

SUBCHAPTER 11. POST TO FINISH

13:70-11.1 Crossing or weaving

When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation.

Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 466) adopted, which concluded that there was a foul where chief steward of Racing Commission acknowledged that distance between hooves of petitioner's horse and first-place horse, at the time of the incident, could have been inches; however, foul did not affect outcome of race and steward's determination upholding the order of finish in race was not clearly wrong. *Drazin v. N.J. Racing Comm'n*, OAL Dkt. No. RAC 6729-05, Final Decision (July 26, 2006).

Jockey's lack of due care in controlling horse warrants suspension. *Lopez v. New Jersey Racing Commission*, 97 N.J.A.R.2d (RAC) 16.

Jockey's crossing and weaving during three races justified week-long suspension. *Black v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 15.

Jockey's suspension for careless riding upheld when tapes showed his horse had changed lanes and come into contact with another horse. *Lopez v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 5.

Horse brushing or bumping another horse in stretch interfering with the progress of that horse warranted disqualification. *Bonaventura v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 33.

Winning horse's unintentional bumping of another horse; disqualification. *Levy v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 11.

Failure to control horse resulting in collision; regulation violated; suspension ordered. *New Jersey Racing Commission v. Martinez*, 93 N.J.A.R.2d (RAC) 1.

13:70-11.2 Jostling

No horse or jockey shall willfully jostle another horse.

13:70-11.3 Touching or striking

No jockey shall willfully strike or touch another jockey's horse or equipment for the purpose of interfering with that horse or jockey.

13:70-11.4 Shortening stride

No jockey shall unnecessarily cause his horse to shorten its stride with a view to complaint.

13:70-11.5 Frivolous complaints

No owner, trainer or jockey shall complain frivolously that his horse was crossed or jostled.

13:70-11.6 Complaints

The stewards shall take cognizance of foul or careless riding and may entertain reports from other racing officials of the meeting whether or not formal complaint is made, but no

complaint shall be considered which comes from any person other than the jockey, owner or trainer of the horse alleged to have been interfered with.

13:70-11.7 Disqualifications; fouls

If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest, or coupled in the betting through a mutuality of interest, may also be disqualified.

13:70-11.8 Extent of disqualification

The stewards are vested with power to determine the extent of disqualification in cases of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 466) adopted, which concluded that there was a foul where chief steward of Racing Commission acknowledged that distance between hooves of petitioner's horse and first-place horse, at the time of the incident, could have been inches; however, foul did not affect outcome of race and steward's determination upholding the order of finish in race was not clearly wrong. *Drazin v. N.J. Racing Comm'n*, OAL Dkt. No. RAC 6729-05, Final Decision (July 26, 2006).

Initial Decision (2006 N.J. AGEN LEXIS 466) adopted, which concluded that in disputes involving fouls and order of placement in a race, it is proper and reasonable for the ALJ to give considerable weight to the findings of the stewards; rulings of stewards should only be set aside when they are clearly wrong. *Drazin v. N.J. Racing Comm'n*, OAL Dkt. No. RAC 6729-05, Final Decision (July 26, 2006).

13:70-11.9 Horses' best effort

(a) All horses shall be ridden out in every race.

(b) If two or more horses run in one interest in any race, each shall give its best effort.

(c) The practice of declaring to win with one of the other of such horses will not be allowed.

13:70-11.10 Jockey's best effort

A jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of the race, such jockey shall be penalized by the stewards according to the gravity of the offense.

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

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

Administrative correction.

13:70-11.11 Automatic disqualification; purse

A horse which leaves the course or loses its jockey during the running of a race is automatically disqualified and placed last. Any portion of a purse that would normally accrue to such horse shall revert to the association.

13:70-11.12 Abusive whipping by a jockey

Every jockey shall be responsible for the proper use of his or her whip during the running of a race. Whips may be used for the purpose of encouraging a horse to give forth its best effort during the running of a race, but shall not be used in an abusive or reckless manner. The stewards shall take cognizance of the manner in which a whip is used during the riding of a race and at all times thereafter and shall make such determinations as they deem appropriate with respect to whether or not there has been an abusive use of a whip and/or reckless use of a whip. If, in the opinion of the stewards, an abuse of the whip or a reckless use of the whip has been committed, the offending jockey shall be fined and/or suspended by the stewards.

New rule, R.1988 d.559, effective December 5, 1988.
See: 20 N.J.R. 2038(a), 20 N.J.R. 3025(a).

SUBCHAPTER 12. CLAIMING**13:70-12.1 Claiming races on the flat**

In claiming races on the flat, other than open claiming pursuant to N.J.A.C. 13:71-14.36, any horse is subject to claim for its entered price by any owner who has started a horse on the flat at the meeting at which the claim is made and who also has been assigned stalls on a permanent basis on the premises of a licensed New Jersey racetrack, or who has been assigned stabling at an approved farm in the State of New Jersey.

Amended by R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).
Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"Any licensed ... individually" added.
Amended by R.1986 d.215, effective June 16, 1986.
See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a).

Deleted text "Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually." Added text "and who also ... of New Jersey."

Amended by R.1987 d.420, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(a), 19 N.J.R. 1911(a).

Added text "other than open claiming pursuant to N.J.A.C. 13:71-14.36".

Petition for Rulemaking.

See: 40 N.J.R. 4247(a), 4633(a).

13:70-12.2 Restrictions; claiming privileges

The stewards at their discretion may permit an owner racing from out-of-state to replace a horse claimed from him even though the owner does not meet the stabling requirements of N.J.A.C. 13:70-12.1.

Amended by R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).
Amended by R.1986 d.215, effective June 16, 1986.
See: 18 N.J.R. 546(a), 18 N.J.R. 1308(c).

Added text "even though the ... N.J.A.C. 13:70-12.1."

13:70-12.3 Claiming races over jumps or hurdles

In claiming races over jumps or hurdles any horse is subject to claim for its entered price by any owner who has started a horse in a steeplechase or hurdle race at the meeting at which the claim is made.

13:70-12.4 Claimed horse

For a period of 20 days after the claim, any claimed horse shall not race for a claiming price of less than 25 percent more than the price for which it was claimed.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

Amended by R.1984 d.524, effective November 19, 1984 (operative January 1, 1985).

See: 16 N.J.R. 2348(a), 16 N.J.R. 3215(a).

(b): Delete "in which the weight to be carried is assigned by the handicapper".

Amended by R.1994 d.134, effective March 21, 1994.

See: 25 N.J.R. 1059(a), 26 N.J.R. 1354(b).

Repeal and New Rule, R.1996 d.539, effective November 18, 1996 (operative January 1, 1997).

See: 28 N.J.R. 3889(a), 28 N.J.R. 4897(a).

Emergency adoption and concurrent proposal, R.2001 d.216, effective June 8, 2001 (operative June 13, 2001).

See: 33 N.J.R. 2342(a).

Substituted "20" for "30", and deleted "which finishes first or second in the race from which it was claimed," following "any claimed horse".
Adopted concurrent amendment, R.2001 d.319, effective September 4, 2001.

See: 33 N.J.R. 2342(a), 33 N.J.R. 3031(a).

Adopted provisions of R.2001 d.216 without change.

Amended by R.2007 d.328, effective October 15, 2007.

See: 39 N.J.R. 2592(a), 39 N.J.R. 4411(b).

Deleted the second sentence.

13:70-12.5 Claimed horse racing elsewhere

A claimed horse shall not race elsewhere until after the close of the meeting at which it was claimed. Nothing in this rule shall preclude any claimed horse from entering any stake race.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.6 Agents

A claim may be made by a licensed authorized agent, but an agent may claim only for the account of those for whom he is licensed as agent.

Amended by R.1980 d.95, effective February 27, 1980.

See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.7 Claiming own horse

No person shall claim his own horse, or cause his own horse to be claimed, directly or indirectly, for his own account.

13:70-12.8 Claimed horse; stabled

No claimed horse shall remain in the same stable or under the care or management of the owner or trainer from whom claimed.