

**CHAPTER 70**

**HORSE RACING**

**Authority**

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

**Source and Effective Date**

R.2000 d.34, effective December 22, 1999.  
See: 31 N.J.R. 3047(b), 32 N.J.R. 321(d).

**Executive Order No. 66(1978) Expiration Date**

Chapter 70, Horse Racing, expires on December 22, 2004.

**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: Source and Effective Date. See, also, section annotations.

**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).

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**SUBCHAPTER 30. INITIAL TRACK APPLICATION**

- 13:70-30.1 Permit to hold race meetings

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**SUBCHAPTER 1. GENERAL RULES**

**13:70-1.1 Applicability**

These rules are to apply to all tracks, all race meetings and to all persons and all matters within the jurisdiction of the New Jersey Racing Commission.

**Case Notes**

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).

**13:70-1.2 Gender**

The definitions and interpretations of racing terms, as well as the Foreword, are to be considered in connection with the rules and as part of them. Wherever "he" is used, it shall be construed to mean "he" or "she".

**13:70-1.3 Scope; authority of Executive Director**

(a) The rules, regulations and conditions under which all horse racing shall be conducted in the State of New Jersey are prescribed by the racing law (N.J.S.A. 5:5-22 et seq.) and by the New Jersey Racing Commission.

(g) The number of entries (or starters) required is as follows:

1. As long as at least one horse remains within an entry or the field, that betting interest will not be deemed a scratch. If a betting interest is scratched or declared a non-starter, the actual favorite as evidenced by Breeders' Cup host track win pool at the start of the race will be substituted. If the win pool amounts are equal, the substitute will be the lowest program numbered betting interest.

New Rule, R.1992 d.200, effective May 4, 1992.  
See: 23 N.J.R. 1769(b), 24 N.J.R. 1800(b).

### 13:70-29.58 (Reserved)

### 13:70-29.59 Cancellations

(a) Cancellations of mutuel tickets are prohibited on wagers purchased on the current race once the patron has left the window on all types of wagers where odds or probable payouts are displayed to the public.

(b) Mutuel clerks shall be permitted to cancel current race mutuel tickets during the delay period provided it is the last transaction before the bell sounds signaling the end of wagering. If it is determined by the Executive Director of the Racing Commission or his or her designee that mutuel clerks are abusing this cancellation privilege, they will be subject to fine and/or suspension.

(c) No cancellation of mutuel tickets is permitted after the delay period.

(d) Cancellation of all advance wagers is permitted up until the race immediately preceding the advance wager becomes official.

(e) Mutuel clerks are permitted to cancel mutuel tickets purchased at self-service terminals provided they are advance wagers or wagers where odds or probable payouts are not displayed to the public.

New Rule, R.1991 d.542, effective November 4, 1991.  
See: 23 N.J.R. 2267(a), 23 N.J.R. 3340(a).

### 13:70-29.60 Expiration of mutuel tickets

All mutuel tickets shall expire six months and one day from the date of issue (that is, tickets purchased on January 1 will expire at the close of business of July 1).

New Rule, R.1991 d.543, effective November 4, 1991.  
See: 23 N.J.R. 2267(b), 23 N.J.R. 3340(a).  
Amended by R.2002 d.347, effective November 4, 2002.  
See: 33 N.J.R. 3625(a), 34 N.J.R. 3782(a).

Deleted "and vouchers" following "tickets" throughout.

### 13:70-29.61 Superfecta

(a) The superfecta (or other approved name) is a form of pari-mutuel wagering where each bettor selects, in order, the first, second, third and fourth placed horses in the

designated superfecta race. The superfecta pool shall be held entirely separate from all other pools, and is not part of a daily double, exacta or other wagering pool.

(b) Superfecta tickets shall be sold in not less than \$1.00 denominations.

(c) Races in which superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) If a horse is scratched or declared a non-starter, no further superfecta tickets may be issued designating such horse and all superfecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(e) Where a field in a superfecta race is less than seven at wagering time, said race shall not be run as a superfecta. A late scratch after wagering starts will not affect the superfecta.

(f) The net superfecta pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

1. As a single price pool to those whose combination finished in correct sequence as the first four different betting interests; but if there are no such wagers, then:

2. As a single pool to those whose combination included, in correct sequence the first three different betting interests; but if there are no such wagers, then:

3. As a single price pool to those whose combination included, in correct sequence, the first two different betting interests; but if there are no such wagers, then:

4. As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then:

5. The entire pool of superfecta wagers shall be refunded for that contest.

(g) If less than four different betting interests finish the race and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of different betting interests completing the race shall be ignored.

(h) If there is a dead heat for first involving:

1. Contestants representing four or more different betting interests, all of the wagering combinations selecting the four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

2. Contestants representing three different betting interests, all of the wagering combinations selecting the three dead-heated different betting interests, irrespective of order, along with the fourth place different interest shall share in a profit split.

3. Contestants representing two different betting interests, both of the wagering combinations selecting the two dead-heated different betting interests, irrespective of order, along with the third place and fourth place different betting interest shall share in a profit split.

(i) If there is a dead heat for second involving:

1. Contestants representing three or more different betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three different betting interests involved in the dead heat for second shall share in a profit split.

2. Contestants representing two different betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated different betting interests, irrespective of order, and the fourth place betting interest shall share in a profit split.

(j) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the different betting interests involved in the dead heat for third share in a profit split.

(k) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three different finishers, in correct sequence, along with any of the different betting interests involved in the dead heat for fourth shall share in a profit split.

New Rule, R.1994 d.92, effective February 22, 1994.  
See: 25 N.J.R. 5450(a), 26 N.J.R. 1106(c).  
Petition for Rulemaking.  
See: 35 N.J.R. 279(b), 897(b).

### 13:70-29.62 Distribution of funds derived from casino simulcasting in lieu of N.J.S.A. 5:12-203g(2)

(a) Pursuant to N.J.S.A. 5:12-204, the formula contained in N.J.S.A. 5:12-203g(2) is superseded and revised as set forth in this section as to running races, and as set forth in N.J.A.C. 13:71-27.60 as to harness racing. Of that amount remaining after the deduction of the amounts under subsections a, b, c, d, e, f and paragraph g(1) of N.J.S.A. 5:12-203, 43 percent shall be paid to the New Jersey Racing Commission and shall be distributed, in the following year, as provided herein to New Jersey racetracks conducting running races and to New Jersey racetracks conducting harness racing as set forth in N.J.A.C. 13:71-27.60. Such monies shall be used for payment as purse money and for programs designed to aid horsemen and horsemen's organizations as provided in section 46b(1)(d) or 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(2)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), in the case of running races. This money shall be distributed to those racetracks conducting running races in accord with the percentages set forth in (b) and (c) below, using the formula set forth in (d) below. Where a New Jersey permitholder conducts both running races and harness races, this section shall be applicable to the permitholders running races and N.J.A.C. 13:71-27.60 shall be applicable to the permitholder's harness races.

(b) Of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:71-27.60, 60 percent of the total shall be distributed to permitholders conducting running races and 40 percent of the total shall be distributed to racetracks conducting harness races for 1998 and 1999.

(c) Following 1999, of the monies referred to in (a) above, and pursuant to N.J.A.C. 13:71-27.60, 50 percent of the total shall be distributed to permitholders conducting running races and 50 percent of the total shall be distributed to racetracks conducting harness races.

(d) The formula upon which the monies referred to in (a) above is to be distributed to the New Jersey racetracks conducting running races, under either (b) or (c) above, whichever is applicable shall be as follows:

$$A/B = C/D$$

where:

A = the total amount distributed by each racetrack conducting running races, pursuant to section 46b(1)(d) or 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), or section 7f(2)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), during the preceding calendar year, plus any additional amounts paid out by each racetrack for overnight purses during the preceding calendar year from the permitholders' share of the pari-mutuel pool;

B = the total amount distributed by all racetracks conducting running races Statewide pursuant to section 46b(1)(d) and 46b(2)(d) of P.L. 1940, c.17 (N.J.S.A. 5:5-66), section 5b(2) of P.L. 1982, c.201 (N.J.S.A. 5:5-98), and section 7f(2)(b) of P.L. 1971, c.137 (N.J.S.A. 5:10-7), during the preceding calendar year, plus any additional amounts paid out by racetracks for overnight purses during the preceding calendar year from the permitholder's share of the pari-mutuel pool;

C = the amount to be distributed to each racetrack conducting running races from the total moneys available for distribution pursuant to this section;

D = 60 percent (50 percent after 1999) of the total amount of moneys available for distribution pursuant to this section.

New Rule, R.1998 d.87, effective February 17, 1998.  
See: 29 N.J.R. 4397(a), 30 N.J.R. 702(a).

## SUBCHAPTER 30. INITIAL TRACK APPLICATION

### 13:70-30.1 Permit to hold race meetings

(a) No license or permit shall be transferable or assignable in any manner or in any particular.

(b) An application for a permit to conduct a horse race meeting shall be filed on form R-1 in the case of harness races and on form R-2 in the case of running races, which forms shall be prescribed and furnished by the commission. The commission may require from time-to-time additional information which shall be attached to, and made a part of, and filed with the application. The application and additional information shall be submitted in affidavit form, sworn to and subscribed before a person legally competent to take oaths. The application shall be filed with the commission prior to August 1, of any year.

(c) The applicant shall furnish, at his expense, such data as the commission shall require to enable it to carry out fully and effectually all the provisions and purposes of the law which may include, but shall not be limited to, the following:

1. Blueprints and specifications of the track and its surface, and blueprints and specifications of buildings and grandstands; and
2. Surveys, studies and analyses by competent and qualified experts which may be required by the commission to ascertain such factors as proposed attendance, traffic flow, income or any and all matters necessary for the commission to make a determination with respect to the matter of the application.

(d) When, in the judgement of the commission, the services of special legal counsel are necessary to carry out fully and effectually all the provisions and purposes of the law and to serve the public interest, the commission may request the Attorney General to appoint such counsel and the applicant shall pay the reasonable expenses to his services. Special counsel shall submit, in affidavit form, a detailed accounting of his services to the Attorney General, who shall certify said accounting to the commission upon being satisfied that it is reasonable and necessary to carry out fully and effectually the purposes of this act. The commission shall, in no event, require payment for such services without the said approval of the Attorney General.

(e) In any case where the commission may require expenses by the applicant, pursuant to this request, the commission may, in its discretion, require the applicant to give bond or other satisfactory security to guaranty payment of the aforesaid expenses.

(f) The application for a permit to hold or conduct horse race meetings within the State of New Jersey shall include, but not be limited to, the following information:

1. The name of the person, association or corporation making such application;
2. Post office address of the applicant;
3. If the applicant is a corporation or an association, the names and addresses of the officers and directors thereof and the name and address of each owner or

holder, directly or indirectly, of any share of stock or certificate or other evidence of ownership of any interest in such corporation or association;

4. If the applicant is a partnership, it shall furnish the names and addresses of all general and limited partners;

5. In the case of a corporate applicant, the date of incorporation, name of the state in which incorporated, and a copy of the original certificate of incorporation and of any amendments thereto;

6. The dates on which it is intended to conduct or hold such horse race meeting and the hours of each racing day between which it is intended to hold or conduct horse racing at such meeting;

7. The location of the place, track or enclosure where it is proposed to hold or conduct such horse race meeting;

8. Detailed information and specifications of the track, buildings and grandstand possessed or to be constructed by the applicant, including a blueprint of the track and specifications of the construction and of the surface of same; and blueprints and detailed architect's specifications of the construction of any buildings and grandstands of the applicant. The commission reserves the right to reject inadequate or unsatisfactory specifications or to demand additional information and specifications from the applicant;

9. A financial statement of the applicant, certified by a certified public accountant of New Jersey;

10. A statement by a certified public accountant of New Jersey showing details of all financing arrangements made or contemplated by the applicant in connection with the construction of the race track buildings and grandstand;

11. Any other information which is set forth on form R-1 or form R-2 or as may be required by the commission.

(g) The application, if made by an individual, shall be signed and verified under oath by such individual, and, if made by two or more individuals or a partnership shall be signed and verified under oath by all of the individuals or by all of the members of the partnership, whether general or limited, as the case may be. If the application is made by an association or corporation, it shall be signed by the president or vice president thereof and attested by the secretary or assistant secretary under the seal of such association or corporation, if it has a seal, and shall be verified under oath by one of the officers signing the same.

(h) In addition to the above requirements the applicant shall comply with the following:

1. Every applicant shall furnish to the Commission, under oath, a list of the names, addresses and dates of birth of every person, entity or organization who or which has any interest whatsoever in the applicant, the proposed

race track, or the proposed horse race meetings, and a detailed account of the nature and extent of said interest. Each such person, entity or organization who or which has such an interest shall furnish a statement, under oath, to the Commission, setting forth that he is acting solely in his own behalf and is a real party in interest, or if he is acting jointly with or solely on behalf of any person, entity or organization, or if he is not a real party in interest, then he shall state the name, address and date of birth of the real property or other party or parties in interest for whom he is acting. In the event that the application and its attachments do not identify any person, entity or organization who or which has any direct or indirect interest in the applicant, proposed race track or proposed horse race meetings, the application may be denied.