jockeys and their employers shall be filed with the Racing Commission.

**13:70-9.35 Written contracts required**

An owner or trainer employing a jockey for a period of more than 31 days shall make a contract in writing with such jockey.

**13:70-9.36 Weighing out**

The specified jockeys shall be weighed out for their respective mounts in each race by the clerk of the scales not less than 20 minutes before the time fixed for the race. In case of a substitution of riders after the original rider has been weighed out, the substitute rider shall be weighed out as promptly as possible and the name of the substitute and his weight publicly announced and posted.

**13:70-9.37 Jockey agent license**

Each jockey agent must obtain a license from the Racing Commission, which entitles him to represent not more than two jockeys.

**13:70-9.38 Engagements**

No jockey agent shall make or assist in making of any engagement for any rider other than those he is licensed to represent.

**13:70-9.39 Dismissed agent; transfer of license**

(a) An agent who is dismissed by his employer must make available a complete list of the engagements he has contracted for.

(b) With the permission of the stewards, he may transfer his license in order to represent a different jockey.

**13:70-9.40 Agent's records**

An agent shall maintain separate and accurate records of all engagements contracted for riders he represents, and at all times have such records available for examination by the stewards. Failure to maintain such records constitutes neglect, and is subject to disciplinary action.

**13:70-9.41 Jockey agent license fee**

Each jockey agent must obtain a license from the Racing Commission, and the fee therefor shall be \$50.00.

Amended by R.1993 d.43, effective January 19, 1993.  
See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Revised fee.

**13:70-9.42 Actions pending application decision**

The stewards may permit an applicant to act pending decision on his application for a license.

**13:70-9.43 Engagements for other jockeys**

If, for good reason, a jockey agent is short of his permissible quota of jockeys and wishes to take on the task of making engagements for a rider not named in his license he must obtain permission from the stewards and the Racing Commission before making any such engagements.

**13:70-9.44 Termination of contract; notice**

If any jockey agent gives up the making of engagements for any rider, he shall immediately notify the stewards, the Racing Commission and the clerk of the scales; and he shall also turn over to the stewards a list of any unfilled engagements he may have made for that rider.

**13:70-9.45 Agent's fees**

A jockey agent may charge a jockey or apprentice \$2.00 for each winning mount obtained by him and \$1.00 for each other mount obtained by him, but shall receive no recompense for engagements made by the rider himself or by his contract employer, or clerk of the scales.

**13:70-9.46 Record of engagements**

(a) Each jockey agent shall keep, on a form provided by the association, a record by races of all engagements made by him, for the jockeys he is handling.

(b) This record shall include the day and the hour of making each engagement and the calls shall be numbered in

the order of their priority whenever more than one is given for any rider in any race.

(c) This record must be kept up to date and held ready at all times for inspection by the stewards or the clerk of the scales.

#### 13:70-9.47 Rival claims for rider's services

All rival claims for the services of a rider will be adjudged by the stewards in the light of the records submitted by the jockey agents.

#### 13:70-9.48 Touting information; agent

A jockey agent shall not give to anyone, directly or indirectly, any information or advice, or engage in the practice commonly known as "touting" for the purpose of influencing any person, or that would tend so to do, in the making of a wager on the result of any race.

#### 13:70-9.49 Falsification of records

Any agent who falsifies his record shall be penalized by the revocation of his license and any agent so penalized shall be ineligible for another license for a term of 12 months from the day of the revocation.

#### 13:70-9.50 Agent's assistance; rival claims

Jockey agents will be called to explain rival claims for any amount or for any rider and inability to satisfy the stewards that the rival claims arose through honest *bona fide* error shall be considered a falsification of records, and his license revoked.

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### SUBCHAPTER 10. PADDOCK TO POST

#### 13:70-10.1 Saddled horses in paddock

Every horse must be saddled in the paddock.

#### 13:70-10.2 Time schedule

Horses must be in the paddock 20 minutes before post time, time schedule permitting.

#### 13:70-10.3 Saddle number

In a race, each horse shall carry a conspicuous saddle cloth number, corresponding with its number on the official program. Each horse making up an entry shall carry the same number, with distinguishing letter; for example, 1, 1A; 2, 2X and so forth. In the case of a mutuel field, horses comprising the field shall carry an individual number; for example, 12, 13, 14 and so on.

#### 13:70-10.4 Full parade

All horses shall make a full parade, unless excused from doing so by the stewards.

#### 13:70-10.5 Weights

All horses shall carry their respective weights from paddock to post. If a jockey is thrown in the parade, the horse must be returned to be remounted at the point where the jockey was thrown, and must complete its parade with its assigned weight up.

#### 13:70-10.6 Time period

After entering the track, not more than 12 minutes shall be consumed in the parade to the post, except in cases of unavoidable delay. After passing the stands once, the horses will be allowed to canter, warmup or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

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

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

Pluralized "horses".

#### 13:70-10.7 Equipment changes

Permission for any change of equipment from that which a horse carried in his last previous race can be obtained only from the stewards and must be obtained before scratch time on the day when the horse is to run with changed equipment.

#### 13:70-10.8 Blinkers

Permission for a horse to add blinkers to his equipment or to discontinue the use of them must be approved by the starter before being granted by the stewards.

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### SUBCHAPTER 11. POST TO FINISH

#### 13:70-11.1 Crossing or weaving

When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation.

#### Case Notes

Jockey's lack of due care in controlling horse warrants suspension. *Lopez v. New Jersey Racing Commission*, 97 N.J.A.R.2d (RAC) 16.

Jockey's crossing and weaving during three races justified week-long suspension. *Black v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 15.

Jockey's suspension for careless riding upheld when tapes showed his horse had changed lanes and come into contact with another horse. *Lopez v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 5.

Horse brushing or bumping another horse in stretch interfering with the progress of that horse warranted disqualification. *Bonaventura v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 33.

Winning horse's unintentional bumping of another horse; disqualification. *Levy v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 11.

Failure to control horse resulting in collision; regulation violated; suspension ordered. *New Jersey Racing Commission v. Martinez*, 93 N.J.A.R.2d (RAC) 1.

### 13:70-11.2 Jostling

No horse or jockey shall willfully jostle another horse.

### 13:70-11.3 Touching or striking

No jockey shall willfully strike or touch another jockey's horse or equipment for the purpose of interfering with that horse or jockey.

### 13:70-11.4 Shortening stride

No jockey shall unnecessarily cause his horse to shorten its stride with a view to complaint.

### 13:70-11.5 Frivolous complaints

No owner, trainer or jockey shall complain frivolously that his horse was crossed or jostled.

### 13:70-11.6 Complaints

The stewards shall take cognizance of foul or careless riding and may entertain reports from other racing officials of the meeting whether or not formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, owner or trainer of the horse alleged to have been interfered with.

### 13:70-11.7 Disqualifications; fouls

If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest, or coupled in the betting through a mutuality of interest, may also be disqualified.

### 13:70-11.8 Extent of disqualification

The stewards are vested with power to determine the extent of disqualification in cases of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

### 13:70-11.9 Horses' best effort

(a) All horses shall be ridden out in every race.

(b) If two or more horses run in one interest in any race, each shall give its best effort.

(c) The practice of declaring to win with one of the other of such horses will not be allowed.

### 13:70-11.10 Jockey's best effort

A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of the race, such jockey shall be penalized by the stewards according to the gravity of the offense.

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

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

Administrative correction.

### 13:70-11.11 Automatic disqualification; purse

A horse which leaves the course or loses its jockey during the running of a race is automatically disqualified and placed last. Any portion of a purse that would normally accrue to such horse shall revert to the association.

### 13:70-11.12 Abusive whipping by a jockey

Every jockey shall be responsible for the proper use of his or her whip during the running of a race. Whips may be used for the purpose of encouraging a horse to give forth its best effort during the running of a race, but shall not be used in an abusive or reckless manner. The stewards shall take cognizance of the manner in which a whip is used during the riding of a race and at all times thereafter and shall make such determinations as they deem appropriate with respect to whether or not there has been an abusive use of a whip and/or reckless use of a whip. If, in the opinion of the stewards, an abuse of the whip or a reckless use of the whip has been committed, the offending jockey shall be fined and/or suspended by the stewards.

New rule, R.1988 d.559, effective December 5, 1988.

See: 20 N.J.R. 2038(a), 20 N.J.R. 3025(a).

## SUBCHAPTER 12. CLAIMING

### 13:70-12.1 Claiming races on the flat

In claiming races on the flat, other than open claiming pursuant to N.J.A.C. 13:71-14.36, any horse is subject to claim for its entered price by any owner who has started a horse on the flat at the meeting at which the claim is made and who also has been assigned stalls on a permanent basis on the premises of a licensed New Jersey racetrack, or who has been assigned stabling at an approved farm in the State of New Jersey.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1982 d.183, effective June 21, 1982.

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

"Any licensed . . . individually" added.

Amended by R.1986 d.215, effective June 16, 1986.

See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a).

Deleted text "Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually." Added text "and who also . . . of New Jersey."

Amended by R.1987 d.420, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(a), 19 N.J.R. 1911(a).

Added text "other than open claiming pursuant to N.J.A.C. 13:71-14.36".

### 13:70-12.2 Restrictions; claiming privileges

The stewards at their discretion may permit an owner racing from out-of-state to replace a horse claimed from him even though the owner does not meet the stabling requirements of N.J.A.C. 13:70-12.1.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1986 d.215, effective June 16, 1986.

See: 18 N.J.R. 546(a), 18 N.J.R. 1308(c).

Added text "even though the . . . N.J.A.C. 13:70-12.1."

### 13:70-12.3 Claiming races over jumps or hurdles

In claiming races over jumps or hurdles any horse is subject to claim for its entered price by any owner who has started a horse in a steeplechase or hurdle race at the meeting at which the claim is made.

### 13:70-12.4 Claimed horse

For a period of 20 days after the claim, any claimed horse shall not race for a claiming price of less than 25 percent more than the price for which it was claimed. Any subsequent changes in the official order of finish posted by the Stewards on the day which the horse was claimed shall not affect this requirement.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1984 d.524, effective November 19, 1984 (operative January 1, 1985).

See: 16 N.J.R. 2348(a), 16 N.J.R. 3215(a).

(b): Delete "in which the weight to be carried is assigned by the handicapper".

Amended by R.1994 d.134, effective March 21, 1994.

See: 25 N.J.R. 1059(a), 26 N.J.R. 1354(b).

Repeal and New Rule, R.1996 d.539, effective November 18, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3889(a), 28 N.J.R. 4897(a).

Emergency adoption and concurrent proposal, R.2001 d.216, effective June 8, 2001 (operative June 13, 2001).

See: 33 N.J.R. 2342(a).

Substituted "20" for "30", and deleted "which finishes first or second in the race from which it was claimed." following "any claimed horse". Adopted concurrent amendment, R.2001 d.319, effective September 4, 2001.

See: 33 N.J.R. 2342(a), 33 N.J.R. 3031(a).

Adopted provisions of R.2001 d.216 without change.

### 13:70-12.5 Claimed horse racing elsewhere

A claimed horse shall not race elsewhere until after the close of the meeting at which it was claimed. Nothing in this rule shall preclude any claimed horse from entering any stake race.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

### 13:70-12.6 Agents

A claim may be made by a licensed authorized agent, but an agent may claim only for the account of those for whom he is licensed as agent.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

### 13:70-12.7 Claiming own horse

No person shall claim his own horse, or cause his own horse to be claimed, directly or indirectly, for his own account.

### 13:70-12.8 Claimed horse; stabled

No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.

### 13:70-12.9 Number of claims

No person shall claim more than one horse in any one race. No authorized agent, although representing several owners, shall submit more than one claim in any one race. No person shall place or cause to be placed more than one claim form in the claim box under any circumstances.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

### 13:70-12.10 Stable claims

When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

### 13:70-12.11 Agreements

No person shall offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race; and no owner or trainer shall make any agreement for the protection of each other's horses in a claiming race.

### 13:70-12.12 Intimidation

No person shall attempt by intimidation or threat of bodily harm to prevent anyone from racing a horse in any claiming race for which it is entered.

As amended, R.1980 d.95, eff. February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

### 13:70-12.13 Affidavits

The Stewards may, at any time, at their discretion, require any person who has filed a claim to make affidavit in writing that he is claiming in accordance with the rules; and claims which are not made in keeping with the rules shall be void.

As amended, R.1980 d.95, eff. February 27, 1980.  
See: 11 N.J.R. 436(a), 12 N.J.R. 208(c).

**13:70-12.14 Form of claims**

All claims must be made in writing, on forms and in envelopes furnished by the association. Both forms and envelopes must be filled out completely, and must be accurate in every detail, otherwise, the claim shall be void. For purpose of compliance with this rule, the name of the horse as appearing in the program and/or Daily Racing Form shall govern.

As amended, R.1980 d.95, eff. February 27, 1980.  
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

**13:70-12.15 No money in claim box**

No money or its equivalent shall be put in the claim box. For a claim to be valid the claimant must have a credit balance in his account with the association's horsemen's accountant of not less than the amount of the claim, plus New Jersey sales tax. No claimant shall deplete his account after entering a claim for any horse for a period of two hours from the time the said claim was entered.

As amended, R.1980 d.95, eff. February 27, 1980.  
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

**13:70-12.16 Time; claims**

Claims must be deposited in the claim box at least 10 minutes before post time of each race.

Amended by R.1986 d.171, effective May 19, 1986.  
See: 18 N.J.R. 402(a), 18 N.J.R. 1104(c).  
Claims deposited changed from 15 to 10 minutes.

**13:70-12.17 Irrevocability**

Claims are irrevocable.

**13:70-12.18 Opening claim envelopes**

Prior to off-time, the stewards, or their appointed deputy, shall open the claim envelopes for each race, and thereafter check with the horsemen's accountant to ascertain whether the proper credit balance has been established with the association. The association shall provide an agent who shall deliver the claim box to the Steward's stand.

As amended, R.1980 d.95, eff. February 27, 1980.  
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

(e) Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee, Counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the Executive Director or his designee.

(f) Information received and reports prepared pursuant to this rule shall be stored in a locked secure area in the office of the Executive Director for a period of one year, after which time, they shall be destroyed. However, the Commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

Amended by R.1985 d.602, effective December 2, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1640(a), 17 N.J.R. 2912(a).

Substantially amended.

Amended by R.1985 d.641, effective December 16, 1985.

See: 17 N.J.R. 2363(a), 17 N.J.R. 2996(a).

Amended by R.1991 d.75, effective February 19, 1991.

See: 22 N.J.R. 3451(a), 23 N.J.R. 611(a).

New (d)1.-4., added restrictions for individuals who have tested positive for a controlled dangerous substance or prescription medication without a valid prescription.

#### Case Notes

Regulation valid as reasonable under the Fourth Amendment; drug disclosure form did not violate jockeys' privacy interests; urinalysis test information use regulations must also be applied to breathalyzer test results; tests to be conducted privately. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

Preliminary injunction denied to jockeys who sought to halt implementation of Commission's breathalyzer and urine test regulations, as they did not establish a likelihood of success on the merits of their unconstitutionality claim; horse racing comes within a recognized "pervasively regulated business" exception to the administrative search warrant requirement. *Shoemaker v. Handel*, 608 F.Supp. 1151 (D.N.J.1985).

#### 13:70-14A.12 Anti-recombinant human EPO antibody testing program

(a) A determination by the Racing Commission Equine Testing Laboratory that a pre-race or post-race blood sample taken from a horse entered to start in a race pursuant to N.J.A.C. 13:70-14A.2 is positive for elevated titers of anti-recombinant human EPO antibody, as a result of post-race testing utilizing the anti-recombinant human EPO antibody

test, shall result in the following actions by the Racing Commission Board of Stewards:

1. The Racing Commission State Veterinarian shall be notified of the name of the horse for placement on the Veterinarian's list pursuant to N.J.A.C. 13:70-19.36.

2. The Board of Stewards shall authorize a search of the premises occupied by the stable involved pursuant to N.J.S.A. 13:70-14A.5.

3. Unless the Board of Stewards determine otherwise as a result of a hearing requested pursuant to (a)4 below, the horse shall not be permitted to enter a race or to race until such time as the owner or trainer makes the horse available for retesting by the Racing Commission pursuant to (b) below, and the testing results are determined negative with the anti-recombinant human antibody test. In the event retesting determines that the horse is negative with the anti-recombinant human EPO antibody test, the Board of Stewards shall cause the horse to be removed from the Veterinarian's list and the horse shall be eligible to enter races and compete in races.

4. The owner and trainer of the horse shall be notified by the Board of Stewards in writing of: the initial positive test result for elevated titers of anti-recombinant human EPO antibody; that a hearing will be afforded by the Board of Stewards, following written request to them, at which hearing the owner and/or trainer of the horse can challenge the validity of the positive test results of the Racing Commission Equine Testing Laboratory; and that the horse is not permitted to race until the terms of (b) below are satisfied, unless the results of any requested hearing demonstrates to the satisfaction of the Board of Stewards that the horse was negative for elevated titers of anti-recombinant human EPO antibody as a result of the initial anti-recombinant human EPO antibody test. In the latter case, the Board of Stewards shall remove the horse from the Veterinarian's list and the horse shall be permitted to race.

(b) An owner or trainer whose horse has tested positive for elevated titers of anti-recombinant human EPO antibody may not request that its horse be retested until 21 days following the date of the initial positive test as reported by the Racing Commission's Equine Testing Laboratory. If any retest of the horse results in a Racing Commission determination that the horse is or remains positive with the anti-recombinant human EPO antibody test, the owner or trainer may not request that its horse be retested again until 21 days following the date of the last positive retest as reported by the Racing Commission's Equine Testing Laboratory. All requests after the initial positive test for the retesting of a horse shall be in writing and directed to the Board of Stewards, accompanied by a \$50.00 payment for administrative and testing costs. Following receipt of a timely request for retesting, the production of the horse at a permitted racetrack premises in this State approved by the Board of Stewards, and the receipt of the \$50.00 retesting fee, the Board of Stewards shall direct

the State Veterinarian to take a blood sample from the horse for the purpose of retesting.

(c) Any horse claimed from a race pursuant to N.J.A.C. 13:70-12, Claiming, shall have its blood tested for elevated titers of anti-recombinant human EPO antibody. The successful claimant shall have the option to void the claim should the claimed horse test positive with the anti-recombinant human EPO antibody test.

(d) A horse which tests positive with the anti-recombinant human EPO antibody test remains subject to the requirements of this rule despite being sold, otherwise transferred, or claimed where the claimant elects not to void the claim as authorized by (c) above.

(e) The split sample testing provision of N.J.A.C. 13:70-14A.4(d), which is limited to where testing is conducted on a horse's urine sample, shall not be applicable to anti-recombinant human EPO antibody testing conducted pursuant to this section.

New Rule, R.2006 d.101, effective March 6, 2006.  
See: 37 N.J.R. 3784(a), 38 N.J.R. 1322(a).

## SUBCHAPTER 15. RACING OFFICIALS

### 13:70-15.1 List of racing officials

(a) The racing officials shall include:

1. Three stewards, appointed by the Racing Commission and paid by the Association;
2. Three placing judges;
3. Clerk of the scales;
4. Three or more patrol judges;
5. Starter;
6. Paddock Judge;
7. Racing secretary, who may also be the handicapper;
8. Timer;
9. State Veterinarian and two or more Associate State Veterinarians;
10. A mutuel manager, general manager and all other managers and persons having administrative responsibility;
11. Chief State Veterinarian; and
12. Horse identifier.

As amended, R.1976 d.125, eff. April 22, 1976.  
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).  
As amended, R.1978 d.133, eff. April 19, 1983.  
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).  
As amended, R.1978 d.269, eff. August 1, 1978.  
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

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

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

(a)12 added.

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

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

Change from one to all three stewards to be appointed by Racing Commission.

Administrative Correction in (a)1.

See: 24 N.J.R. 2063(b).

### 13:70-15.2 Appointment

The stewards, a State Veterinarian and Associate State Veterinarians, and a supervisor of mutuels shall be appointed by the Racing Commission. One of the duly appointed State Veterinarians shall also be designated by the Racing Commission as the Chief State Veterinarian and shall so serve at the pleasure of the Racing Commission. All other racing officials listed in N.J.A.C. 13:70-15.1 shall be appointed by the association, subject to the approval of the Commission.

As amended, R.1978 d.133, eff. April 19, 1978.

See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.

See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

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

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

Change from one to all three stewards to be appointed by Racing Commission.

### 13:70-15.3 Submission of names of officials

At least 30 days prior to the first day of a race meeting, the association must submit in writing to the Racing Commission the names of those officials listed in section 1 of this subchapter and must furnish a resume of their qualifications. No racing official shall be approved to act until he has been approved by the Racing Commission.

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

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

### 13:70-15.4 Certificates; vision

All persons approved in the capacity of steward, placing and/or patrol judge, starter and clerk of the scales must submit annually a certificate from a recognized oculist or optometrist to the effect that their vision in both eyes is 20/20 or corrected to that figure.

### 13:70-15.5 Weekly compensation

The compensation to be paid to those officials appointed by the Racing Commission shall be determined by the commission and shall be paid by the association on a weekly basis.

### 13:70-15.6 Horse ownership or interest; officials

No one interested in the result of a race, either because of ownership of any horse entered or of its sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race.

**13:70-29.26 Errors in pay-off figures**

(a) If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off irrespective of the error on the public board.

(b) If because of mechanical failure, it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and correction.

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

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

In (a), "of" corrected to "on" the public board.

**13:70-29.27 Overpays or underpays**

Overpays caused by errors of the totalisator shall be paid by the totalisator company.

As amended, R.1979 d.274, eff. July 18, 1979.

See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

**13:70-29.28 Mechanical breakdowns**

(a) In the event of an irreparable breakdown of the totalisator, or the ticket issuing machines, or both, during the wagering on a race, the wagering for that race shall be declared closed.

(b) The pay off for that race shall be computed on the sums wagered in each pool up to the time of the breakdown.

(c) In the event of any totalisator malfunction requiring the totalisator company to purchase any non-issued ticket "lost" in the totalisator computer, the totalisator company shall be permitted to credit losing tickets so purchased to the extent of winning tickets similarly purchased. The proceeds of such winning tickets which exceed any credit for losing tickets shall revert to the State.

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

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

(c) added.

**13:70-29.29 Refunds**

(a) In all cases when a horse has been excused by the stewards after wagering has started, but before off-time, all money wagered on the horse so excused shall be deducted from the pool and be refunded.

(b) If a horse is left at the post at off-time there shall be no refund, but if one horse or more is prevented from leaving the post at off-time because of being locked in the gate, the money wagered on said horse or horses so locked in the gate shall be deducted from the pool and be refunded.

(c) If no horse finishes in a race, all money wagered on that race shall be refunded.

(d) If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refund unless all of the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate. Discretion is, however, vested in the stewards to order a refund wherein a part of an entry in a stake, handicap or futurity is excused before off-time where it is in the public interest to do so. In such an instance, the remaining part of the entry shall race for the purse only.

(e) In the case of a race postponed beyond the day originally scheduled, as provided for in N.J.A.C. 13:70-6.50, all money wagered on said race shall be refunded.

(f) If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

(g) In the event track conditions require a turf race to be moved to the main track, advance wagers shall be refunded at the request of the bettor up until post-time of the race immediately preceding the scheduled turf race. This does not apply to Super-Six wagers.

New Rule, R.1987 d.120, effective March 2, 1987.

See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d).

Old rule "Excused horses, refunds" has been repealed.

**13:70-29.30 through 13:70-29.34 (Reserved)**

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

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

Added text in 29.32: "Discretion is, . . . purse only."

Repealed by R.1987 d.120, effective March 2, 1987.

See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d).

Repeal of sections 29.30 through 29.34.

**13:70-29.35 No wagers to win**

If a horse wins and there is not money wagered on him to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any; otherwise, among holders of the show tickets.

**13:70-29.36 Place pool apportionment**

If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which has placed first or second.

**13:70-29.37 Show pool apportionment**

If no money has been wagered to show on a horse which placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

**13:70-29.38 One horse finishing race**

If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse.

**13:70-29.39 Two horses finishing race**

If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

**13:70-29.40 Rulings after display of official sign**

Any ruling of the stewards with regard to the award of purse money made after the sign "Official" has been purposely displayed by the placing judges shall have no bearing on the mutuel pay-off.

**13:70-29.41 Copies of reports**

The manager of the pari-mutuel department shall furnish a copy of all (take-off) computer print-out and calculating sheets to the supervisor of mutuels immediately after completion.

**13:70-29.42 Payments**

(a) Payments due on all wagers shall be made in conformity with the well established practice of the pari-mutuel system.

(b) Money wagered on winning tickets is returned in full plus the profits.

(c) The practice is to work in dollars and not in the number of tickets.

(d) The break permitted by law is deducted in all of the calculations arriving at the pay-off prices; that is, the odd cents over any multiple of ten cents of winnings per dollar wagered are deducted and retained by the licensee, to be paid to the State.

(e) Unless contingencies arise not covered herein, the practice shall be as follows.

**13:70-29.43 Calculating the pay-off in a straight pool**

(a) The Commission authorized by law is deducted from the sum total wagered in the straight pool. The balance is called the "net pool."

(b) The amount wagered on the winner is then divided into the "net pool." The quotient thus obtained is the pay-off price on the winner for each dollar wagered, and it includes the dollar wagered on the winner.

**13:70-29.44 Calculating the pay-off in a place pool**

(a) The Commission authorized by law is deducted from the sum total wagered in the place pool. The balance is called "net pool."

(b) The sum total of the amount wagered in the place pool on the horses placed first and second is deducted from the "net pool." This gives a remainder which is the profits or winnings. The said profit is divided into two equal parts, that is, between those who wagered, in the place pool, on the winner and those who wagered on the horse that was placed second.

(c) Using the amount wagered in the place pool on the winner "to place" as a divisor and one-half of the profits of the place pool, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the winner "to place."

(d) Using the amount wagered in the place pool on the horse placed second "to place" as a divisor and the other half of the profits, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar wagered in the place pool on the second horse "to place."

(e) In each of the subsections (c) and (d) of this Section the profit per dollar wagered is the resultant. The sums wagered on the horses placed first and second must be returned; therefore, add to the quotient the dollar taken out of the "net pool" in subsection (b) above. The result is the pay-off price for each dollar wagered on horses placed first and second in the place pool.

**13:70-29.45 Calculating the pay-off in a show pool**

(a) The Commission authorized by law is deducted from the sum total wagered in the "show pool." The balance is called the "net pool."

(b) The sum total of the amount wagered in the show pool on the horses, placed first, second and third is deducted from the "net pool." This gives a remainder which is the profit, or winnings. The said profit is divided into three equal parts; that is, among those who wagered in the show pool on the winner, the second horse and the third horse.

(c) Using the amount wagered in the show pool on the winner "to show" as a divisor and  $\frac{1}{3}$  of the profits of the show pool, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar wagered in the show pool on the winner "to show."

(d) Using the amount wagered in the show pool on the horse placed second "to show" as a divisor and one-third of the profits, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the second horse "to show."

(e) Using the amount wagered in the show pool on the horse placed third "to show" as a divisor and one-third of the profits, as specified in subsection (b) of this Section, as a dividend, the quotient thus obtained is the profit per dollar in the show pool wagered on the third horse "to show."