

“Sending track” means an in-State or out-of-State sending track.

“Simulcast horse race” means a running or harness horse race conducted at a racetrack which is simultaneously transmitted by picture to a casino licensee.

“Totalisator” means a computer which, among other things, directly or indirectly through one or more other totalisators, receives pari-mutuel wagering information and calculates pay-offs for winning pari-mutuel tickets, and generates reports with respect to such information.

Amended by R.1994 d.93, effective February 22, 1994.

See: 25 N.J.R. 5110(a), 26 N.J.R. 1108(a).

Public Notice: Action on petition for rulemaking.

See: 28 N.J.R. 2638(a).

Public Notice: Receipt of and action on petition for rulemaking.

See: 28 N.J.R. 3835(a).

### 13:72-1.2 Rules of Racing Commission

Except as otherwise provided in the Casino Simulcasting Act or this chapter, the rules of racing and conduct of pari-mutuel wagering in casino simulcasting facilities and hub facilities shall be subject to the rules of the Racing Commission.

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## SUBCHAPTER 2. CONDUCT OF CASINO SIMULCASTING

### 13:72-2.1 Conduct of casino simulcasting

A casino licensee may conduct casino simulcasting in a casino simulcasting facility in accordance with the provisions of the Casino Simulcasting Act and this chapter.

### 13:72-2.2 Hub facility

A casino licensee which conducts casino simulcasting shall, absent approval from the Commission and the Racing Commission to do otherwise, utilize a hub facility.

### 13:72-2.3 Receipt of races from in-State sending tracks

A casino licensee which conducts casino simulcasting shall, as a condition of continued operation of casino simulcasting, receive all live races which are transmitted by in-State sending tracks. A permit holder which is authorized by the Racing Commission to conduct casino simulcasting shall have discretion to transmit all or some of the live horse races conducted at the race track to casino simulcasting facilities; provided, however, any race which is transmitted from an in-State sending track shall be transmitted to all casino simulcasting facilities. A permit holder which wishes to transmit some, but not all, of its live horse races to casino simulcasting facilities shall do so only with the prior approval of the Racing Commission.

### 13:72-2.4 Receipt of races from out-of-State sending tracks

A casino licensee may, with the approval of the Commission and Racing Commission and subject to the provisions of the Casino Control Act, the Casino Simulcasting Act and this chapter, conduct casino simulcasting on races from an out-of-State sending track which has been approved by the Racing Commission to participate in casino simulcasting. An out-of-State sending track which transmits any race to a casino simulcasting facility shall offer to transmit such race to all casino simulcasting facilities on the same terms.

### 13:72-2.5 Agreements with sending tracks

(a) Agreements for casino simulcasting between a casino licensee and a sending track shall be in writing and shall be filed with the Racing Commission, and with the Commission in accordance with the provisions of N.J.S.A. 5:12-104. Such agreements may be negotiated on behalf of casino licensees by an entity jointly established by casino licensees.

(b) Every agreement between a casino licensee and a sending track shall, in a manner consistent with the provisions of the Casino Simulcasting Act and this chapter, define, and provide for the distribution of, outstanding pari-mutuel tickets, and define, and provide for the allocation of losses in the event of, a minus pari-mutuel pool. Every such agreement shall also provide for manual merging in the event of a systems or communications failure and shall further set forth a procedure, acceptable to the Commission and Racing Commission, which shall be followed in the event that manual merging is not possible.

### 13:72-2.6 Conduct of authorized games in a simulcasting facility

A casino license may, subject to the rules of the Commission, conduct any authorized game as defined by N.J.S.A. 5:12-5 or by rule of the Commission, other than slot machines, in a casino simulcasting facility.

### 13:72-2.7 Hours of operation

A casino simulcasting facility may be open during permitted hours of casino operation, and shall be open and operated during such hours whenever simulcast horse races are being transmitted to a casino licensee.

### 13:72-2.8 Gaming and simulcast wagering by certain persons prohibited

It shall be unlawful for any person who is prohibited from wagering at a game in a casino in this State pursuant to N.J.S.A. 5:12-100n to wager in a casino simulcasting facility on either an authorized game or on casino simulcasting.

### 13:72-2.9 Wagering limited to simulcasting facility

Wagering on simulcast horses within the premises of a casino licensee shall be conducted only in a casino simulcasting facility. However, pictures and sound of simulcast

horse races may be shown in such other areas of the establishment as approved by the Commission.

Amended by R.1994 d.93, effective February 22, 1994.  
See: 25 N.J.R. 5110(a), 26 N.J.R. 1108(a).

#### 13:72-2.10 No fee to be charged

No fee shall be charged for placing a wager on a simulcast horse race in addition to the amount wagered.

#### 13:72-2.11 Ticket claims

(a) Subject to the time limitations imposed by N.J.A.C. 13:72-2.12, a winning pari-mutuel ticket purchased at a casino simulcasting facility shall be presented for cashing at a pari-mutuel window at that facility.

(b) No claim shall be considered for tickets which have been discarded, lost, altered, destroyed or mutilated beyond identification.

(c) Payment of wagers will be made only upon presentation of appropriate pari-mutuel tickets.

Amended by R.1994 d.556, effective November 7, 1994.  
See: 26 N.J.R. 2546(a), 26 N.J.R. 4420(c).

#### 13:72-2.12 Expiration of pari-mutuel tickets

A pari-mutuel ticket shall be claimed within six months of the date of its sale, after which it becomes an outstanding pari-mutuel ticket to be paid to the Racing Commission and deposited in the Casino Simulcasting Special Fund for distribution in accordance with the provisions of the Casino Simulcasting Act. Notice of this expiration provision shall be prominently posted in a casino simulcasting facility or printed on the pari-mutuel tickets sold at the casino simulcasting facility.

### SUBCHAPTER 3. CASINO SIMULCASTING FACILITY

#### 13:72-3.1 Location

A casino simulcasting facility shall be a contiguous area located within an approved hotel operated by a casino licensee and may be adjacent to, but shall not be part of, the room in which casino gaming is conducted pursuant to the provisions of the Casino Control Act. Notwithstanding the above, a casino licensee may construct barriers within the room for the purposes of permitting the conduct of authorized games and simulcast wagering in a manner maximizing patron comfort and the efficient operation of the facility, provided that such barriers are approved by the Commission and do not interfere with security or surveillance within the facility.

#### 13:72-3.2 Space not to reduce space authorized for casino gaming

The space required to establish and maintain a casino simulcasting facility shall not reduce the space authorized for casino gaming pursuant to N.J.S.A. 5:12-83.

#### 13:72-3.3 Square footage requirements

(a) A casino licensee which wishes to conduct casino simulcasting shall establish and maintain a casino simulcasting facility of sufficient square footage to promote:

1. Maximum comfort for patrons and efficient operation of the facility;
2. Viewing of simulcast horse races by patrons in a comfortable manner which is not obtrusive to the conduct of authorized games within the facility; and
3. Optimum security of the facility, which shall include the installation and maintenance of security and surveillance equipment, including closed circuit television equipment, according to specifications approved by the Commission. The Commission and Division shall have direct access to the system or its signal.

#### 13:72-3.4 Satellite cage

A casino licensee which wishes to conduct casino simulcasting shall, unless otherwise approved by the Commission, establish and maintain a satellite cage in, or immediately adjacent to, its casino simulcasting facility.

### SUBCHAPTER 4. PARI-MUTUEL POOLS

#### 13:72-4.1 Horse races from in-State sending tracks

Sums wagered in a casino simulcasting facility on horse races at an in-State sending track shall be included in the appropriate pari-mutuel pool generated at the in-State sending track for the race being transmitted, and the pari-mutuel pool shall be divided in accordance with the provisions of the Casino Simulcasting Act. Pari-mutuel pay-offs at casino simulcasting facilities shall be made in accordance with the odds generated at the in-State sending track.

#### 13:72-4.2 Horse races from out-of-State sending tracks

(a) Except as provided in this section, sums wagered in a casino simulcasting facility on horse races at an out-of-State sending track shall be combined with comparable pari-mutuel pools at the out-of-State sending track, and the types of wagering, takeout, distribution of winnings, rules of racing and percentage of deposits remaining undistributed from pari-mutuel pools after payment is made to winning ticket holders shall be determined in accordance with the law or policy applicable to the out-of-State sending track.

(b) With the prior approval of the Racing Commission and the concurrence of an out-of-State sending track, a casino licensee may form an interstate common pool with receiving tracks or entities in other states other than the state in which the sending track is located.

(c) In any event, however, monies resulting from breakage on amounts wagered on horse races in a casino simulcasting facility and outstanding pari-mutuel tickets sold at a casino simulcasting facility shall in all instances be paid to the Racing Commission and deposited in the Casino Simulcasting Special Fund for distribution in accordance with the provisions of the Casino Simulcasting Act.

#### 13:72-4.3 Transmission data line

A transmission data line shall be a dedicated line. There shall be a minimum of one backup line, which may be a dial-up line. In addition, each out-of-State sending track shall maintain a cellular phone in its totalisator room. The dedicated line requirement may be waived for good cause shown with the prior written approval of the Commission and Racing Commission.

Amended by R.1994 d.93, effective February 22, 1994.  
See: 25 N.J.R. 5110(a), 26 N.J.R. 1108(a).

#### 13:72-4.4 Facsimile machines and telephone lines

A simulcast counter, hub facility and the totalisator room at a sending track shall each contain a facsimile machine and a direct dial-up telephone line, the numbers of which shall be provided to the Commission, Division and Racing Commission.

Amended by R.1994 d.93, effective February 22, 1994.  
See: 25 N.J.R. 5110(a), 26 N.J.R. 1108(a).

#### 13:72-4.5 Pool definition

Prior to the opening of wagering on a simulcast horse race, a sending track shall transmit a pari-mutuel pool definition to a casino simulcasting facility. Upon receipt of the pool definition, pari-mutuel machines at a casino simulcasting facility may be opened for wagering.

#### 13:72-4.6 Scratches

A sending track shall at all times inform a casino simulcasting facility of scratches and pool change information, and any scratch from a simulcast horse race after wagering has commenced shall be verified immediately by facsimile from the sending track to the casino simulcasting facility.

#### 13:72-4.7 Locking of pari-mutuel machines

All pari-mutuel machines in a simulcasting facility shall be locked at off-time.

#### 13:72-4.8 Ticket sales

No ticket may be issued after the totalisator has been locked or wagering has ceased, whichever occurs first.

#### 13:72-4.9 Cease wagering

Wagering shall cease not later than off-time.

#### 13:72-4.10 Cancellation of tickets

(a) Except as provided in this section, no pari-mutuel ticket shall be cancelled.

(b) A pari-mutuel ticket with a total value of \$500.00 or less may be cancelled at any time prior to off-time.

(c) A pari-mutuel ticket of any value may be cancelled prior to the end of the delay period if the patron has not left the pari-mutuel window at which the ticket was purchased or if the patron left the window without paying for or accepting the ticket.

(d) A pari-mutuel ticket of any value may be cancelled prior to off-time if the ticket is on a wager (such as trifecta) where probable payoffs or odds are not displayed to the public.

(e) A pari-mutuel ticket of any value may be cancelled if the ticket is on an advance race and the race immediately preceding the race for which the cancellation has been requested has not been declared official.

(f) A pari-mutuel ticket with a total value exceeding \$500.00 which is not otherwise cancellable pursuant to this section may be cancelled by a simulcast counter shift supervisor or supervisor thereof at any time prior to off-time if he or she determines that the cancellation will not significantly alter a pari-mutuel pool. The factors to be considered before approving or disapproving a cancellation request include the size of the mutuel pool, the reason for the requested cancellation, current odds, minutes to post time, and any late changes such as track conditions or jockey (driver) changes. Any request to cancel such a ticket shall be reported to the Racing Commission on a form approved by the Racing Commission within 48 hours.

Amended by R.1994 d.93, effective February 22, 1994.  
See: 25 N.J.R. 5110(a), 26 N.J.R. 1108(a).  
Amended by R.1994 d.556, effective November 7, 1994.  
See: 26 N.J.R. 2546(a), 26 N.J.R. 4420(c).

#### 13:72-4.11 Refunds

A pari-mutuel ticket on a horse that is scratched may be refunded. Pari-mutuel tickets representing wagers where a patron must select more than one horse may be refunded only as to the combinations including the scratched horse.

#### 13:72-4.12 Odds display

A casino licensee which conducts casino simulcasting shall prominently display in its casino simulcasting facility the approximate odds for each horse in a simulcast race for the purpose of informing patrons of the actual wagering on each horse.

**13:72-4.13 Pari-mutuel machines closed**

(a) If, for any reason, pari-mutuel machines are closed during the wagering on a simulcast race before off-time, they shall remain closed until after the race. Wagering shall cease on that race, and the pay-offs for that race shall be computed on the sums then wagered in each pari-mutuel pool.

(b) In the event that pari-mutuel ticket issuing machines are inadvertently closed for any reason, said machines shall be opened only by the Supervisor of Mutuels at the hub facility, or such person at the hub facility who has assumed his or her duties pursuant to N.J.A.C. 13:72-9.3.

**13:72-4.14 Overpays caused by totalisator**

Overpays caused by totalisator error shall be borne by the operator of the totalisator equipment causing the error.

**13:72-4.15 Mechanical breakdowns**

(a) In the event of an irreparable breakdown of the totalisator or all pari-mutuel and self-service pari-mutuel machines during the wagering on a race, the wagering on that race shall be declared closed, and the pay-off for that race shall be computed on the sums wager in each pari-mutuel pool at the time of the breakdown.

(b) In the event of a totalisator malfunction requiring the operator of the totalisator equipment to purchase any non-issued ticket "lost" in the totalisator computer, the operator of the totalisator equipment 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 be paid to the Racing Commission and deposited in the Casino Simulcasting Special Fund for distribution in accordance with the provisions of the Casino Simulcasting Act. For example, if the "lost" tickets on a race cost \$1,000 and pay off \$800.00, the operator of the totalisator equipment must pay \$200.00. However, if the "lost" tickets cost \$1,000 and pay off \$1,200, the operator of the totalisator equipment need pay nothing and \$200.00 shall be paid to the Racing Commission and deposited in the Casino Simulcasting Special Fund.

**13:72-4.16 Emergencies not covered by this chapter**

In the event that an emergency arises with respect to simulcast wagering in a casino simulcasting facility which is not covered by this chapter and an immediate decision is necessary, the simulcast shift supervisor or above shall make a good faith effort to contact and consult with the Supervisor of Mutuels or such person who has assumed to his or her duties pursuant to the provisions of N.J.A.C. 13:72-9.3 prior to taking action, and shall promptly render a written report regarding the incident to the Commission, Division and Racing Commission.

**13:72-4.17 Transmission failure**

In the event of failure to transmit pari-mutuel information to a sending track, no further wagers shall be accepted in a casino simulcasting facility until and unless the failure has been corrected. The casino simulcasting facility and sending track shall attempt to manually merge any wagers which have already been accepted but which have not been transmitted to the sending track due to the failure. Notice of this procedure and any backup procedure established in accordance with N.J.A.C. 13:72-2.5(b) shall be posted in a prominent location in the casino simulcasting facility. In any instance where manual merging or recourse to the backup procedure is required, actual notice thereof shall be publicly announced in the casino simulcasting facility.

**13:72-4.18 Commingling notice**

A casino licensee shall display prominently in its casino simulcasting facility notice that it is commingling wagers as required by the Casino Simulcasting Act. Such notice shall further provide that this procedure may result in changes in pools and pari-mutuel odds during the running of a simulcast race.

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**SUBCHAPTER 5. LICENSING OF EMPLOYEES****13:72-5.1 Employees of a simulcasting facility**

All employees of a casino simulcasting facility shall be licensed or registered in accordance with the rules of the Commission.

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**SUBCHAPTER 6. LICENSING AND REGISTRATION OF ENTITIES AND THEIR EMPLOYEES****13:72-6.1 Sending tracks**

All sending tracks shall be licensed, or determined to be exempt from licensure, in accordance with the provisions of N.J.S.A. 5:12-92c. Any exemption of a sending track shall be subject to the conditions set forth in N.J.S.A. 5:12-92c, and each sending track shall have on file with the Commission a vendor registration form, any updates to which shall be filed with the Commission within 10 days of the occurrence of any changes.

**13:72-6.2 Simulcast wagering equipment**

All manufacturers, suppliers and repairers of simulcast wagering equipment, including totalisators, pari-mutuel machines, self-service pari-mutuel machines and credit voucher machines, to casino licensees or hub facilities shall be licensed in accordance with the provisions of N.J.S.A. 5:12-92a.