

3. Indicate said test was conducted by a laboratory approved by the United States Department of Agriculture; and

4. Be attached to the appropriate foal certificate.

(b) In the event that a horse arrives at a track association without a valid certificate of a negative Coggins test, the horse will be permitted to be stabled in an area designated by the State Veterinarian. A certificate must be presented to the Racing Secretary within 12 hours or a new certificate must be obtained as soon as possible. The State Veterinarian shall be notified immediately if any horse enters the grounds under these conditions.

(c) In the case of any pony or equine mascot, evidence of a negative Coggins test, together with a photograph of the animal, must be filed with the Racing Secretary.

(d) The Racing Secretary shall be responsible for ensuring compliance with this rule. Violation of this rule may subject the Racing Secretary and/or track association to penalties, provided for in these rules.

(e) This rule does not affect eligibility to race or claims. However, the trainer of a horse which races in violation of this rule without evidence of a negative Coggins test and/or a vaccination for equine encephalitis, is subject to penalties provided for in these rules.

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

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

Amended by R.1983 d.14, effective February 7, 1983.

See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

Deleted old text and added new text.

Amended by R.1986 d.416, effective October 6, 1986.

See: 18 N.J.R. 401(a), 18 N.J.R. 1448(b), 18 N.J.R. 2054(a).

This New Rule was proposed at 18 N.J.R. 401(a). Amendments to the rule were proposed at 18 N.J.R. 1448(b) and adopted at 18 N.J.R. 2054(a).

13:70-3.48 Violations by track associations and penalties

Notwithstanding any provisions of subchapters 16, 23 and 31 of this chapter, any track association, licensed by the New Jersey Racing Commission, that violates a law, rule or regulation or directive of this commission and continues in deliberate violation for a period of 72 hours following notification from the commission office that such violation exists shall be subject to a fine of not more than \$5,000 per day for each and every day said track association remains in violation of the law, rule or regulation or directive of this commission. Any association fined pursuant to this rule may, within three days after service of such notice of the imposition of a fine or fines, request a hearing by petition in writing, which hearing shall be held within four days after the petition has been served upon the chairman or executive director of the racing commission.

New Rule, R.1976 d.292, effective September 16, 1976.

See: 8 N.J.R. 250(c), 8 N.J.R. 438(a).

SUBCHAPTER 4. LICENSING

13:70-4.1 Persons required to have licenses

(a) The following persons are required to take out a license from the Racing Commission and the annual fee will be as follows:

1. Assistant starter:	\$10.00
2. Assistant trainer:	\$30.00
3. Authorized agent:	\$50.00
4. Clocker:	\$10.00
5. Certificate of identification:	\$10.00
6. Jockey:	\$50.00
7. Jockey agent:	\$50.00
8. Jockey apprentice:	\$30.00
9. Owner:	\$50.00
10. Pari-mutuel employee:	\$25.00
11. Plater:	\$20.00
12. Stable employee:	\$ 5.00
13. Starter:	\$10.00
14. Trainer:	\$50.00
15. Valet:	\$20.00
16. Vendor:	\$50.00
17. Veterinarians:	\$50.00

(b) All persons licensed by the Commission and all employees of the racing associations and/or employees of contractors doing work for the track associations will be required to be fingerprinted and photographed at the discretion of the Commission. The applicant must pay for the cost of the fingerprint card checks. The Commission will direct the fee, which will be consistent with the charge set by the reviewing agency for the type of inquiry requested; for example, State, Federal or State and Federal, name check. Owners who, because of extenuating circumstances, cannot come into New Jersey to be fingerprinted and photographed during a racing year, will be issued conditional licenses only and will not be permitted access to the stable area or paddock at any New Jersey track until photographed and fingerprinted by the Racing Commission. Holders of a conditional license will not be eligible for passes at any of the tracks in New Jersey.

Amended by R.1977 d.8, effective January 17, 1977.

See: 8 N.J.R. 531(c), 9 N.J.R. 94(d).

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).

Amended by R.1983 d.103, effective April 4, 1983.

See: 14 N.J.R. 1444(a), 15 N.J.R. 553(b) (operative January 1, 1984).

Fees increased and (b) added.

Amended by R.1985 d.639, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

(a)17 added; (b) amended.

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

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

At (a)5. Change to "certificate of identification"; stylistic corrections.

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Revised (a).

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).

"Disqualification" definition; 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).

13:70-4.2 Items requiring registration

(a) The following must be registered with the Racing Commission annually and the fee payable for such registration shall be as follows:

1. Stable name—\$50.00;
2. Corporate stable name—\$50.00;
3. Multiple ownership—\$50.00.
4. Partnership—\$25.00.

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).

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

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

(a)3 and 4; added.

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

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

Established all fees payable annually.

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

Added new (a)4.

13:70-4.3 Corporations

(a) No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless all corporate officers, members of the Board of Directors, managers and stockholders owning directly or indirectly five percent or more of said corporation's issued stock have been licensed.

(b) Each such person must file an application for an owner's license.

(c) Any and all changes in either the corporate structure or the respective interest of stockholders as described in (a) above must be promptly filed with the Commission.

(d) All corporations shall race under a stable name approved by the Commission and shall be required to file application for same on a form prescribed by the Commission.

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

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

Section substantially amended.

13:70-4.4 Fees

The fee shall accompany each application for license or registration. All licenses and/or registrations expire December 31 of the year issued.

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

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

Stylistic changes only.

13:70-4.5 Registration of agreements

The Racing Commission requires the registration of any other agreements between participants in racing.

13:70-4.6 Examination of applications

(a) A board of examiners composed of the State Steward and two associate stewards shall examine each of the following applications for and on behalf of the New Jersey Racing Commission:

1. Assistant trainer;
2. Authorized agent;
3. Corporate stable name;
4. Jockey;
5. Jockey agent;
6. Jockey apprentice;
7. Multiple ownership;
8. Owner;
9. Plater;
10. Stable employee;
11. Stable name; and
12. Trainer.

Amended by R.1979 d.144, effective April 12, 1979.

See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).

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

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

Rearranged and increased titles.

13:70-4.7 Qualifications

The stewards shall, during the course of examination of the applicants for a license, ascertain if the applicant is qualified as to ability, integrity, and financial responsibility, and shall report to the New Jersey Racing Commission their findings.

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

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

"Board of examiners" changed to "stewards".

Case Notes

Commission concluded that jockey applicant lacked the degree of integrity necessary for licensure; finding of entrapment and dismissal of criminal proceedings against applicant did not prevent use of incriminating evidence at licensure hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

Drug conspiracy conviction justifies denial of application for mutuel clerk license. *Overton v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 2.

Race-fixing convictions precluded grant of assistant trainer license. *Verrone v. New Jersey Racing Commission*, 92 N.J.A.R.2d (RAC) 16.

Race-fixing conviction; jockey license application denied and suspension continued. Plomchok v. New Jersey Racing Commission, 92 N.J.A.R.2d (RAC) 13.