

CHAPTER 71

HARNESS RACING

Authority

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

Source and Effective Date

R.2005 d.234, effective June 17, 2005.
See: 37 N.J.R. 419(a), 37 N.J.R. 2696(b).

Chapter Expiration Date

Chapter 71, Harness Racing, expires on June 17, 2010.

Chapter Historical Note

Chapter 71, Harness Racing, was filed and became effective prior to September 1, 1969.

Subchapter 14, Claiming, was repealed and Subchapter 14, Claiming, was adopted as new rules by R.1980 d.95, effective February 27, 1980. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Subchapter 3, Appeals, was repealed and Subchapter 3, Appeals, was adopted as new rules, and Subchapter 24, Authorized Agents, Subchapter 25, Vendors, Subchapter 26, Illegal Practices, Subchapter 27, Mutuels, and Subchapter 28, Initial Track Application, were adopted by R.1982 d.109, effective April 5, 1982. See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Pursuant to Executive Order No. 66(1978), Subchapter 5, Tracks, Subchapter 9, Veterinarians and Veterinarians Certificates, Subchapter 21, Placing Conditions and Purses, and Subchapter 23, Stimulations and Tests, were readopted as R.1983 d.295, effective July 8, 1983. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).

Pursuant to Executive Order No. 66(1978), Subchapter 7, Licensing, Subchapter 8, Officials, and Subchapter 17, Starting, were readopted as R.1984 d.103, effective March 19, 1984. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a).

Pursuant to Executive Order No. 66(1978), Subchapter 4, Definitions, expired on December 19, 1984.

Subchapter 4, Definitions, was adopted as new rules by R.1984 d.621, effective January 21, 1985. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

Subchapter 23, Stimulation and Tests, was repealed and Subchapter 23, Medication and Testing Procedures, was adopted as new rules by R.1985 d.58, effective February 19, 1985. See: 16 N.J.R. 3182(a), 17 N.J.R. 471(a).

Pursuant to Executive Order No. 66(1978), Subchapter 14, Claiming, was readopted as R.1985 d.137, effective February 25, 1985. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.1990 d.126, effective January 25, 1990. See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Subchapter 29, Sully, was adopted as R.1994 d.143, effective March 11, 1994. See: 26 N.J.R. 95(a), 26 N.J.R. 1357(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.1995 d.103, effective January 25, 1995. See: 26 N.J.R. 4744(a), 27 N.J.R. 733(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Harness Racing, was readopted as R.2000 d.35, effective December 22, 1999. See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Subchapter 30, "Self-Exclusion List" Rules, was adopted as R.2004 d.399, effective October 18, 2004. See: 36 N.J.R. 2980(a), 36 N.J.R. 4828(a).

Chapter 71, Harness Racing, was readopted as R.2005 d.234, effective June 17, 2005. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL RULES

13:71-1.1	General provisions
13:71-1.2	Owners and trainers
13:71-1.3	Race participants and patrons
13:71-1.4	Discharge of groom or attendant; notice
13:71-1.5	Notification to track security on discharge of groom
13:71-1.6	Language
13:71-1.7	Disturbing the peace
13:71-1.8	Handbooks
13:71-1.9	(Reserved)
13:71-1.10	Reciprocity
13:71-1.11	Unrecognized meetings
13:71-1.12	Suspended person or horse
13:71-1.13	Narcotic or drug convictions
13:71-1.14	Crimes regarding moral turpitude
13:71-1.15	Reinstatement of horses
13:71-1.16	Qualifications for reinstatement
13:71-1.17	Recision of penalties
13:71-1.18	(Reserved)
13:71-1.19	Stewards determination of fines
13:71-1.20	Authority to impose penalties; report; payment
13:71-1.21	Financial irresponsibility
13:71-1.22	Designation of Commission agents
13:71-1.23	Modification of penalties
13:71-1.24	Smoking prohibited
13:71-1.25	Horsemen associations
13:71-1.26	Commission employees/appointees; prohibited affiliations with permitted racetracks
13:71-1.27	Rules of practices and procedures
13:71-1.28	Liberal construction of rules of practice and procedure
13:71-1.29	Notice of proceedings before the Commission
13:71-1.30	Opportunity to submit information to the Commission
13:71-1.31	Requests to place issues on the meeting agenda for the Commission's consideration
13:71-1.32	Annual disbursement of Casino Simulcasting Special Fund monies
13:71-1.33	Annual allocation of race dates
13:71-1.34	Waiver of the Commission's rules
13:71-1.35	Procedure for modification of penalties
13:71-1.36	Representation by attorney

SUBCHAPTER 2. VIOLATIONS

13:71-2.1	Liability
13:71-2.2	Attempt to violate
13:71-2.3	Penalties
13:71-2.4	Betting restrictions; owner, trainer and driver
13:71-2.5	Termination of indefinite suspension
13:71-2.6	Violations by track associations and penalties

SUBCHAPTER 3. APPEALS

13:71-3.1	Right of appeal
13:71-3.2	Imposition of penalty; Commission
13:71-3.3	Steward or Board of Judges hearing; finality of decision absent appeal
13:71-3.4	Appeal procedure
13:71-3.5	Hearings
13:71-3.6	Frivolous appeals
13:71-3.7	Hearing costs
13:71-3.8	Stay pending appeals
13:71-3.9 through 13:71-3.10	(Reserved)

SUBCHAPTER 4. DEFINITIONS

13:71-4.1 Definitions

SUBCHAPTER 5. TRACKS

- 13:71-5.1 Policing requirements
- 13:71-5.2 Police reports
- 13:71-5.3 Persons ejected; reports
- 13:71-5.4 Complaints in writing
- 13:71-5.5 Attendance reports
- 13:71-5.6 Badges of admission
- 13:71-5.7 Offices and parking; Racing Commission use
- 13:71-5.8 Free access to grounds by employees of commission
- 13:71-5.9 Photographic device for finishes
- 13:71-5.10 Numbers for horses
- 13:71-5.11 Betting prohibited on grounds
- 13:71-5.12 (Reserved)
- 13:71-5.13 Handbooking prohibited on grounds
- 13:71-5.14 Gambling device
- 13:71-5.15 Petty games of chance
- 13:71-5.16 Disqualified personnel kept off grounds
- 13:71-5.17 Ejected personnel; readmission; notice
- 13:71-5.18 Age limits
- 13:71-5.19 Weekly reports on employees
- 13:71-5.20 State Police; reports

SUBCHAPTER 6. ASSOCIATIONS

- 13:71-6.1 Employee compensation insurance
- 13:71-6.2 Judge's stand
- 13:71-6.3 Bona Fide contests
- 13:71-6.4 Default in payment of premiums
- 13:71-6.5 through 13:71-6.6 (Reserved)
- 13:71-6.7 Awards
- 13:71-6.8 Paddock
- 13:71-6.9 Photo finish; head numbers; saddle pads; starting gate
- 13:71-6.10 Interference with race officials
- 13:71-6.11 Driver's stand
- 13:71-6.12 Paddock rules
- 13:71-6.13 Admission to paddock
- 13:71-6.14 Leaving of paddock
- 13:71-6.15 Returning to paddock
- 13:71-6.16 Two members of a stable admitted to paddock on one day
- 13:71-6.17 Blacksmith provided by association
- 13:71-6.18 Extra equipment provided
- 13:71-6.19 (Reserved)
- 13:71-6.20 Supervision of the paddock
- 13:71-6.21 Required time drivers should be present in paddock prior to race
- 13:71-6.22 Post parade from paddock
- 13:71-6.23 Ambulances
- 13:71-6.24 Track entrance; Coggins test requirement for horses, ponies or equine mascot
- 13:71-6.25 Ownership approval
- 13:71-6.26 Annual listing of shareholders
- 13:71-6.27 Application forms; approval
- 13:71-6.28 Investigation
- 13:71-6.29 Review of application approval
- 13:71-6.30 Application denials; notice
- 13:71-6.31 Horsemen's bookkeeper account

SUBCHAPTER 7. LICENSING

- 13:71-7.1 Persons required to have licenses; fingerprints and photographs
- 13:71-7.2 False or misleading statements
- 13:71-7.3 Refusal to issue or renew license
- 13:71-7.4 Age requirements
- 13:71-7.5 Items requiring registration
- 13:71-7.6 Fees
- 13:71-7.7 Applications
- 13:71-7.8 Liable for all penalties
- 13:71-7.9 Changes in identities

- 13:71-7.10 Notice to the Racing Commission
- 13:71-7.11 Changing of stable name
- 13:71-7.12 Existing stable name
- 13:71-7.13 Registered stable; member
- 13:71-7.14 Distinguished name
- 13:71-7.15 Transfer of name
- 13:71-7.16 Corporations
- 13:71-7.17 Multiple ownership
- 13:71-7.18 Multiple ownership; applications
- 13:71-7.19 Alteration in a multiple ownership
- 13:71-7.20 Liability
- 13:71-7.21 Employment application blank
- 13:71-7.22 Nonresident defined
- 13:71-7.23 (Reserved)
- 13:71-7.24 Loss of identification card
- 13:71-7.25 Application for driver's license
- 13:71-7.26 Requirements; farms or licensed tracks
- 13:71-7.27 Trainers; application for license
- 13:71-7.28 Grooms; application for license
- 13:71-7.29 Suspension or revocation of drivers—trainers or grooms licenses
- 13:71-7.30 Owners' application for license
- 13:71-7.31 Qualification for owner's license
- 13:71-7.32 Suspension or revocation of owner's license
- 13:71-7.33 Reinstatement of owner's license
- 13:71-7.34 Reinstatement of license of driver, trainer and groom
- 13:71-7.35 Badges
- 13:71-7.36 Written agreements between owners and trainers
- 13:71-7.37 Collection and dissemination of Social Security numbers
- 13:71-7.38 Multi-year license

SUBCHAPTER 8. OFFICIALS

- 13:71-8.1 Race Officials
- 13:71-8.2 Required presence of officials in a race or performance against time
- 13:71-8.3 Appointment of State Steward
- 13:71-8.4 Licensing and approval of officials
- 13:71-8.5 Judges and patrol judges
- 13:71-8.6 Submission of names of racing officials
- 13:71-8.7 Duties of the officials
- 13:71-8.8 License revocation of an official
- 13:71-8.9 Substitute official in case of emergency
- 13:71-8.10 Access to course and grounds by officials
- 13:71-8.11 Vision examinations for officials
- 13:71-8.12 Reporting of protest and complaints by steward
- 13:71-8.13 Punishment for violations
- 13:71-8.14 Conflict of official's position
- 13:71-8.15 Disqualification of an official
- 13:71-8.16 Removal of official
- 13:71-8.17 Breathalyzer tests for officials
- 13:71-8.18 Classification of horses; conflict of interest
- 13:71-8.19 Admission to judge's stand
- 13:71-8.20 Decorum of officials
- 13:71-8.21 Presiding judge
- 13:71-8.22 Powers of judges
- 13:71-8.23 Duties of judges
- 13:71-8.24 Procedure of judges
- 13:71-8.25 Duties of patrol judges
- 13:71-8.26 Absent officials
- 13:71-8.27 Starter
- 13:71-8.28 Duties of starter
- 13:71-8.29 Duties of the clerk of the course
- 13:71-8.30 Duties of timer
- 13:71-8.31 Duties of paddock judge
- 13:71-8.32 Program director
- 13:71-8.33 Executive Director of the Commission
- 13:71-8.34 Photo finish
- 13:71-8.35 Duties of race secretary
- 13:71-8.36 Charter
- 13:71-8.37 Setting and maintaining post time
- 13:71-8.38 State Police; communication

SUBCHAPTER 14. CLAIMING

13:71-14.1 Restrictions: Claiming privileges

Claiming privileges, other than open claiming pursuant to N.J.A.C. 13:70-12.37, are restricted to those owners who have started a horse at the race meeting. Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually.

Amended by R.1987 d.421, effective October 19, 1987 (operative December 26, 1987).

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

Added text "other than open claiming pursuant to N.J.A.C. 13:70-12.37,".

13:71-14.2 Claiming races: price and eligibility

In claiming races at any race meeting any horse is subject to claim for its entered price by any owner qualified under the terms of Rule 14.1. No trainer or agent shall be permitted to enter a horse in a claiming race unless written permission of the owner is filed by the race secretary.

13:71-14.3 Claimed horse

Wherever a horse has been claimed, that horse shall not leave the grounds of the meeting of the association where claimed for 60 days following the date of the successful claim unless permission to leave is granted by the Presiding Judge or that meeting ends prior to the expiration of the 60 day time limit.

Amended by R.1998 d.172, effective April 6, 1998.

See: 30 N.J.R. 25(a), 30 N.J.R. 1299(b).

Changed the 30 day time limit to 60 days.

Petition for Rulemaking.

See: 42 N.J.R. 860(a).

13:71-14.4 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.

13:71-14.5 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. No person shall claim a horse which he is driving in a race or which his trainer is driving in a race.

As amended, R.1982 d.109, eff. April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

"No person ... in a race." has been added.

13:71-14.6 Claimed horse: stabled

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

13:71-14.7 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.

13:71-14.8 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 is void. For purpose of compliance with this rule the name of the horse as appearing in the program shall govern.

13:71-14.9 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.

13:71-14.10 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.

13:71-14.11 Intimidation

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

13:71-14.12 Affidavits

The Judges and/or Steward 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.

13:71-14.13 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.

13:71-14.14 Time: claims

Claims must be deposited in the claim box at least 30 minutes before post time of each race.

13:71-14.15 Irrevocability

Claims are irrevocable.

13:71-14.16 Opening claim envelopes

Prior to off-time, the Judges, 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 Judge's stand.

13:71-14.17 Title in claimed horse

Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the word "go" and said successful claimant shall become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

13:71-14.18 Scratched horse

The successful claimant of a horse programmed to start may, at his option, acquire ownership of a claimed horse, even though such claimed horse was scratched and did not start in the claiming race from which it was scratched. Such option must be executed prior to off-time. Any horse drawn into a claiming race is eligible to be claimed. Horses entered in claiming races that have been cancelled by the New Jersey Racing Commission shall not be subject to claims.

13:71-14.19 Delivery to claimant

Any horse that has been claimed shall, after the race has been run, be taken to the detention barn for delivery to the claimant.

13:71-14.20 Delivery; written authorization

A claimed horse shall not be delivered to the successful claimant until written authorization is given by the racing secretary, or his deputy.

14:71-14.21 Cooling the horse

A trainer whose horse has been claimed is responsible for cooling his horse out until after the collection of any blood and/or urine specimen and he shall sign for the witnessing thereof. Failure to comply shall be subject to penalty.

13:71-14.22 Required delivery

No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question is disqualified until delivery is made.

13:71-14.23 Title; more than one claim

If more than one claim is filed for the same horse, title to the horse shall be determined by lot under the direction or supervision of the Judges, or their appointed deputy.

13:71-14.24 Engagements

When a horse is claimed, the horse's engagements are included.

13:71-14.25 Liens

No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder of the claim shall be filed with the racing secretary of the association conducting such claiming race.

13:71-14.26 Right to claim

(a) An owner whose stable has been eliminated by claiming shall have the right to claim during the remainder of the meeting at which his stable was eliminated, or for 30 New Jersey racing days, whichever period is longer.

(b) If the 30 day period should extend into the next succeeding meeting, the owner must obtain a certificate from the Judges of the meeting at which he lost his last horse, and must present this certificate when filing a claim at the next meeting.

(c) Stables eliminated by fire or other hazards may also be permitted to claim under this rule at the discretion of the Judges.

13:71-14.27 Claiming price

The claiming price of each horse in a claiming race shall be printed in the official program, and all claims for said horse shall be for the amount so designated.

13:71-14.28 Sale of claimed horse

No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within 30 days after the day he was claimed except in another claiming race.

13:71-14.29 Conflict of rules

A horse claimed at a recognized meeting under rules at variance with those contained in this subchapter, shall while racing in New Jersey, serve any additional penalty imposed by the rules of the State wherein claimed.

13:71-14.30 Sex of horse claimed

Notwithstanding any designation of sex appearing on the racing program or in any race publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

13:71-14.31 Protests

A protest to the claim of a horse must be filed with the Judges within 48 hours of the claim. No protest will be accepted after that time.

13:71-14.32 Testing

A post race urine test shall be taken in full compliance with subchapter 23 from any horse claimed in a race. The claimant shall have the right to void said claim should the forensic analysis of the sample so taken be positive for any drug.