

CHAPTER 70

HORSE RACING

Authority

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

Source and Effective Date

R.1995 d.102, effective January 25, 1995.
See: 26 N.J.R. 4742(a), 27 N.J.R. 733(a).

Executive Order No. 66(1978) Expiration Date

Chapter 70, Horse Racing, expires on January 25, 2000.

Chapter Historical Note

All provisions of this chapter became effective prior to September 1, 1969.

1975 Revisions: Amendments became effective February 21, 1975 as R.1975 d.37. See: 7 N.J.R. 11(a), 7 N.J.R. 170(b).

1976 Revisions: Amendments became effective April 22, 1976 as R.1976 d.125. See: 8 N.J.R. 47(b), 8 N.J.R. 308(a). Further amendments and Subchapter 31 became effective September 16, 1976 as R.1976 d.292. See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

1977 Revisions: Amendments became effective January 17, 1977 as R.1977 d.8. See: 8 N.J.R. 531(c), 9 N.J.R. 94(d). Further amendments became effective August 29, 1977 as R.1977 d.331. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

1978 Revisions: Amendments became effective April 19, 1978 as R.1978 d.132. See: 9 N.J.R. 540(a), 10 N.J.R. 295(b). Further amendments became effective August 1, 1978 as R.1978 d.269. See: 10 N.J.R. 259(a), 10 N.J.R. 403(c). Amendments became effective August 9, 1977 as R.1978 d.275. See: 10 N.J.R. 169(b), 10 N.J.R. 404(b). Further amendments became effective August 29, 1977 as R.1977 d.331. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a). October 2, 1978 as R.1978 d.353. See: 10 N.J.R. 349(b), 10 N.J.R. 510(b).

1979 Revisions: Amendments became effective April 12, 1979 as R.1979 d.144. See: 11 N.J.R. 21(b), 11 N.J.R. 258(a). Further amendments became effective June 20, 1979 as R.1979 d.250. See: 10 N.J.R. 509(a), 11 N.J.R. 400(a). Further amendments became effective July 18, 1979 as R.1979 d.274. See: 11 N.J.R. 296(b), 11 N.J.R. 401(b).

1980 Revisions: Subchapter 14A Stimulation and Test and amendments became effective January 1, 1980 as R.1979 d.497. See: 11 N.J.R. 579(a), 12 N.J.R. 91(b). Further amendments became effective February 27, 1980 as R.1980 d.95. See: 11 N.J.R. 463(a), 12 N.J.R. 208(c). Further amendments became effective July 8, 1980 as R.1980 d.286. See: 12 N.J.R. 494(a).

1981 Revisions: Amendments became effective February 2, 1981 as R.1981 d.32. See: 13 N.J.R. 150(f). Amendments became effective December 21, 1981 as R.1981 d.489. See: 13 N.J.R. 520(c), 13 N.J.R. 946(d).

1982 Revisions: Amendments substantially revised this chapter effective June 21, 1982 as R.1982 d.183. See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

1983 Revisions: Amendments became effective February 7, 1983 as R.1983 d.14. See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b). Further amendments became effective April 4, 1983 (operative January 1, 1984) as R.1983 d.639. See: 14 N.J.R. 1444(a), 15 N.J.R. 553(b). Subchapters 3, 14, 15, 19 and 29 were readopted in compliance with Executive Order 66(1978), effective July 8, 1983 as R.1983 d.295. See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a). Further amendments became effective

November 7, 1983 (operative January 2, 1984) as R.1983 d.512. See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).

1984 Revisions: Amendments became effective February 21, 1984 as R.1984 d.43. See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a). Subchapter 4 was readopted pursuant to Executive Order 66(1978) effective March 19, 1984 as R.1984 d.103. See: 16 N.J.R. 221(a), 16 N.J.R. 742(a), 16 N.J.R. 1360(a). Subchapter 6 was readopted pursuant to Executive Order 66(1978) effective May 18, 1984 as R.1984 d.213. See: 16 N.J.R. 690(a), 16 N.J.R. 1361(a). Further amendments became effective July 16, 1984 as R.1984 d.308. See: 16 N.J.R. 845(a), 16 N.J.R. 2005(a). Further amendments became effective October 1, 1984 as R.1984 d.444. See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a). Further amendments became effective November 19, 1984 (operative January 1, 1985) as R.1984 d.524. See: 16 N.J.R. 2348(a), 16 N.J.R. 3215(a). Subchapters 2 and 14A expired December 19, 1984 in accordance with Executive Order 66(1978). A readoption was filed December 24, 1984 as R.1984 d.621. See: 16 N.J.R. 2976(a), 17 N.J.R. 204(b).

1985 Revisions: Subchapter 14A was readopted with amendments pursuant to Executive Order 66(1978) effective February 19, 1985 (operative April 1, 1985) as R.1985 d.59. See: 16 N.J.R. 3180(a), 17 N.J.R. 468(a). New rules (sections 10 and 11) became effective February 19, 1985 (operative April 1, 1985) as R.1985 d.57. See: 16 N.J.R. 1457(a), 17 N.J.R. 470(a). Subchapter 12 was readopted pursuant to Executive Order 66(1978) effective February 25, 1985 as R.1985 d.137. See: 17 N.J.R. 57(a), 17 N.J.R. 710(c). Amendments became effective May 6, 1985 as R.1985 d.204. See: 17 N.J.R. 173(a), 17 N.J.R. 1135(a). Further amendments became effective December 2, 1985 (operative January 1, 1986) as R.1985 d.602. See: 17 N.J.R. 1640(a), 17 N.J.R. 2912(a). Further amendments became effective December 16, 1985 (operative January 1, 1986) as R.1985 d.639. See: 17 N.J.R. 2362(b), 17 N.J.R. 2994(a).

1986 Revisions: Amendments became effective January 6, 1986 as R.1985 d.663. See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b). Further amendments became effective May 19, 1986 as R.1986 d.171. See: 18 N.J.R. 402(a), 18 N.J.R. 1104(c). Further amendments became effective June 16, 1986 as R.1986 d.215. See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a). An emergency adoption to N.J.A.C. 13:70-29.56 became effective July 17, 1986 (expires September 15, 1986) as R.1986 d.334. See: 18 N.J.R. 1619(a) and was readopted as R.1986 d.411, effective September 15, 1986. See: 2054(b). Further amendments became effective October 6, 1986 as R.1986 d.416. See: 18 N.J.R. 401(a), 18 N.J.R. 1448(b), 18 N.J.R. 2054(a).

1987 Revisions: Amendments became effective January 5, 1987 as R.1987 d.42. See: 18 N.J.R. 2116(b), 19 N.J.R. 138(a). Further amendments became effective March 2, 1987 as R.1987 d.120. See: 18 N.J.R. 2368(a), 19 N.J.R. 409(d). Further amendments became effective October 19, 1987 (operative December 26, 1987) as R.1987 d.420. See: 19 N.J.R. 1419(a), 19 N.J.R. 1911(a). A new rule became effective February 16, 1988 as R.1988 d.75. See: 19 N.J.R. 1418(a), 20 N.J.R. 404(b). 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 was readopted as R.1995 d.102. 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).

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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.

(b) The Executive Director or his or her designee shall possess the same authority of the Racing Commission stewards and judges with respect to all provisions contained in the Administrative Code governing racing in New Jersey.

Amended by R.1992 d.87, effective February 18, 1992.

See: 23 N.J.R. 3431(a), 24 N.J.R. 646(a).

Revised section.

13:70-1.4 Owners and trainers

All owners and trainers of horses and their stable employees are subject to the laws of the State of New Jersey and the rules of the Racing Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners, trainers and stable employees shall abide by the laws and rules and accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the Racing Commission.

Case Notes

Disciplinary regulation governing failure by licensed trainer to register suspended jockey as employee and employment of disqualified person did not violate equal protection. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

13:70-1.5 Race participants and patrons

Every person participating in and every patron of a licensed race meeting shall abide by the said laws and rules, and accept the steward's decision on any and all questions to which their authority extends, subject to the right of appeal to the Racing Commission.

13:70-1.6 Discharge of groom or attendant; notice

When an owner or trainer discharges a groom or other attendant, or when a groom or other attendant voluntarily leaves the employ of an owner or trainer, the said owner or trainer shall immediately notify the track security of such discharge or resignation by such employee. Failure to so notify the track security shall subject the owner or trainer to disciplinary action.

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

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

Track "police" changed to track "security".

13:70-1.7 Language

No person shall use improper, profane or indecent language to a racing official.

13:70-1.8 Disturbing the peace

No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

13:70-1.9 Handbooks

No person shall make a handbook on the grounds of an association. No person shall solicit for or bet with a handbook on the grounds of an association.

13:70-1.10 Suspended person or horse

No person or horse ruled off by, or under suspension by, any recognized turf authority shall be admitted to the grounds of any association; except that the stewards may permit a jockey under suspension for routine riding offenses to gallop horses during training hours, and to lodge on the grounds of an association.

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

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

Reference to trotting association deleted.

13:70-1.11 Narcotic or drug convictions

No person who has been convicted of illegal possession, sale or distribution of narcotic or hallucinogenic drugs or other "controlled dangerous substance" as defined by Title 24 of the New Jersey Statutes shall be permitted on the grounds of any association.

13:70-1.12 Crimes regarding moral turpitude

No person shall be employed in any capacity whatsoever at any place, track or enclosure where a horse race meeting is permitted who has been convicted of a crime involving moral turpitude.

13:70-1.13 Reinstatement of horses

When a person is ruled off a course or suspended, every horse owned in whole or in part by such person, or under the care, management, training or supervision of such person shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty, or by the transfer through bona fide sale to an owner acceptable to the stewards, or the placement of the horse in the hands of a licensed trainer approved by the stewards.

13:70-1.14 Rescission of penalties

When a person is ruled off a course or suspended, such person shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in his or her own name or in that of any other person until the rescinding of his or her penalty.

13:70-1.15 Penalties; acts detrimental to racing

The stewards may fine, suspend or rule off any person who in their opinion has acted to the detriment of racing or violated the rules.

13:70-1.16 Complaints in writing

Complaints against a racing official or his assistant shall be made to the stewards in writing and be signed by the

complainant; a complaint against the stewards shall be made to the Racing Commission in writing, signed by the complainant.

13:70-1.17 Policing requirements

(a) An association conducting race meetings under license from the Racing Commission shall properly police its grounds, including the stable area and paddock, and shall eject therefrom all unauthorized persons, known undesirables, touts, persons believed to be bookmakers or connected with bookmakers, persons under suspension or ruled off, persons of lewd or immoral character, and persons guilty of boisterous or disorderly conduct or other conduct detrimental to racing or the public welfare.

(b) When the State Police in the normal performance of their duties at an association meeting observe an individual deemed to be undesirable within the meaning of this rule, they will so advise the director of security and the Executive Director of the Racing Commission. The director of security shall, in writing, advise the Racing Commission and State Police within 48 hours of the action taken thereon.

As amended, R.1977 d.331, eff. August 29, 1977.

See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

Amended by R.1986 d.359, effective September 8, 1986.

See: 18 N.J.R. 819(a), 18 N.J.R. 1829(a).

Deleted sentence "Where practical, a . . . of such persons."

Case Notes

Duty imposed on racing association to eject persons guilty of conduct detrimental to racing or the public welfare. *Marzocca v. Ferone*, 93 N.J. 509, 461 A.2d 1133 (1983).

Commission's action in denying admission to racetrack of person convicted in Maryland race-fixing scheme proper as person was guilty of conduct detrimental to racing or the public welfare; regulation valid; Commission actions reviewable only by the Appellate Division of Superior Court. *Bishop v. New Jersey Sports & Exhibition Authority*, 168 N.J.Super. 533, 403 A.2d 934 (App.Div.1979).

13:70-1.18 Police reports

The track security police and any other law enforcement agency acting in, or on or about the licensed premises of any race track, or any approved farms or stabling facilities, shall furnish two copies of their daily police report to the State Police Racetrack Unit, together with any additional pertinent information available to the said police agency, obtained either orally or in writing. The two copies shall be delivered to the New Jersey State Police detail assigned to the race track at the close of each racing day. One copy, with evaluation, comments and further action by the said State Police shall be delivered to the New Jersey Racing Commission.

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

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

Reference to State Police Racetrack Unit added.

13:70-1.19 Persons ejected; reports

Each association shall furnish to the commission and to the stewards the names and addresses of all persons ejected by the association from its grounds, together with the offense or offenses alleged against them, and any other material information relating thereto.

13:70-1.20 Attendance reports

Each association shall make daily reports to the commission of the total attendance showing number of paid admissions, established price of each class of admission together with number of free passes.

13:70-1.21 Badges of admission

No badge of admission shall be issued to any owner, trainer, assistant trainer, jockey, jockey agent, authorized agent, groom, exercise boy, stable employee, valet, vendor or plater, or other employees, unless such person has applied for and paid to the Racing Commission the license fee required by law. Applications for such licenses shall be made on forms supplied by the Racing Commission.

13:70-1.22 Offices and parking; Racing Commission use

Each association shall provide within its grounds, approved adequate offices and parking areas as required for use and to be at the disposal of the Racing Commission and all of its representatives. The commission shall have such employees or inspectors as provided by law, who shall perform such duties as may be assigned to them by the commission, such employees to have free access to all parts of the grounds while on duty.

13:70-1.23 Restrictions on transmittal of information

(a) All radios, receivers and transmitters on the licensed premises of any race track shall be operated, monitored or tape recorded under the supervision of the security director. A complete list of operating and maintenance personnel shall be submitted to the track security, the State Police and the New Jersey Racing Commission.

(b) Instant dismissal and further appropriate action shall be taken for the transmittal of information either in vernacular or code, regarding performances of horses, races, race-results, mutuel odds, payoff prices or any other pertinent information.

(c) Final approval shall rest with the New Jersey Racing Commission before the sets become operational.

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

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

Track "police" changed to track "security".

13:70-3.14 Barns and stalls

An association shall be responsible for providing and maintaining fire-resistant barns and stalls in good repair, in a clean and sanitary condition; each barn and each stall shall be numbered or lettered for identification; adequate drainage, sufficiently manned fire-fighting equipment, and the manure removal from the stable area shall be provided and maintained.

13:70-3.15 Fire inspection stable area

(a) The Racing Commission shall appoint annually a qualified engineer to inspect the stable area at all tracks licensed by the Commission to insure that said stable areas are adequately guarded against the hazards of fire.

(b) The engineer so appointed shall be paid by the track associations in an amount established by the Commission and shall conduct two such inspections of each stable area during the racing season and report thereon to the Commission.

(c) All recommendations of the engineer relating to fire conditions in the stable area shall be acted upon immediately by the permit holder.

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

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

Old text deleted and new text substituted therefor.

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

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

Engineering firm changed to engineer.

13:70-3.16 Smoking prohibited

Smoking is prohibited under the shed row of any barn. Persons found violating this rule will be reported to the stewards 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.

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

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

"an indefinite" changed to "suspension".

13:70-3.17 Storage of hay, straw or feed

The storage of hay, straw or feed in the stall of any barn located on the premises licensed by this Commission will be allowed only with the express permission of the Racing Commission. Each track association shall be required to provide adequately protected detached sheds for the storage of hay, straw, feed and any other material that may be considered of a flammable nature, when the Commission deems it necessary. Any person or permit holder violating this rule shall be reported to the stewards and subject to a fine or to an indefinite suspension.

13:70-3.18 Stable employees' facilities

An association shall provide and maintain in good repair, adequate living quarters and conveniently located sanitary

facilities, such as showers, toilets and wash basins for stable employees.

13:70-3.19 Ambulances

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds during the operation of its race meeting.

13:70-3.20 First aid facilities

An association shall equip and maintain adequate first aid facilities with not less than two beds and attendance of a competent physician and a registered nurse during racing hours.

13:70-3.21 Betting prohibited outside grounds

No association shall permit bets to be made on the grounds on any race run outside said grounds.

13:70-3.22 Handbooking prohibited on grounds

Handbooking shall be prohibited on the grounds and its operator shall be excluded therefrom.

13:70-3.23 Gambling devices

No gambling device, other than permitted by law, shall be permitted on the grounds.

13:70-3.24 Petty games of chance

Petty games of chance are prohibited.

13:70-3.25 Communication system

An association shall install and maintain in good service, a communication system between the stewards stand, pari-mutuel department, starting gate, clerk of scales, patrol judges and the State veterinarian.

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

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

"and the State veterinarian" added.

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

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

Punctuation.

13:70-3.26 Disqualified personnel kept off grounds

During the term of disqualification of any participant in racing, it shall be the duty of the association to see to it that the privileges of his admission badge are revoked, and that he is kept out of the grounds, unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in these rules.

13:70-3.27 Ejected personnel; readmission; notice

Any persons ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the official issuing

the ejection order. Notification of such permission for reentry shall be filed with the Racing Commission.

13:70-3.28 Availability of purse money to winners

All portions of purse money shall be made available to the winners thereof 72 hours (Sundays excluded) following their winning.

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

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

48 changed to 72 hours.

13:70-3.29 Deductions from winnings

No percentage of winnings shall be deducted by an association for itself or for another person, club or body, unless at the request of the person to whom such winnings are payable and except that an association may withhold from winnings any money due it.

Case Notes

Regulation does not apply to a racetrack when deducting statutorily authorized payments from purse winnings for the New Jersey Horsemen's Benevolent and Protective Association. Horsemen's Benevolent and Protective Ass'n, New Jersey Div. v. Atlantic City Racing Ass'n, 98 N.J. 445, 487 A.2d 707 (1985).

13:70-3.30 Unredeemed mutuel tickets

(a) Every association shall carry on its books, an account which shows the total amount due on outstanding unredeemed mutuel tickets not presented for payment.

(b) All sums held by an association for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within six months from the time such tickets are issued shall be paid to the Commission upon the expiration of such six month holding period.

13:70-3.31 Financial statements

Each association shall file a complete financial statement with the Commission on or before February 15 of the calendar year following the association's last race meeting.

13:70-3.32 Employment application blank

(a) Every person employed by any race track association or by any concessionaire must fill out an employment application blank thereof, which must contain a statement of permanent residence and the following question: Have you ever been convicted of a crime, ruled off, set down, suspended or otherwise debarred from participating in racing by any racing organization, commission or other recognized turf authority in the United States or elsewhere, or has an indictment or information been returned or complaint made against you by the United States or any state, charging sale, use or possession of narcotics. State full details.

(b) All such employment application records must be kept by any race association or by any concessionaire for a period of two years, and must be made available for inspection by the New Jersey Commission, if so requested.

13:70-3.33 Weekly reports on employees

Each race track association and each concessionaire shall make weekly detailed reports and deliver such reports to the Racing Commission of all employees actually engaged during the past week, stating the name, department, license number (if license is required) and position therein, and YES and NO to indicate whether a resident of New Jersey, under columns so entitled. Such lists shall be compiled by departments, and, if any employee is engaged in two departments, a notation opposite his name shall so state.

13:70-3.34 Weekly report endorsement

(a) The weekly reports of each department shall have the following endorsement signed by the department manager:

1. The above list of employees and information contained therein is a complete report of all employees engaged in my department for the week ending, 19. . . . None of the above names appears on the Security Guide list for the year 19. . . .

As indicated on the above list, the number of employees is as follows:

Percent of residents percent

Percent of nonresidents percent

Total Employees _____

Residents _____

Nonresidents _____

Exemptions requested _____

Department Manager _____

13:70-3.35 Division of departments

(a) The departments shall be divided and designated as follows:

1. General manager and office department (including office help, auditing and bookkeeping department employees);

2. Racing secretary's office (including all employees under the control of the racing secretary and including jockey room employees and valets);

3. Mutuel department (including manager of the mutuel department and all employees under his control including calculators, sheet writers, supervisors, money room, messengers and runners, outbook clerks, program clerks, porters, information and change clerks, approximate odds board calculator clerks and boardmen, miscellaneous assistants, cashiers and sellers);

i. All of the individuals mentioned in (a)3 above, when assigned to work shall be prohibited from wagering. Violation of the above may subject the individual to a fine, suspension or both, or to revocation of his or her license;

13:70-9.5 Pending application

The stewards may permit a jockey to ride pending action on his or her application.

13:70-9.6 Jockey's interest in horses

If a jockey owns wholly or in part a race horse in training at a meeting or has an interest in the winnings of such a horse, he or she shall not be permitted to ride any other horse at the meeting.

13:70-9.7 Owner or trainer consent to ride

A jockey shall not ride or agree to ride in any race without the consent of an owner or trainer to whom he or she is under contract.

13:70-9.8 Jockey under contract

No jockey under contract of employment shall ride against his or her contract employer.

13:70-9.9 Jockey's appearance

In riding, a jockey must be neat in appearance. He or she must wear conventional attire and the racing colors of the owner for whom he or she is riding.

13:70-9.10 Smoking

A jockey shall not be allowed to smoke in public while wearing racing colors.

13:70-9.11 Protective skull cap

A jockey must wear a suitable reinforced protective skull cap.

13:70-9.12 Safety helmet

(a) All jockeys, whether riding in a race or exercising horses, or any person exercising horses, shall wear a safety helmet of a type approved, in writing, by the stewards; and no change shall be made in any such helmet without the written approval of the stewards.

(b) It shall be the joint responsibility of the trainer, jockey or any person exercising horses to comply with his rule.

13:70-9.13 Jockey's number

A jockey shall wear on his or her right arm a number corresponding to the number of the horse in the official program.

13:70-9.14 Reporting to jockey room

Every jockey who is engaged to ride in a race shall report to the jockey room at the time required by the clerk of the scales. He or she shall then report any over-weight to the clerk of the scales and thereafter shall not leave the jockey

room until all his or her engagements have been fulfilled, except with the permission of the stewards.

13:70-9.15 Reporting to jockey room; stake race

Every jockey who has an engagement in a stake race must report to the jockey room not later than one hour before post time of that race, unless obtaining specific permission from the stewards to the contrary.

13:70-9.16 Betting by jockeys

No jockey shall bet on any race except through the owner of and on the horse which he rides.

13:70-9.17 Touting information; jockey

A jockey shall not give to anyone directly or indirectly any information or advice, or engaged in the practice commonly known as "touting", for the purpose of influencing any person in the making of a wager on any race.

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

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

"On" corrected to "in".

13:70-9.18 Jockey fees

Jockey's fees in the absence of a contract shall be as follows:

| Purse | Winning Mount | Second Mount | Third Mount | Losing Mount |
|----------------|------------------|-------------------|------------------|--------------|
| \$ 2,000-3,400 | 10% of Win Purse | \$45.00 | \$35.00 | \$33.00 |
| 3,500-4,900 | 10% of Win Purse | 55.00 | 45.00 | 35.00 |
| 5,000-9,900 | 10% of Win Purse | 65.00 | 50.00 | 40.00 |
| 10,000-14,900 | 10% of Win Purse | 75.00 | 60.00 | 45.00 |
| 15,000-24,900 | 10% of Win Purse | 5% of Place Purse | 5% of Show Purse | 50.00 |
| 25,000-49,900 | 10% of Win Purse | 5% of Place Purse | 5% of Show Purse | 60.00 |
| 50,000 & Up | 10% of Win Purse | 5% of Place Purse | 5% of Show Purse | 75.00 |

As amended, R.1983 d.512, effective November 7, 1983, operative January 2, 1984.

See: 15 N.J.R. 518(a), 15 N.J.R. 1866(c).

Deleted old fee schedule and added new fee schedule.

As amended, R.1984 d.444, effective October 1, 1984.

See: 16 N.J.R. 2068(a), 16 N.J.R. 2680(a).

13:70-9.19 Dead heats

In a dead heat for first place, the jockeys involved shall each receive 10 percent of the purse money awarded to the owner by whom he is engaged. In all other dead heats, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other.

As amended, R.1978 d.132, effective April 19, 1978.

See: 9 N.J.R. 540(a), 10 N.J.R. 295(b).

13:70-9.20 Forfeiture of winning purse; jockey's fees

In the event that a winning purse is forfeited through subsequent ruling of the stewards and/or Racing Commission, after the result has originally been made official, the winning fee shall be paid to the jockey whose mount is ultimately adjudged the winner, and the original winner shall be credited only with a losing mount.

13:70-9.21 Proof of physical and mental capacity

A jockey may be required to submit adequate proof, in the form of a medical affidavit, that he or she is physically and mentally capable of performing the duties of a jockey.

13:70-9.22 Start of suspension

The suspension of a jockey for an offense not involving fraud shall begin on the second day after imposition of the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately on imposition of the ruling.

13:70-9.23 Fines

A fine must be paid by the jockey, him or herself. Any other person paying it shall be subject to disciplinary action.

13:70-9.24 Agents

Every jockey may have one agent, and no more. All engagements to ride, other than those for a contract employer, shall be made by the jockey, his or her agent or employer, or by the clerk of the scales.

13:70-9.25 Jockey's attendants; restriction

No jockey shall have an attendant other than those provided by the association.

13:70-9.26 Jockey apprentices; rules

Jockey apprentices shall be bound by all the rules for jockeys.

13:70-9.27 Application for apprentice license

An application for a license as apprentice jockey shall be accompanied by proof of at least one year's service with a racing stable; and, if the apprentice has not previously ridden in races, by a certificate of proficiency from the starter. A birth certificate or satisfactory evidence of date of birth may be required if deemed necessary.

13:70-9.28 Riding pending application decision

The stewards may permit an applicant to ride pending decision on his application.

13:70-9.29 Claims

(a) Any person who has never previously been licensed as a jockey in any country, and who has complied with the conditions set forth in N.J.A.C. 13:70-9.27, may claim in all overnight races except handicaps the following allowance:

1. A 10 pound allowance until the apprentice has ridden five winners;
2. A seven pound allowance until apprentice has ridden an additional 35 winners; and
3. If an apprentice has ridden a total of 40 winners, prior to the end of a period of one year from the date of riding his or her fifth winner, he or she shall have an allowance of five pounds until the end of that year.

Amended by R.1989 d.108, effective February 21, 1989.

See: 20 N.J.R. 2996(a), 21 N.J.R. 451(b).

Substantially amended.

Amended by R.1995 d. 479, effective September 5, 1995.

See: 27 N.J.R. 643(a), 27 N.J.R. 3374(a).

13:70-9.30 Apprentice contracts

(a) An apprentice jockey must be at least 16 years of age to enter into a contract with a racing stable for a period not to exceed three years. Such contracts must be filed with the Racing Commission, and submitted to the stewards for their approval, and are binding in all respects on the signatories thereof.

(b) In lieu of a contract, an apprentice jockey certificate may be issued by the stewards and must be filed with the Racing Commission. The certificate shall terminate three years from date of issuance, except as set forth in N.J.A.C. 13:70-9.32.

Amended by R.1989 d.107, effective February 21, 1989.

See: 20 N.J.R. 2996(b), 21 N.J.R. 451(c).

Substantially amended.

13:70-9.31 Allowances for contracted apprentices

In addition to the weight allowances specified in N.J.A.C. 13:70-9.29, a contracted apprentice may claim an allowance of three pounds for an additional year when riding horses owned or trained by the original contract employer, provided that his or her contract has not been permanently transferred, since his or her fifth winner. The holder of the contract at the time the apprentice rides his or her fifth winner shall be considered the original contract holder.

Amended by R.1995 d.479, effective September 5, 1995.

See: 27 N.J.R. 643(a), 27 N.J.R. 3374(a).

13:70-9.32 Extension of time period

Under exceptional circumstances which would prevent an apprentice jockey from riding during the full periods specified above, such as service in the armed forces of the United States; personal injuries suffered in the course of his or her occupation or otherwise; a disabling illness; restrictions on racing; or any other valid reason, the Commission may extend such period to compensate therefor.