

**CHAPTER 70**

**HORSE RACING**

**Authority**

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

**Source and Effective Date**

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

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

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

**Chapter Historical Note**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Law Review and Journal Commentaries**

Horse Drugging—The New Jersey Trainer Absolute Insurer Law. Luke P. Iovine, III, John E. Keefe, Jr., 1 Seton Hall J. Sport L. 61 (1991).

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**SUBCHAPTER 1. GENERAL RULES**

**13:70-1.1 Applicability**

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

**Case Notes**

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

**13:70-1.2 Gender**

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

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

(a) The rules, regulations and conditions under which all horse racing shall be conducted in the State of New Jersey are prescribed by the racing law (N.J.S.A. 5:5-22 et seq.) and by the New Jersey Racing Commission.

**13:70-9.5 Pending application**

The stewards may permit a jockey to ride pending action on his or her application.

**13:70-9.6 Jockey's interest in horses**

If a jockey owns wholly or in part a race horse in training at a meeting or has an interest in the winnings of such a horse, he or she shall not be permitted to ride any other horse at the meeting.

**13:70-9.7 Owner or trainer consent to ride**

A jockey shall not ride or agree to ride in any race without the consent of an owner or trainer to whom he or she is under contract.

**13:70-9.8 Jockey under contract**

No jockey under contract of employment shall ride against his or her contract employer.

**13:70-9.9 Jockey's appearance**

In riding, a jockey must be neat in appearance. He or she must wear conventional attire and the racing colors of the owner for whom he or she is riding.

**13:70-9.10 Smoking**

A jockey shall not be allowed to smoke in public while wearing racing colors.

**13:70-9.11 Protective skull cap**

A jockey must wear a suitable reinforced protective skull cap.

**13:70-9.12 Safety helmet**

(a) All jockeys, whether riding in a race or exercising horses, or any person exercising horses, shall wear a safety helmet of a type approved, in writing, by the stewards; and no change shall be made in any such helmet without the written approval of the stewards.

(b) It shall be the joint responsibility of the trainer, jockey or any person exercising horses to comply with his rule.

**13:70-9.13 Jockey's number**

A jockey shall wear on his or her right arm a number corresponding to the number of the horse in the official program.

**13:70-9.14 Reporting to jockey room**

Every jockey who is engaged to ride in a race shall report to the jockey room at the time required by the clerk of the scales. He or she shall then report any over-weight to the clerk of the scales and thereafter shall not leave the jockey

room until all his or her engagements have been fulfilled, except with the permission of the stewards.

**13:70-9.15 Reporting to jockey room; stake race**

Every jockey who has an engagement in a stake race must report to the jockey room not later than one hour before post time of that race, unless obtaining specific permission from the stewards to the contrary.

**13:70-9.16 Betting by jockeys**

No jockey shall bet on any race except through the owner of and on the horse which he rides.

**13:70-9.17 Touting information; jockey**

A jockey shall not give to anyone directly or indirectly any information or advice, or engaged in the practice commonly known as "touting", for the purpose of influencing any person in the making of a wager on any race.

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

**13:70-9.18 Jockey fees**

Jockey's fees in the absence of a contract shall be as follows:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$ 2,000-3,400	10% of Win Purse	\$45.00	\$35.00	\$33.00
3,500-4,900	10% of Win Purse	55.00	45.00	35.00
5,000-9,900	10% of Win Purse	65.00	50.00	40.00
10,000-14,900	10% of Win Purse	75.00	60.00	45.00
15,000-24,900	10% of Win Purse	5% of Place Purse	5% of Show Purse	50.00
25,000-49,900	10% of Win Purse	5% of Place Purse	5% of Show Purse	60.00
50,000 & Up	10% of Win Purse	5% of Place Purse	5% of Show Purse	75.00

As amended, R.1983 d.512, effective November 7, 1983, operative January 2, 1984.  
See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).  
Deleted old fee schedule and added new fee schedule.  
As amended, R.1984 d.444, effective October 1, 1984.  
See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a).

**13:70-9.19 Dead heats**

In a dead heat for first place, the jockeys involved shall each receive 10 percent of the purse money awarded to the owner by whom he is engaged. In all other dead heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other.

As amended, R.1978 d.132, effective April 19, 1978.  
See: 9 N.J.R. 540(a), 10 N.J.R. 295(b).

**13:70-9.20 Forfeiture of winning purse; jockey's fees**

In the event that a winning purse is forfeited through subsequent ruling of the stewards and/or Racing Commission, after the result has originally been made official, the winning fee shall be paid to the jockey whose mount is ultimately adjudged the winner, and the original winner shall be credited only with a losing mount.

**13:70-9.21 Proof of physical and mental capacity**

A jockey may be required to submit adequate proof, in the form of a medical affidavit, that he or she is physically and mentally capable of performing the duties of a jockey.

**13:70-9.22 Start of suspension**

The suspension of a jockey for an offense not involving fraud shall begin on the second day after imposition of the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately on imposition of the ruling.

**13:70-9.23 Fines**

A fine must be paid by the jockey, him or herself. Any other person paying it shall be subject to disciplinary action.

**13:70-9.24 Agents**

Every jockey may have one agent, and no more. All engagements to ride, other than those for a contract employer, shall be made by the jockey, his or her agent or employer, or by the clerk of the scales.

**13:70-9.25 Jockey's attendants; restriction**

No jockey shall have an attendant other than those provided by the association.

**13:70-9.26 Jockey apprentices; rules**

Jockey apprentices shall be bound by all the rules for jockeys.

**13:70-9.27 Application for apprentice license**

An application for a license as apprentice jockey shall be accompanied by proof of at least one year's service with a racing stable; and, if the apprentice has not previously ridden in races, by a certificate of proficiency from the starter. A birth certificate or satisfactory evidence of date of birth may be required if deemed necessary.

**13:70-9.28 Riding pending application decision**

The stewards may permit an applicant to ride pending decision on his application.

**13:70-9.29 Claims**

(a) Any person who has never previously been licensed as a jockey in any country, and who has complied with the conditions set forth in N.J.A.C. 13:70-9.27, may claim in all overnight races except handicaps the following allowance:

1. A 10 pound allowance until the apprentice has ridden five winners;
2. A seven pound allowance until apprentice has ridden an additional 30 winners; and
3. If an apprentice has ridden a total of 35 winners, prior to the end of a period of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year.

Amended by R.1989 d.108, effective February 21, 1989.

See: 20 N.J.R. 2996(a), 21 N.J.R. 451(b).

Substantially amended.

Amended by R.1995 d. 479, effective September 5, 1995.

See: 27 N.J.R. 643(a), 27 N.J.R. 3374(a).

Amended by R.1996 d.395, effective August 19, 1996.

See: 28 N.J.R. 2794(a), 28 N.J.R. 3969(b).

For a seven pound allowance reduced the number of additional winners from 35 to 30.

**13:70-9.30 Apprentice contracts**

(a) An apprentice jockey must be at least 16 years of age to enter into a contract with a racing stable for a period not to exceed three years. Such contracts must be filed with the Racing Commission, and submitted to the stewards for their approval, and are binding in all respects on the signatories thereof.

(b) In lieu of a contract, an apprentice jockey certificate may be issued by the stewards and must be filed with the Racing Commission. The certificate shall terminate three years from date of issuance, except as set forth in N.J.A.C. 13:70-9.32.

Amended by R.1989 d.107, effective February 21, 1989.

See: 20 N.J.R. 2996(b), 21 N.J.R. 451(c).

Substantially amended.

**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).