

CHAPTER 74A
SELF-EXCLUSION LIST

Authority

N.J.S.A. 5:5-30, 5:5-65.1 and 5:5-65.2.

Source and Effective Date

R.2004 d.399, effective October 18, 2004.
See: 36 N.J.R. 2980(a), 36 N.J.R. 4828(a).

Chapter Expiration Date

Pursuant to Executive Order No. 1(2010), the chapter expiration date is extended from April 16, 2010 until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

Chapter Historical Note

Chapter 74A, Self-Exclusion List, was adopted as R.2004 d.399, effective October 18, 2004. See: Source and Effective Date.

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 74A, Self-Exclusion List, was scheduled to expire on April 16, 2010. See: 41 N.J.R. 3785(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

13:74A-1.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Account wagering licensee" means the New Jersey Sports and Exposition Authority, provided that the Racing Commission has granted its approval for the Authority to establish an account wagering system consistent with N.J.A.C. 13:74.

"Off-track wagering licensee" means the New Jersey Sports and Exposition Authority, provided that the Racing Commission has granted its approval for the Authority to conduct an off-track wagering facility or facilities consistent with N.J.A.C. 13:74.

"Permit holder" means the holder of a permit issued by the Racing Commission, authorizing the holder thereof upon a racetrack premises in this State to conduct live thoroughbred or harness horse racing and to offer pari-mutuel wagering thereupon, all pursuant to N.J.A.C. 13:70 or 13:71.

"Self-exclusion list" means a list maintained by the Racing Commission, consisting of individuals who have complied with the procedure set forth in this chapter for placement thereupon.

"Self-excluded person" means an individual who has complied with the application procedure set forth in this chapter for voluntary placement upon the "self-exclusion list," whose name appears on the "self-exclusion list" maintained by the Racing Commission in accordance with this chapter, and who is subject to the provisions of this chapter.

13:74A-1.2 Applicability

This chapter and its provisions shall be equally applicable to the Racing Commission rules appearing at N.J.A.C. 13:70, Horse Racing and N.J.A.C. 13:71, Harness Racing, and to the Racing Commission rules appearing at N.J.A.C. 13:74, Off-Track Wagering and Account Wagering. See N.J.A.C. 13:70-32.1, 13:71-30.1 and 13:74-12.1.

SUBCHAPTER 2. APPLICATION FOR AND EFFECT OF
PLACEMENT ON SELF-EXCLUSION LIST

**13:74A-2.1 Self-exclusion list; application for placement
on self-exclusion list**

(a) The Racing Commission shall maintain a self-exclusion list for the purpose of effectuating N.J.S.A. 5:5-65.1 and 65.2 and this chapter, subject to the restrictions set forth in N.J.A.C. 13:74A-3.1. The Racing Commission shall make available the names and identifying information of persons who appear on the self-exclusion list to permitted racetracks in this State, to the off-track wagering licensee in this State, and to the account wagering licensee in this State.

(b) Any person may, consistent with this chapter and on a written application form provided by the Racing Commission, voluntarily request that the Racing Commission place his or her name on the self-exclusion list. The application form shall be available at the Racing Commission offices located at: 140 East Front Street (fourth floor), Trenton, New Jersey, the Meadowlands Racetrack and at the Freehold Raceway. The application shall also be available on the Racing Commission website (www.njrconline.com). The applicant shall complete, sign and date the application form authorizing placement on the self-exclusion list. The application, upon completion, shall be mailed or delivered to the New Jersey Racing Commission office address or addresses stated in the application. The application form shall include the following:

1. Identifying information consisting of: name, including any aliases or nicknames; date of birth; address of current residence; telephone number of current residence; social security number if voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a; and physical description, including height, weight, gender, hair color, and any other physical characteristics that may assist in the identification of the individual;

2. An acknowledgement by the applicant that: he or she is a problem gambler; that, during the period of exclusion, he or she as a self-excluded person may not enter a permitted racetrack or off-track wagering facility for any reason and that, if he or she improperly does so, is subject to immediate ejection from and by said facility; that, during the period of voluntary exclusion, he or she as a self-excluded person may not open or maintain a wagering account with the account wagering licensee; and that he or she as a self-excluded person may not collect winnings, an item of value or recover losses resulting from or related to wagering at a racetrack, an off-track wagering facility, or from account wagering;

3. An acknowledgement by the applicant that he or she shall be placed on the self-exclusion list for a minimum period of one year;

4. An acknowledgement by the applicant that he or she has read and consents to this chapter; and

5. A certification by the applicant that the information provided on the application form is true and accurate.

(c) The Racing Commission may require that the applicant submit photographs of himself or herself, and appear at its office for the taking of photographs or for the purpose of providing additional information, before placing such person's name on the self-exclusion list or subsequent to such person's name being placed on the self-exclusion list. It shall be the applicant's responsibility to furnish to the Racing Commission in writing any change in information disclosed in the application, including address of current residence, should such information change after submission of the application to the Racing Commission.

(d) Following receipt of an application, and a determination that the application is complete, the Executive Director or designee shall send a letter to the applicant, at his or her address of current residence, indicating the date upon which his or her name will be entered on the self-exclusion list as a self-excluded person. The Executive Director or designee shall also forward the name of the self-excluded person, as well as his or her identifying information, to each permitted racetrack, the off-track wagering licensee, and to the account wagering licensee, indicating the date upon which the person's name shall be added to the self-exclusion list.

**13:74A-2.2 Effect of placement on self-exclusion list;
entry and wagering restrictions; forfeiture
of gambling or other proceeds**

(a) A person whose name appears on the self-exclusion list shall be:

1. Prohibited from entry into the premises of permitted racetracks for any reason;

2. Prohibited from entry into the premises off-track wagering facilities for any reason; and

3. Prohibited from opening or maintaining a wagering account with the account wagering system.

(b) Once a person's name is entered on the self-exclusion list, that person shall not collect winnings, recover losses or any money or thing of value subsequently arising as a result of or related to wagering activity at a permitted racetrack, at an off-track wagering facility, or from account wagering. Any winnings, money or thing of value owed to or obtained by such a self-excluded person shall be subject to forfeiture consistent with the provisions of (d) below.

(c) A person whose name appears on the self-exclusion list, and who subsequently enters a permitted racetrack or off-track wagering facility, shall be subject to immediate ejection from the facility by that facility. A person, who at the time of requesting that his or her name appear on the self-exclusion list has an open wagering account with the account wagering licensee, shall have that account closed by the account wagering licensee promptly upon the placement of said person's name on the self-exclusion list by the Racing Commission.