

**CHAPTER 70
HORSE RACING**

Authority

N.J.S.A. 5:5-30.

Source and Effective Date

R.2005 d.233, effective June 17, 2005.
See: 37 N.J.R. 417(a), 37 N.J.R. 2696(a).

Chapter Expiration Date

Chapter 70, Horse Racing, expires on June 17, 2010.

Chapter Historical Note

Chapter 70, Horse Racing, was filed and became effective prior to September 1, 1969.

Subchapter 31, Violations, was adopted as R.1976 d.292, effective September 16, 1976. See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

Subchapter 14A, Stimulation and Test, was adopted as R.1979 d.497, effective January 1, 1980. See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Pursuant to Executive Order 66(1978), Subchapter 3, Racing Associations, Subchapter 14, Illegal Practices, Subchapter 15, Racing Officials, Subchapter 19, Other Officials, and Subchapter 29, Mutuels, 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 4, Licensing, was 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 6, Entries and Subscriptions, was readopted as R.1984 d.213, effective May 18, 1984. See: 16 N.J.R. 690(a), 16 N.J.R. 1361(a).

Pursuant to Executive Order No. 66(1978), Subchapter 2, Definitions, and Subchapter 14A, Stimulation and Test, expired on December 19, 1984.

Subchapter 2, Definitions, was adopted as new rules by R.1984 d.621, effective December 24, 1984. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

Subchapter 14A, Medication and Testing Procedures, was adopted as new rules by R.1985 d.59, effective February 19, 1985 (operative April 1, 1985). See: 16 N.J.R. 3180(a), 17 N.J.R. 468(a).

Pursuant to Executive Order No. 66(1978), Subchapter 12, 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 70, Horse Racing, was readopted as R.1990 d.127, effective January 25, 1990. See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.1995 d.102, effective January 25, 1995. See: 26 N.J.R. 4742(a), 27 N.J.R. 733(a).

Pursuant to Executive Order No. 66(1978), Chapter 70, Horse Racing, was readopted as R.2000 d.34, effective December 22, 1999. See: 31 N.J.R. 3047(b), 32 N.J.R. 321(d).

Subchapter 32, "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 70, Horse Racing, was readopted as R.2005 d.233, effective June 17, 2005. See: Source and Effective Date.

Law Review and Journal Commentaries

Horse Drugging—The New Jersey Trainer Absolute Insurer Law. Luke P. Iovine, III, John E. Keefe, Jr., 1 Seton Hall J. Sport L. 61 (1991).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL RULES

- 13:70-1.1 Applicability
- 13:70-1.2 Gender
- 13:70-1.3 Scope; authority of Executive Director
- 13:70-1.4 Owners and trainers
- 13:70-1.5 Race participants and patrons
- 13:70-1.6 Discharge of groom or attendant; notice
- 13:70-1.7 Language
- 13:70-1.8 Disturbing the peace
- 13:70-1.9 Handbooks
- 13:70-1.10 Suspended person or horse
- 13:70-1.11 Narcotic or drug convictions
- 13:70-1.12 Crimes regarding moral turpitude
- 13:70-1.13 Reinstatement of horses
- 13:70-1.14 Rescission of penalties
- 13:70-1.15 Penalties; acts detrimental to racing
- 13:70-1.16 Complaints in writing
- 13:70-1.17 Policing requirements
- 13:70-1.18 Police reports
- 13:70-1.19 Persons ejected; reports
- 13:70-1.20 Attendance reports
- 13:70-1.21 Badges of admission
- 13:70-1.22 Offices and parking; Racing Commission use
- 13:70-1.23 (Reserved)
- 13:70-1.24 Public broadcasts
- 13:70-1.25 Violations by track associations and penalties
- 13:70-1.26 Designation of commission agents
- 13:70-1.27 State Police; reports
- 13:70-1.28 Modification of penalties
- 13:70-1.29 Reciprocity
- 13:70-1.30 Horsemen associations
- 13:70-1.31 Commission employees/appointees; prohibited affiliations with permitted racetracks

SUBCHAPTER 2. DEFINITIONS

- 13:70-2.1 Definitions

SUBCHAPTER 3. RACING ASSOCIATIONS

- 13:70-3.1 Racing Days
- 13:70-3.2 License for running meeting
- 13:70-3.3 Names of officials; fingerprints; structure changes
- 13:70-3.4 Photographic system
- 13:70-3.5 Ownership approval
- 13:70-3.6 Annual listing of shareholders
- 13:70-3.7 Application forms; approval
- 13:70-3.8 Investigation
- 13:70-3.9 Review of application approval
- 13:70-3.10 Application denials; notice
- 13:70-3.11 Video tape system
- 13:70-3.12 Starting gates
- 13:70-3.13 Maintenance of grounds and facilities
- 13:70-3.14 Barns and stalls
- 13:70-3.15 Fire inspection stable area
- 13:70-3.16 Smoking prohibited
- 13:70-3.17 Storage of hay, straw or feed
- 13:70-3.18 Stable employees' facilities
- 13:70-3.19 Ambulances
- 13:70-3.20 First aid facilities
- 13:70-3.21 (Reserved)
- 13:70-3.22 Handbooking prohibited on grounds
- 13:70-3.23 Gambling devices

- 13:70-3.24 Petty games of chance
- 13:70-3.25 Communication system
- 13:70-3.26 Disqualified personnel kept off grounds
- 13:70-3.27 Ejected personnel; readmission; notice
- 13:70-3.28 Availability of purse money to winners
- 13:70-3.29 Deductions from winnings
- 13:70-3.30 Unredeemed mutual tickets
- 13:70-3.31 Financial statements
- 13:70-3.32 Employment application blank
- 13:70-3.33 Weekly reports on employees
- 13:70-3.34 Weekly report endorsement
- 13:70-3.35 Division of departments
- 13:70-3.36 Nonresident defined
- 13:70-3.37 Decisions on citizenship and residence
- 13:70-3.38 False or misleading statements
- 13:70-3.39 Compensation insurance
- 13:70-3.40 Admission; age
- 13:70-3.41 Employee compensation insurance
- 13:70-3.42 Certificate of compliance on file
- 13:70-3.43 Certificate of veterinary examination
- 13:70-3.44 Telephone
- 13:70-3.45 (Reserved)
- 13:70-3.46 Horsemen's bookkeeper account
- 13:70-3.47 Track entrance; Coggins test requirements for horses, ponies or equine mascot
- 13:70-3.48 Violations by track associations and penalties

SUBCHAPTER 4. LICENSING

- 13:70-4.1 Persons required to have licenses
- 13:70-4.2 Items requiring registration
- 13:70-4.3 Corporations
- 13:70-4.4 Fees
- 13:70-4.5 Registration of agreements
- 13:70-4.6 Examination of applications
- 13:70-4.7 Qualifications
- 13:70-4.8 Burden of proving qualifications
- 13:70-4.9 Refusal to issue or renew license
- 13:70-4.10 Age requirement
- 13:70-4.11 False or misleading statements
- 13:70-4.12 Financial irresponsibility
- 13:70-4.13 Disqualification of spouses; exception
- 13:70-4.14 Temporary application
- 13:70-4.15 Requirements; farms or licensed tracks
- 13:70-4.16 Certificate of compliance
- 13:70-4.17 (Reserved)
- 13:70-4.18 Badges
- 13:70-4.19 through 13:70-4.21 (Reserved)
- 13:70-4.22 Collection and dissemination of Social Security numbers
- 13:70-4.23 Multi-year license

SUBCHAPTER 5. STABLE NAMES, CORPORATIONS AND MULTIPLE OWNERSHIPS

- 13:70-5.1 (Reserved)
- 13:70-5.2 Disputes concerning colors
- 13:70-5.3 Temporary changes in colors
- 13:70-5.4 Improper colors
- 13:70-5.5 Registering stable name; fee
- 13:70-5.6 Identities
- 13:70-5.7 (Reserved)
- 13:70-5.8 Existing stable name
- 13:70-5.9 Names; limitation
- 13:70-5.10 Distinguishable name
- 13:70-5.11 Prohibition on advertising names
- 13:70-5.12 Changes in identities
- 13:70-5.13 Cancelling name
- 13:70-5.14 Registering new name
- 13:70-5.15 Transfer of name
- 13:70-5.16 Corporate name
- 13:70-5.17 Deviation from legal name of licensee
- 13:70-5.18 Name used by trainer
- 13:70-5.19 Multiple ownership
- 13:70-5.20 Contents of multiple ownership papers
- 13:70-5.21 Partner ownership

- 13:70-5.22 Partnership papers; signatures
- 13:70-5.23 Alterations in recorded partnership
- 13:70-5.24 Liability

SUBCHAPTER 6. ENTRIES AND SUBSCRIPTIONS

- 13:70-6.1 Qualified to start
- 13:70-6.2 Application for license
- 13:70-6.3 Racing secretary
- 13:70-6.4 Written entries and declarations
- 13:70-6.5 Coupled horses
- 13:70-6.6 Entries or scratches
- 13:70-6.7 Persons with recorded interest
- 13:70-6.8 Joint subscriptions and entries
- 13:70-6.9 Horse entered for first time
- 13:70-6.10 Unreported racing starts
- 13:70-6.11 Denial of nominations or entries
- 13:70-6.12 Registered horses
- 13:70-6.13 Certificate and tattooing requirements
- 13:70-6.14 Licensed trainer
- 13:70-6.15 Horse to be fully identified
- 13:70-6.16 Maiden horses; six years or older
- 13:70-6.17 Person attempting establishment of horse's identity
- 13:70-6.18 Stabling
- 13:70-6.19 Ownership registered; true ownership
- 13:70-6.20 Filing of interests or changes in interests
- 13:70-6.21 Limit on number of races per day
- 13:70-6.22 Partnerships
- 13:70-6.23 Eligibility
- 13:70-6.24 Disqualified persons
- 13:70-6.25 Return of money; disqualified persons
- 13:70-6.26 Entering or starting disqualified horse
- 13:70-6.27 Spouses
- 13:70-6.28 Horses on starters, veterinarians or stewards lists
- 13:70-6.29 Sale of horse to disqualified person
- 13:70-6.30 Owner in arrears
- 13:70-6.31 Limitation on double entries; same owner
- 13:70-6.32 Divided races
- 13:70-6.33 Unclosed races
- 13:70-6.34 Insufficient entries
- 13:70-6.35 Sweepstakes entries
- 13:70-6.36 Return of fees
- 13:70-6.37 Nominator liability
- 13:70-6.38 Death of nominator
- 13:70-6.39 Closing of entries
- 13:70-6.40 Overnight race entries
- 13:70-6.41 Closing places for entries
- 13:70-6.42 Closing time implied
- 13:70-6.43 Nomination for stake races
- 13:70-6.44 Miscarriage of stake race nomination or declaration
- 13:70-6.45 Posting of closed entries
- 13:70-6.46 Number of horses; stake races
- 13:70-6.47 Number of starters; overnight race
- 13:70-6.48 Alteration in entry after closing
- 13:70-6.49 Naming of jockey; changes
- 13:70-6.50 Postponement and cancellation of races
- 13:70-6.51 Closed entries; declared off
- 13:70-6.52 Post position
- 13:70-6.53 Eligibility; registration required
- 13:70-6.54 First time starters
- 13:70-6.55 (Reserved)
- 13:70-6.56 Starters; published workouts
- 13:70-6.57 Workout program

SUBCHAPTER 7. DECLARATIONS AND SCRATCHES

- 13:70-7.1 Purse races
- 13:70-7.2 Notice of declarations and scratches
- 13:70-7.3 Scratches from overnight races
- 13:70-7.4 Irrevocability
- 13:70-7.5 Stakes Races
- 13:70-7.6 Time for scratches; stakes races
- 13:70-7.7 Miscarriage of declaration

13:70-1.24 Public broadcasts

Approval of the New Jersey Racing Commission must be obtained before any race may be broadcast or televised from a race track in New Jersey. Only applications by radio or television stations authorized by the Federal Communication Commission will be considered for approval by the commission.

13:70-1.25 Violations by track associations and penalties

Notwithstanding any provision of subchapter 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.

R.1976 d.292, effective September 16, 1976.
See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

13:70-1.26 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).

13:70-1.27 State Police; reports

When the State Police in the normal performance of their duties at an association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing Commission with a copy to the State Police, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(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).

13:70-1.28 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.

R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-1.29 Reciprocity

Full force and effect shall be given to the denial, revocation or suspension of any license by any other racing commission or turf governing body.

R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-1.30 Horsemen associations

(a) It shall be the intent of this rule 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 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, identifying the source and use of funds, as well as any surplus or deficit that may result. The budget must also 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 the year. Prior approval must be obtained from the Commission for all expenditures that exceed the approved budget levels.

(f) The horsemen's organizations 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 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 rule may subject the organization to a fine not to exceed \$1,000 per violation.

New Rule, R.1988 d.75, effective February 16, 1988.
See: 19 N.J.R. 1418(a), 20 N.J.R. 404(b).
Amended by R.1988 d.400, effective August 15, 1988.
See: 20 N.J.R. 1172(a), 20 N.J.R. 2070(a).
Substantially amended.
Amended by R.1989 d.106, effective February 21, 1989.
See: 20 N.J.R. 2995(c), 21 N.J.R. 451(a).
Old (j) deleted and new (j) added.

Case Notes

Statute creating fund to aid horsemen imbued nonprofit horseman's organization with the discretion to act in whatever reasonable manner would "aid horsemen," and particular political contributions and lobbying and education expenses, which were approved by organization's board of directors, were reasonable manifestations of use of organization's discretion. N.J. Horseman's Ass'n v. State, 348 N.J.Super. 125, 791 A.2d 320.

Racing Commission does not have exclusive jurisdiction to adjudicate all legal and factual disputes involving control and disposition of fund allocated for horsemen's benevolence programs. New Jersey Div., Horsemen's Benev. Protective Ass'n v. New Jersey Racing Com'n, 251 N.J.Super. 589, 598 A.2d 1243 (A.D.1991).

13:70-1.31 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.684, effective December 20, 1993.
See: 25 N.J.R. 4458(b), 25 N.J.R. 5938(b).

SUBCHAPTER 2. DEFINITIONS

13:70-2.1 Definitions

The following words and terms, when used in this chapter, and when used in N.J.A.C. 13:71 unless defined in N.J.A.C. 13:71-4.1(b), shall have the following meanings unless the context clearly indicates otherwise:

"Added money" means the money which in a stake race an association adds to the purse, the nominating and starting fees.

"Advance wagers" means any wager placed at least one race in advance of the current race.

"Age" of a horse means the time reckoned as beginning on the first of January in the year after the horse is foaled.

"Apprentice" means a jockey apprentice.

"Arrears" includes all money due for entrance forfeits, fees (including jockey fees), fines, subscriptions, purchase money in a claiming race and also any default in money incident to the rules.

"Assistant trainer" means a person who assumes the duties and responsibilities of a trainer while assisting the trainer or acting on behalf of the trainer in the training of the horses under his charge.

"Association" means a person or persons, partnerships or corporate body licensed by the commission to conduct a meeting where horse racing shall be permitted for any stake, purse or reward.

"Authorized agent" means a person appointed by a written instrument signed by the owner and filed in accordance with the rules.

“Breeder” of a horse means the owner of its dam at the time of foaling.

“Calendar day” means 24 hours ending at midnight.

“Breeding place” means the place of a horse’s birth.

ii. Foaled in New Jersey during a period in which the mare is considered a non-resident "New Jersey mare" as defined in (b)2 above;

iii. Conceived in New Jersey by a "New Jersey stallion" as defined in (b)3 above but not foaled in New Jersey; and

iv. Registered with the Thoroughbred Breeders' Association of New Jersey with all applicable fees paid.

(d) Awards, if any, for "horse owners," "breeders," and/or "stallion owners" from races exclusively for New Jersey bred foals may differ between "accredited" New Jersey bred horses and "non-accredited" New Jersey bred horses in accordance with rules established and changed from time to time by the Thoroughbred Breeders' Association of New Jersey.

1. "Horse owner" is owner or lessee of record of a horse with the Jockey Club and Race Secretary at the time of the race.

2. "Breeder" of a foal is owner of the dam at the time of foaling as stated on the foal's Jockey Club certificate of registration.

3. "Stallion owner" is the owner of record of the stallion at the time of conception of the subject foal. In order to be eligible for "stallion owner" awards, the subject foal must have been conceived in New Jersey.

(e) The breeder is responsible for the registering of the foal as an "accredited" or "non-accredited" New Jersey bred foal.

(f) A breeder who registers or attempts to register a foal based upon false or fraudulent information may be subject to any or all of the following sanctions by the Thoroughbred Breeders' Association:

1. The horse may no longer be considered a New Jersey bred foal;

2. Any New Jersey breeder awards earned by an ineligible horse shall be forfeited to the Thoroughbred Breeders' Association of New Jersey;

3. The breeder may be denied the privilege of registering any horses as New Jersey bred foals or as New Jersey stallions for a time period determined by the Thoroughbred Breeders' Association;

4. The breeder may be denied the benefit of any and all breeder awards in New Jersey for a time period determined by the Thoroughbred Breeders' Association.

(g) Any owner or breeder may appeal the decision of the Thoroughbred Breeders' Association of New Jersey concerning the registration of a horse under this rule to the New Jersey Racing Commission.

(h) All fees for registration of foals, horses of racing age and stallions as established by the Thoroughbred Breeders' Association of New Jersey shall be subject to the approval of

the Commission, which approval shall be based upon the Commission's review of a full accounting of fees received and the disposition and purposes for which the revenue collected by the Association is utilized in order to comply with the rules of racing and the terms of New Jersey statutes, the purposes of which are to improve and develop the thoroughbred breeding industry in the State.

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

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

As amended, R.1984 d.45, eff. February 21, 1984.

See: 15 N.J.R. 2147(a), N.J.R. 378(a).

(a)3. changed July to July 1st, (a)3. i and ii added.

New Rule R.1985 d.203, effective May 6, 1985.

See: 17 N.J.R. 271(a), 17 N.J.R. 1135(b).

Repealed old rule and adopted this new rule.

Amended by R.1995 d.617, effective December 4, 1995.

See: 27 N.J.R. 3304(b), 27 N.J.R. 4904(a).

Petition for Rulemaking.

See: 35 N.J.R. 4332(b), 4921(b).

Amended by R.2004 d.358, effective September 20, 2004.

See: 36 N.J.R. 2157(a), 36 N.J.R. 4319(b).

Rewrote the section.

Petition for Rulemaking: New Jersey Racing Commission: eligibility; registration required.

See: 38 N.J.R. 1609(a).

Petition for Rulemaking: New Jersey Racing Commission; Notice of

Action on Petition for Rulemaking: Eligibility; Registration Required.

See: 38 N.J.R. 1880(b).

Amended by R.2007 d.121, effective May 7, 2007.

See: 39 N.J.R. 23(a), 39 N.J.R. 1765(a).

In the introductory paragraph of (b), inserted "a non-resident New Jersey mare or"; added new (b)2; recodified former (b)2 as (b)3; added new (c)2ii; recodified former (c)2ii and (c)2iii as (c)2iii and (c)2iv; and updated internal reference at (c)2iii.

Petition for Rulemaking.

See: 40 N.J.R. 6236(a).

13:70-6.54 First time starters

(a) No first time starters will be allowed to enter without two published workouts within 45 days of racing.

(b) It shall be the trainers responsibility to see that all first time starters in their care have published workouts.

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

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

Amended by R.2005 d.125, effective April 18, 2005.

See: 36 N.J.R. 4374(a), 37 N.J.R. 1212(a).

In (a), substituted "without two published workouts within 45 days of racing" for "without a published workout"; in (b), substituted "have published workouts" for "have a published workout".

13:70-6.55 (Reserved)

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

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

As amended, R.1982 d.183, eff. June 21, 1982.

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

As amended, R.1983 d.14, eff. February 7, 1983.

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

Decreased non-racing period from 25 to 14 days for first time bleeders and added three month prohibition for second time bleeders. Also added last sentence.

Repealed by R.1988 d.245, effective June 6, 1988.

See: 20 N.J.R. 506(a), 20 N.J.R. 1207(a).

This rule appears at N.J.A.C. 13:70-14A.9(d).

13:70-6.56 Starters; published workouts

A horse which has not started for 30 days or more shall be ineligible to race unless it has a published timed workout at a racetrack within 30 days prior to entry. Workouts following the entry of a horse shall appear on the official daily program.

R.1983 d.14, eff. February 7, 1983.
See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

13:70-6.57 Workout program

(a) Each track association shall establish and maintain a workout program meeting the following requirements, as well as such other requirements and conditions as established from time to time by the Commission.

1. Training and workout hours for the main track and/or training track shall be designated by the racing association.

2. No horse shall be permitted onto either track for training or a workout except during the designated hours unless with the express permission of the Racing Secretary and Board of Stewards.

3. Access to the training track and/or main track during such hours shall be limited to such gaps as directed by the Board of Stewards where the association shall have at least one workout coordinator per gap.

4. The workout coordinator shall obtain the identity of all horses to workout at the time the horse enters through the appropriate gap. The workout coordinator shall also obtain from the trainer, custodian or rider of any such horse, the distance which the horse will workout and at what point on the track the workout is intended to begin. All such information shall then be promptly transmitted to the clockers who are responsible for timing and reporting all workouts.

5. The racing association shall maintain a communication system between the workout coordinators and clockers.

6. The trainer shall be responsible for insuring that horses in his care and custody comply with all provisions of this workout program.

7. The Board of Stewards shall have overall jurisdiction of this program, and may fine and/or suspend any persons who violate or attempt to violate the workout program requirements. The stewards may also fine and/or suspend any person who reports or submits inaccurate or false information concerning the identity of any horse and the particulars of any workout.

New Rule, R.1985 d.663, effective January 6, 1986.
See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b).

SUBCHAPTER 7. DECLARATIONS AND SCRATCHES

13:70-7.1 Purse races

Declaration and scratches from purse races shall be made to the racing secretary by the owner, his authorized agent, or some person deputed by him, at a time which shall be set by the racing secretary and so posted conspicuously.

13:70-7.2 Notice of declarations and scratches

No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent, or some person deputed by him shall have given due notice in writing to the racing secretary.

13:70-7.3 Scratches from overnight races

No horse shall be scratched from an overnight race without the approval of the stewards.

13:70-7.4 Irrevocability

The declaration or scratch of a horse out of an engagement is irrevocable.

13:70-7.5 Stakes Races

For stakes races, if a horse is not named through the entry box at the time appointed by the racing secretary, the horse is automatically out.

13:70-7.6 Time for scratches; stakes races

Scratches from stakes races will close 45 minutes before post time.

13:70-7.7 Miscarriage of declaration

If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant; otherwise, the declaration shall not be accepted as of the time alleged.

SUBCHAPTER 8. WEIGHTS

13:70-8.1 Obligatory penalties

Weight penalties are obligatory.

13:70-8.2 Weight allowances

Weight allowances must be claimed at time of entry, and shall not be abandoned after the posting of entries except by consent of the stewards.

13:70-8.3 Noncumulative penalties and allowances

Penalties and allowance of weight are not cumulative, unless so declared by the conditions of a race.