

CHAPTER 73

**WORKERS' COMPENSATION INSURANCE
COVERAGE FOR HORSE RACING
INDUSTRY EMPLOYEES**

Authority

N.J.S.A. 34:15-129 et seq., specifically 34:15-133f.

Source and Effective Date

R.2010 d.300, effective November 24, 2010.
See: 42 N.J.R. 1490(a), 42 N.J.R. 3069(a).

Chapter Expiration Date

Chapter 73, Workers' Compensation Insurance Coverage for Horse Racing Industry Employees, expires on November 24, 2015.

Chapter Historical Note

Chapter 73, Workers' Compensation Insurance Coverage for Horse Racing Industry Employees, was adopted as R.1999 d.443, effective December 20, 1999. See: 31 N.J.R. 2872(a), 31 N.J.R. 4288(a).

Chapter 73, Workers' Compensation Insurance Coverage for Horse Racing Industry Employees, was readopted as R.2005 d.235, effective June 17, 2005. See: 37 N.J.R. 421(a), 37 N.J.R. 2697(a).

Chapter 73, Workers' Compensation Insurance Coverage for Horse Racing Industry Employees, was readopted as R.2010 d.300, effective November 24, 2010. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL RULES

13:73-1.1 Scope

This chapter applies to all owners licensed or required to be licensed by the New Jersey Racing Commission who employ horse racing industry employees as well as their horse racing industry employees. These rules shall not apply to employees of an owner who are not horse racing industry employees. To the extent that a horse racing industry employee is also covered by duplicate coverage within this State procured pursuant to another policy of workers' compensation insurance, the coverage procured by the Board shall be considered primary.

Amended by R.2001 d.83, effective March 5, 2001.
See: 32 N.J.R. 2214(a), 33 N.J.R. 838(a).

Deleted references to trainers throughout.

13:73-1.2 Purpose

The Legislature has determined that it is in the public interest to ensure that workers' compensation insurance or self-insurance coverage is available to persons employed by owners of horses in the thoroughbred and standardbred horse racing industries in New Jersey by collectively securing coverage for their horse racing industry employees. Pursuant to N.J.S.A. 34:15-129 et seq., the purpose of this chapter is to effectuate that legislative objective.

Amended by R.2001 d.83, effective March 5, 2001.
See: 32 N.J.R. 2214(a), 33 N.J.R. 838(a).

Inserted "by owners of horses" following "persons employed"; substituted "their" for "all" following "coverage for".

SUBCHAPTER 2. DEFINITIONS

13:73-2.1 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Act" means the New Jersey Horse Racing Injury Compensation Board Act, N.J.S.A. 34:15-129 et seq.

"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 or her charge.

"Board" means the New Jersey Horse Racing Injury Compensation Board established by the New Jersey Horse Racing Injury Compensation Board act, N.J.S.A. 34:15-129 et seq.

"Driver" means a person who drives horses in any race at a track, matinee fair or other non-extended pari-mutuel meeting.

“Driver-trainer” means a person who is licensed as a trainer of horses who also drives horses in any race at a track, matinee fair or other non-extended pari-mutuel meeting.

“Exercise personnel” means any person who is conducting a jogging or a work-out of a horse for the purposes of conditioning during training hours.

“Horse” means a filly, mare, colt, horse and gelding.

“Horse racing industry employee” means a jockey, jockey apprentice, or driver, engaged in performing services for an owner in connection with the racing of a horse in New Jersey. “Horse racing industry employee” also means an exercise rider of a thoroughbred horse for the period of time during which he or she is employed as an exercise rider of a thoroughbred horse at a horse racetrack in this State who is licensed by the Commission and from whose wages deductions and withholdings as required or authorized by State or Federal law are taken and a trainer who otherwise would be considered an employee of the owner pursuant to N.J.S.A. 34:15-1 et seq. as well as any person assisting such trainer who is required to be licensed by the Commission.

“Jockey” means a race rider, whether jockey or apprentice.

“Owner” means sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

“Stable employee” means a person who is employed by the trainer to perform duties such as hot walker or groom.

“State” means the State of New Jersey.

“Trainer” means a person licensed by the New Jersey Racing Commission to condition horses for races.

Amended by R.2001 d.83, effective March 5, 2001.

See: 32 N.J.R. 2214(a), 33 N.J.R. 838(a).

Rewrote “Horse racing industry employee”.

Amended by R.2005 d.235, effective July 18, 2005.

See: 37 N.J.R. 421(a), 37 N.J.R. 2697(a).

Rewrote “Horse racing industry employee”.

SUBCHAPTER 3. ASSESSMENT AND COLLECTION

13:73-3.1 Powers of the Board

(a) The Board shall secure workers’ compensation insurance or self-insurance coverage for horse racing industry employees. Pursuant to N.J.S.A. 34:15-133, the Board shall have the power to:

1. Purchase and serve as the master policyholder for any insurance or self-insurance coverage pursuant to N.J.S.A. 34:15-77;

i. Pursuant to N.J.S.A. 34:15-135 and 34:15-36, a horse racing industry employee shall be deemed to be in

the employment of the Board and in the employment of all owners who are licensed or required to be licensed by the New Jersey Racing Commission at the time of any occurrence for which workers’ compensation benefits are payable, pursuant to N.J.S.A. 34:15-1 et seq. as supplemented by the Act, and not solely in the employment of a particular owner and a horse racing industry employee shall not be deemed to be in the employment of the Board for any other purpose; and

ii. Pursuant to N.J.S.A. 34:15-135 and 34:15-36, the Board and all owners who are licensed or required to be licensed by the New Jersey Racing Commission shall be deemed the employer of a horse racing industry employee at the time of any event for which workers’ compensation benefits are payable, pursuant to N.J.S.A. 34:15-1 et seq. as supplemented by the Act, and the Board shall not be deemed the employer of a horse racing industry employee for any other purpose;

2. Enter into contracts with other persons, entities or public bodies for any professional, administrative or other services, including legal counsel if approved by the Attorney General, as may be necessary to carry out the duties of the Board and the purposes of the Act;

3. Assess, collect and disburse all money due or payable to or by the Board, or authorize such collection and disbursement;

4. Invest moneys held in trust under any fund in investments which are approved by the State Investment Council for the investment of surplus moneys of the State;

5. Approve assessments, surplus, limits of coverage, limits of excess or reinsurance, coverage documents and other financial and operating policies of the Board;

6. Promulgate rules and regulations, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., necessary to effectuate the purposes of the Act; and

7. Take all actions necessary to carry out the provisions of the Act.

Amended by R.2001 d.83, effective March 5, 2001.

See: 32 N.J.R. 2214(a), 33 N.J.R. 838(a).

In (a)l ii, deleted “or of all trainers, as appropriate,” following “all owners”; in (a)l iii, deleted “or all trainers, as appropriate,” following “all owners”.

13:73-3.2 Assessment; general

(a) Pursuant to N.J.S.A. 34:15-134, the Board shall assess and collect sufficient funds to pay the costs of the workers’ compensation insurance or self-insurance coverage required by the Act and by the workers’ compensation laws of this State. This assessment may also include sufficient funds to pay any additional costs necessary to carry out the Board’s other duties. The Board shall ascertain the total funding necessary, establish the sums that are to be paid and determine the method of assessing and collecting these funds.