

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Subchapter 14, Claiming, was repealed and Subchapter 14, Claiming, was adopted as new rules by R.1980 d.95, effective February 27, 1980.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Subchapter 3, Appeals, was repealed and Subchapter 3, Appeals, was adopted as new rules, and Subchapter 24, Authorized Agents, Subchapter 25, Vendors, Subchapter 26, Illegal Practices, Subchapter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Subchapter 23, Stimulation and Tests, was repealed and Subchapter 23, Medication and Testing Procedures, was adopted as new rules by R.1985 d.58, effective February 19, 1985.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, Sulky, was adopted as R.1994 d.143, effective March 21, 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

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 9. VETERINARIANS AND VETERINARIANS CERTIFICATES

- 13:71-9.1 Chief State Veterinarian, State Veterinarian and Associate State Veterinarians
- 13:71-9.2 Veterinarian (practicing)
- 13:71-9.3 Associate State Veterinarian
- 13:71-9.4 Veterinarians during racing hours

SUBCHAPTER 10. PROGRAM

- 13:71-10.1 Program information
- 13:71-10.2 Failure to furnish reliable program information
- 13:71-10.3 Penalized on inaccurate information
- 13:71-10.4 Nonbetting races
- 13:71-10.5 Programmed Trainer

As amended, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
 Amended by R.1990 d.126, effective February 20, 1990.
 See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
 Added reference to N.J.A.C. cite for appeals.

Case Notes

Racing judge's alleged inability to vote as he wished in penalty adjudications due to interference of state racing commission's executive director did not violate his First Amendment rights; racing judge's vote in any particular penalty case was not compelled expression on political or ideological matter, and penalty votes were not relevant to racing commission's ability to self-govern. *Latessa v. New Jersey Racing Comm'n*, C.A.3 (N.J.)1997, 113 F.3d 1313.

Imposition of penalty by State Steward proper. *Gullo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

13:71-1.21 Financial irresponsibility

No licensee shall accumulate unpaid obligations or default in obligations, or issue drafts or checks that are dishonored or payment refused, or otherwise display financial irresponsibility reflecting on the track or the sport.

13:71-1.22 Designation of Commission agents

In enforcing the racing laws and the rules and regulations of the Commission, the Commission may designate enforcement personnel assigned to it by the New Jersey Department of Law and Public Safety. Such personnel, while so acting, shall be designated as agents of the Commission.

R.1976 d.125, effective April 22, 1976.
 See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:71-1.23 Modification of penalties

The Commission may modify on its own motion any penalty or decision imposed by a racing official pursuant to the rules and regulations as herein contained.

New Rule, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-1.24 Smoking prohibited

Smoking is prohibited under the shed row of any barn. Persons found violating this rule will be reported to the judges and shall be subject to a fine of \$25.00 for the first offense, \$50.00 for the second offense and to suspension for the third or subsequent violation.

R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
 R.1983 d.337, effective August 15, 1983.
 See: 15 N.J.R. 873(b), 15 N.J.R. 1383(a).

13:71-1.25 Horsemen associations

(a) It shall be the intent of this section to establish guidelines that ensure that funds allocated to the horsemen's organizations by statute (N.J.S.A. 5:5-66) are used to finance programs to benefit all New Jersey horsemen and that administrative and overhead costs are reasonably related to such programs.

(b) Funds allocated to the horsemen's organizations by statute must be used to benefit all New Jersey horsemen. Membership in the horsemen's organizations shall not be a condition for receiving benefits.

(c) Amounts collected as voluntary dues from members are excluded from this rule. However, funds acquired from sources other than the statutory allocation to these associations must be kept separate and apart from funds obtained from the statutory allocation.

(d) The horsemen's organizations shall maintain adequate records concerning receipt of and distribution of funds allocated to them by statute. The New Jersey Racing Commission shall have access to all records maintained by the horsemen's organizations which relate directly or indirectly to funds allocated by statute.

(e) The horsemen's organizations shall submit detailed budgets to the Racing Commission by December 15 of each year, for the following calendar year, identifying the source and use of funds and any surplus or deficit that may result. The budget must include the actual prior year's expenses in each category for comparison purposes. In addition, quarterly budget reports must be filed with the Commission 45 days after the close of each quarter. These reports must reflect actual income and expenses to date, as well as projected income and expenses for the remainder of that year. Prior approval must be obtained from the Commission for all expenditures that exceed the approved budget levels.

(f) Audited financial statements, including balance sheet, income statement and source and use of funds, prepared by a certified public accountant of New Jersey, must be filed with the Commission by February 28 of each year for the preceding calendar year.

(g) Funding for benevolent programs, including but not limited to pension plans, health and life insurance plans, etc. will be considered reasonable if such program funding on an annual basis is at least 70 percent of the total statutory allocation. Whether or not a program will be considered a "benevolent program" will be decided upon application to the Racing Commission. Annual benevolence program funding below 70 percent of the total statutory allocation requires justification satisfactory to the Commission. The administrative costs and overhead expenses of administering the horsemen's organizations', including benevolent, programs may not exceed 30 percent of the total allocated by statute unless and to the extent specifically authorized in advance by the Racing Commission.

(h) General administration and overhead expenses are considered reasonable if they are less than 30 percent of the statutory allocation. Funding above 30 percent of the total statutory allocation requires justification satisfactory to the Commission. Within this category, expenses for travel, entertainment, meals and lodging are considered reasonable

if they conform to the horsemen's organizations' travel and expense reimbursement guidelines on file and approved by the Commission. For expenses in excess of amounts allowed under these guidelines, the Racing Commission may require special justification and/or prior approval.

(i) Payments to national programs are allowed only to the extent that the horsemen's organizations can clearly show that the payments benefit all New Jersey horsemen, not just members of these organizations.

(j) If the accumulated surplus exceeds \$250,000 at the end of a calendar year, horsemen's organizations are required to utilize the amount in excess of the \$250,000 for new or expanded benevolent programs or justify to the Racing Commission why they do not intend to utilize the excess funds.

(k) Violation of this section may subject the organization to a fine not to exceed \$1,000 per violation.

New Rule, R.1988 d.76, effective February 16, 1988.
See: 19 N.J.R. 856(a), 20 N.J.R. 405(b).
Amended by R.1988 d.401, effective August 15, 1988.
See: 20 N.J.R. 1174(a), 20 N.J.R. 2071(a).
Substantially amended.
Amended by R.1989 d.109, effective February 21, 1989.
See: 20 N.J.R. 2997(a), 21 N.J.R. 451(d).
Repealed old (j) and substituted new (j).

13:71-1.26 Commission employees/appointees; prohibited affiliations with permitted racetracks

No employee or appointee of the New Jersey Racing Commission shall provide any services to a permitted racetrack facility in this State, whether or not for compensation, where those services are outside the scope of his or her duties on behalf of the Commission.

New Rule, R.1993 d.686, effective December 20, 1993.
See: 25 N.J.R. 4459(a), 25 N.J.R. 5939(a).

SUBCHAPTER 2. VIOLATIONS

Cross References

Judges and patrol judges, see N.J.A.C. 13:71-8.5.

13:71-2.1 Liability

Any person or association licensed by the Commission or any person or association subject to the jurisdiction of the Commission violating any of its rules or regulations shall be liable to the penalties herein provided, unless otherwise limited in and by the rules and regulations of the Commission.

13:71-2.2 Attempt to violate

Any attempt to violate the law or any of the rules and regulations of the Commission falling short of actual accomplishment shall constitute an offense and shall be punishable as if consummated.

13:71-2.3 Penalties

(a) The penalties for violation of the law or the rules of the Commission shall be as follows:

1. Denial, revocation or suspension of license;
2. Monetary fines not exceeding \$50,000 for each violation. The steward and board of judges may not impose directly a fine in excess of \$5,000.
3. Suspension from one or more activities at one or more tracks;
4. Expulsion from racing in New Jersey;
5. Forfeiture of purse;
6. In addition to the foregoing, the Commission may impose as a condition to licensing such conditions as it shall deem appropriate to secure compliance with the rules, regulations and directives of the Commission.

(b) Any penalty of suspension from driving shall commence after a hearing before the judges and shall be served on a continuing basis. Where the term of suspension equals or is less than the normal number of scheduled live race days during a week at the track association where the infraction occurred, the continuous suspension shall be imposed as soon as practical following the hearing and on dates where live racing there occurs. Where the term of suspension exceeds the normal number of scheduled live race days during a week at the track association where the infraction occurred, the continuous suspension shall be imposed as soon as practical following the hearing and on dates so as to encompass the maximum number of live race days there possible. However, where the term of suspension cannot be imposed consistent with the formulas set forth in this subsection due to the suspension of racing at the track where the infraction occurred, or where the judges determined that the application of such formulas would otherwise not be practical, the judges shall, in their discretion, determine the continuous dates over which the suspension is to be served. There shall be exceptions for stakes, futurities, early closures or feature races during the period of suspension as set forth below:

1. The board of judges may permit a driver serving a suspension of 10 days or less to drive in a designated race during the suspension if:
 - i. The race has been specified as a designated race by the racing secretary of the association before the inception of the race meeting at the association;
 - ii. The race has been approved as a designated race by the board of judges officiating at the meeting;

iii. The driver, before the beginning of the suspension, satisfactorily demonstrates to the board of judges that the driver is scheduled to drive a horse in the designated race; and

iv. The driver agrees to serve an additional racing day of suspension in place of the day on which the driver drives in the designated race.

(c) The penalties provided above, where applicable, shall be exacted from all persons, whether licensed by the Commission or not.

As amended, R.1976 d.125, effective April 22, 1976.
 See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
 As amended, R.1976 d.292, effective September 16, 1976.
 See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).
 As amended, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
 Amended by R.1993 d.484, effective October 4, 1993.
 See: 25 N.J.R. 2647(b), 25 N.J.R. 4600(c).
 Amended by R.2001 d.250, effective July 16, 2001.
 See: 33 N.J.R. 1338(a), 33 N.J.R. 2493(c).

In (b), inserted "as set forth below:" at the end of the introductory paragraph, and added 1.
 Amended by R.2004 d.156, effective April 19, 2004.
 See: 35 N.J.R. 4183(a), 36 N.J.R. 1952(b).
 Rewrote (a)2.

Case Notes

First driver pulling in front of second horse and causing second driver to take evasive action constituted interference; suspension ordered. *LaChance v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 13.

Veterinarian's use of non-FDA-approved drug for his own horse at his own farm in another state; not conduct detrimental to racing. *Chovanes v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 5.

13:71-2.4 Betting restrictions; owner, trainer and driver

No owner, trainer or driver of a horse entered in a race shall bet or cause any other person to bet on his behalf on any horse other than his own horse. In the case of exotic pools all tickets purchased by an owner, trainer or driver must include his horse entered to race.

R.1976 d.125, effective April 22, 1976.
 See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:71-20.12 Failure to finish

If for any cause other than being interfered with, broken equipment or unavoidable accident, a horse fails to finish after starting a heat, that horse shall be ruled out.

13:71-20.13 Shouting

Shouting is forbidden during a race by a driver therein.

13:71-20.14 Whips

Drivers will be allowed whips not to exceed four feet, eight inches, plus a snapper not longer than eight inches.

Public Notice.

See: 40 N.J.R. 5857(a).

13:71-20.15 Use of goading devices, and so forth

The possession or use of a goading device, chain or mechanical devices or appliances, other than the ordinary whip, upon any horse in any race shall constitute a violation of this rule. The brutal use of a whip or blunt spur, kicking a horse with a foot, striking a horse with the whip under the seat of the sulky or indiscriminate use of a whip may be considered a violation.

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

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

Section substantially amended.

Public Notice.

See: 40 N.J.R. 5857(a).

Case Notes

Jockey's repeated kicking of horse violated regulation; suspension. Manzi v. New Jersey Racing Commission, 93 N.J.A.R.2d (RAC) 23.

Harness driver's kicking of horse; nine day suspension. Silverman v. New Jersey Racing Commission, 92 N.J.A.R.2d (RAC) 3.

13:71-20.16 Hobbles, head pole

No horse shall wear hobbles in a race unless he starts in the same in the first heat or dash, and having so started he shall continue to wear them to the finish of the race. Any person found guilty of removing or altering a horse's hobbles during a race, or between races for the purpose of fraud, shall be penalized. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by the permission of the judges. No horse shall be permitted to wear a head pole protruding more than 10 inches beyond its nose.

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

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

"Hobbles" changed from "Hopples".

13:71-20.17 Breaking

(a) When any horse or horses break from their gait in trotting or pacing, their drivers shall at once, where clearance exists, take such horse to the outside and pull it to its gait.

(b) The following shall be considered violations of this section:

1. Failure to properly attempt to pull the horse to its gait;
2. Failure to take to the outside where clearance exists;
3. Failure to lose ground by the break.

(c) If there has been no failure on the part of the driver in complying with 1, 2 and 3 above, the horse shall not be set back unless a contending horse on his gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one or more places if in their judgment any of the violations of this section have been committed, and the driver may be penalized.

Petition for Rulemaking.

See: 40 N.J.R. 2607(a), 3759(a).

Case Notes

Breaking gait; finish order changed. Beissinger v. New Jersey Racing Commission, 92 N.J.A.R.2d (RAC) 14.

13:71-20.18 Fraudulent breaking

If a driver allows his horse to break for the purpose of fraudulently losing a heat or dash, he shall be liable to the penalties provided for in N.J.A.C. 13:71-2.3.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

N.J.A.C. cite added.

13:71-20.19 Calling and noting breaks

To assist in determining the matters relating to accurate charting of races, it shall be the duty of one of the judges to call out every break made and the clerk shall at once note the break made and character of it in writing.

13:71-20.20 Time between heats or dashes

The time between heats or dashes for any distance up to and including a mile shall not be less than 15 minutes; for any distance between one and two miles, 20 minutes.

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

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

"15" was "25", "20" was "30".

13:71-20.21 Right of the course

Horses called for a race shall have the exclusive right of the course and all other horses shall vacate the track at once unless permitted to remain by the judges.

13:71-20.22 Accidents

In the case of accidents, only so much time shall be allowed before continuing as the judges may deem necessary and proper.

13:71-20.23 Registration of nerved horses

(a) Blocking of nerve functions via surgical neurectomy, cryogenic techniques, or any other desensitizing means, whether permanent or temporary, is defined as "nerving".

(b) Only posterior digital "nerving" will be permitted on horses to be raced. The procedure must be performed posterior to the first phalanx at a level below the base of the sesamoid bones.

(c) Horses that are "nerved" above the area specified in (b) above will not be permitted to race in New Jersey.

(d) It shall be the responsibility of the owner and/or trainer to report all "nerved" horses to the State or Associate State Veterinarian.

(e) A list of all "nerved" horses shall be posted on the bulletin board at the entry room by the State Veterinarian.

Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
New Rule, R.1988 d.74, effective February 16, 1988.
See: 19 N.J.R. 2125(a), 20 N.J.R. 406(a).
Repealed existing rule and inserted new.

13:71-20.24 Equine fatality report

(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.

(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.

(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration

of medication or drugs to said animal within the 96 hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-2.3.

(e) An equine fatality report shall not be required in connection with any pony or mascot.

R.1984 d.105, effective April 2, 1984.
See: 16 N.J.R. 224(a), 16 N.J.R. 743(b).

SUBCHAPTER 21. PLACING CONDITIONS AND PURSES
13:71-21.1 Purses, distributed on dash basis, adjustments

Unless otherwise provided in the conditions, all purses shall be distributed on the dash basis with the money awarded according to a horse's position in each separate dash or heat of the race. Any adjustment in payments to be made by an association shall be made during the week wherein the race giving rise to the adjustment occurred.

13:71-21.2 Dashes

(a) Unless otherwise specified in the conditions, the money distribution in dashes shall be 50 percent, 25 percent, 12 percent, eight percent and five percent. Where, in early closing races, late closing races or added money events, there are less than five starters, the remaining premium shall go to the race winner unless the conditions call for a different distribution. Where, in overnight events, there are less than five starters, the premium for which positions for each there are no starters may be retained by the association.

(b) If there be any premium or premiums for which horses have started but were unable to finish due to an accident or otherwise, all unoffending horses who did not finish will share equally in such premium or premiums.

As amended, R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
(a) "50" was "45", "12" was "15", "eight" was "ten".

13:71-21.3 Every heat a race

The purse shall be distributed as in dash races with nothing set aside for the race winner.