

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.

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

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 race-track 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, 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.

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

"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.

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

"Breeding place" means the place of a horse's birth.

"Calendar day" means 24 hours ending at midnight.

"Clocker" means a person charged with the responsibility of timing horses at a morning workout.

“Corrupt” or “fraudulent practice” means any attempt to enrich oneself or associates, or gain any advantage, through unfair, unlawful or dishonest behavior in connection with the racing of horses.

“Declaration” means the act of withdrawing an entered horse from a race before the closing of overnight entries.

“Delay period” means the set period of time between the sounding of the bell to signal the end of wagering in each race and the time mutuel machines will not accept cancellations and are completely deactivated for the current race. This delay period can be adjusted at the discretion of the Commission from zero to 20 seconds and is available only for the protection of the mutuel clerks by permitting them to cancel wagers that patrons place and refuse to accept immediately before the beginning of the delay period.

“Disciplinary action” means revocation of a license, suspension, ruling off, fine or reprimand or any combination thereof.

“Drug” means:

1. Articles recognized in the official U.S. Pharmacopoeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary, or any supplement to any of them; and

2. Articles intended for use in the diagnosis, cure mitigation, treatment, or prevention of disease in man or other animals; and

3. Articles (other than food) intended to affect the structure or any function of the body or other animals; and

4. Articles intended for use as a component of any article specified in paragraphs 1, 2, or 3 but does not include devices or their components, parts or accessories.

“Early bird wagering” means wagering that occurs on races in advance of the normal time racetracks open mutuel machines for their live racing program.

“Entry” means:

1. According to the requirement of the text, a horse made eligible to run in a race; or

2. Two or more horses which are entered or run in a race and are coupled because of common ties.

“Equipment”, as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots, plates and so forth.

“Field” (or mutuel field) means the individual horses competing in a race exceed the numbering capacity of the tote; the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped

together for wagering purposes and called the “field” and a bet on one is a bet on all.

“Forensic analysis” means when samples are analyzed by scientifically qualified personnel within the Forensic Science Bureau of the Division of State Police.

“Forfeit” means money due because of an error, fault, neglect of duty, breach of contract or a penalty.

“Foul or careless riding” means any and all acts of a jockey committed in the running of a race designed to gain unfair or unsportsmanlike advantage, to the end of improving his own chance or position in a race or of lessening the chance or position of another in the race.

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

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

“Law” or “Laws” means chapter 17 of the General Laws of New Jersey, 1940, N.J.S.A. 5:5-22 et seq. (being the general laws pertaining to horse racing), as further amended and supplemented.

“Licensee” means any association receiving a license from the commission to conduct horse racing; and, in context, any person licensed by the commission to participate in horse racing in any capacity.

“Locked in the gate” means that a horse is prevented from leaving the post at off-time because of the failure of the front door of the gate to open simultaneously with the other doors, thus preventing said horse from starting when the other horses officially start.

“Maiden” means a horse which at the time of starting has never won a race on the flat in any country.

“Maiden jumper” means a horse which has never won a race over hurdles or fences in any country. A maiden which has been disqualified after finishing first is still a maiden.

“Month” means a calendar month.

“Nominator” means the person in whose name a horse is entered for a race.

“Off-time” means the moment at which, on signal of the starter, the horses break and start to run.

“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.

“Place” in racing means first, second, third, fourth or fifth and in that order called “Win”, “Place”, “Show”, “Fourth” and “Fifth”.

“Positive analysis” means when the analyst has accumulated sufficient scientific data to specifically identify the suspected drug(s) or foreign substance(s) present in the biological test sample.

“Post position” means the position assigned to the horse at the starting line of the race.

“Post time” means the time set for the arrival at the starting point of the horses in a race and must be prominently displayed at a reasonable time prior to the race.

“Race” means a contest for purse, stakes, premium or wager. It includes among others all races defined in the following paragraphs:

1. “Claiming race” means a race in which any horse entered therein may be claimed in conformity to the rules.

2. “Free” or “overnight handicap” means a handicap in which no liability for entrances money is incurred.

3. “Guaranteed race” means a race for which an association guarantees by its conditions a specified purse which shall be the limit of its liability. However, if in any such case there should be any surplus from entries and subscriptions over the sum guaranteed, it shall also be paid to the winner, unless by the conditions it is to be paid to other horses in the race.

4. “Handicap” means a race in which the weights to be carried by the entered horses are adjusted by the racing secretary for the purpose of equalizing their respective chances of winning.

5. “Highweight handicap” means a handicap in which the weight assigned to the top horse in the handicap is not less than 140 pounds.

6. “Match” means a private sweepstakes between two horses which are the property of two different owners; if either of the horses entered in the match dies, or if either owner dies the match is void. It remains a match even if money or another award is added to the stakes.

7. “Optional claiming race” means a race restricted to horses entered to be claimed for a stated price and those entered not to be claimed by the option designated in the conditions of the race. In case of horses which are entered to be claimed, the race shall be considered a claiming race for the purpose of determining future penalties and allowances, and for horses entered not to be claimed, the race shall be considered an allowance or purse race.

8. “Overnight race” means any race other than a stake or added money race.

9. “Produce race” or “futures” means a race to be contested by the produce of horses which are named or identified before the closing of the entries.

10. “Purse race” means a race for money or any other prize to which the owners of the horses engaged do not contribute.

11. “Stake race” or “sweepstakes” means a race to which nominators of the engaged entries contribute to a purse; to which money, or any other award, may be added; but no overnight race, regardless of its conditions, shall be deemed a stake race.

12. “Starter race” means an overnight race under allowance or handicap conditions, restricted to horses which have previously started for a designated claiming price or less, as stated in the conditions of the race.

13. “Walkover” means when one and only one of the owners who has nominated for a race qualifies a horse or horses to start. Where only one horse or interest has qualified to start in a race, that horse shall be ridden past the judge’s stand and go to the post and shall then be deemed the winner. It shall receive all entrance fees, forfeit, but no portion of any purse, stake or added money or any other prize.

14. “Weight for age race” means a race in which weights are assigned in keeping with the scale of weights adopted by these rules.

“Race meeting” means a group of days, Sunday excepted, on which horse racing is conducted for any stake, purse or reward, at a race track.

“Race day” means a day in which a numerical majority of scheduled races is conducted and shall be a part of the permit holder’s allocated racing days.

“Recognized meeting” means any meeting wherever held under the sanction of a turf authority having reciprocal relations with the New Jersey Racing Commission and other turf authorities, for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

“Respiratory bleeder” means a horse that shows evidence of hemorrhaging from the blood vessels of the nose, accessory nasal cavities, the pharynx, larynx and/or lung.

“Rule off” means the act of debarring from the grounds of an association and denying all racing privileges.

“Rules” means the rules and regulations therein prescribed and any amendments or additions thereto.

“Running meeting” means a meeting at which all horses entered to run in flat races must be registered in the American Stud Book maintained by the Jockey Club of New York, and all horses entered to be run in steeplechases must be registered in the Jockey Club or with the National Steeplechase and Hunt Association.

“Scratch” means the act of withdrawing an entered horse from a race after the closing of overnight entries.

“Scratch time” means the time set by any association for the closing of application for permission to withdraw from race of that day.

“Starter” means a horse becomes a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

“Stewards” means the steward of the meeting or their duly appointed deputies.

“Subscription” means the act of nominating a horse for a stake race.

“Suspicious analysis” means when the biological sample being tested is suspected of containing any drug(s) or foreign chemical substance(s), however the presence of other foreign substance(s) interferes with the isolation, detection and identity of the suspected substance(s).

“Tote” or “tote board” means the totalizer.

“Untried horse” means one whose produce are maidens.

“Year” means a calendar year.

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

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

Amended by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

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

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

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

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

Corrections and stylistic changes.

Amended by R.1991 d.546, effective November 4, 1991.

See: 23 N.J.R. 2266(a), 23 N.J.R. 3340(a).

Added definitions for “Advance wagers”, “Delay period”, “Early bird wagering”.

SUBCHAPTER 3. RACING ASSOCIATIONS

13:70-3.1 Racing Days

No meeting shall race on days other than stipulated by the Racing Commission.

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).

13:70-3.2 License for running meeting

A license for a running meeting will be granted by the Racing Commission only for racing grounds affording a course of one mile or more in circumference.

13:70-3.3 Names of officials; fingerprints; structure changes

(a) At least 30 days prior to the first day of a race meeting, the association shall submit in writing to the Racing Commission the names of all racing officials and department heads engaged for the meeting and all contractor's working within the enclosure, and no racing official, department head or contractor shall be qualified to act until he shall have been approved by the Racing Commission.

(b) All racing officials must be fingerprinted prior to the submission of their names by the track association.

(c) In the event of incapacitation of any such approved racing official, the stewards may appoint a substitute temporarily, pending the approval of the Racing Commission.

(d) Prior to the commencement of any construction, alteration, change or improvement by a permit holder of any building, structure or physical layout at, about or within its licensed premises or track enclosure by a permit holder, plans and specifications regarding such construction, alteration, change or improvement must be reviewed and approved by the Racing Commission. All costs and expenses incurred for the study and approval of plans and specifications and inspection of the construction, by a commission-appointed engineering firm, shall be borne by the permit holder (track association).

(e) All annual applications for renewal of racing permits shall include the name and resume of the experience and background of the general manager or chief operating officer of the applicant for the approval of the commission.

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

See: 8 N.J.R. 46(b), 8 N.J.R. 308(a).

13:70-3.4 Photographic system

The Racing Commission shall require an association to install and maintain in good service a photographic system, approved by the commission, to record the complete finish of each and every race.

13:70-3.5 Ownership approval

No person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership comprising a five percent or greater interest in any association or corporation which has been or shall be granted a permit to hold or conduct a horse race meeting without first obtaining the approval of the New Jersey Racing Commission pursuant to these rules and regulations. For purposes of this section “person” shall be construed to include the spouse and/or children or any such applicant and compliance with this section shall be required of all such persons holding any interest whatsoever whenever the total interest held by such persons as an aggregate exceeds the five percent requirement. Failure to comply with this regulation shall subject

the applicant to disqualification and the permit holder to the penalties and sanctions provided by law.

As amended, R.1984 d.43, effective February 21, 1984.
See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a).
Substantially amended.

Case Notes

Stockbroker's violation of requirements for disclosure by stock transferee of proposed beneficial owner and owner's personal background was not proximate cause of premium which investor paid for subsequent private purchase of stock. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

Failure to list investor as beneficial owner of race track stock violated New Jersey State Racing Commission requirement. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

13:70-3.6 Annual listing of shareholders

Racing associations shall file on an annual basis with the Commission a list of all person possessing directly or indirectly any shares of stock or certificates or other evidence of ownership of any interest in any association or corporation. Said filing shall take place prior to June 1 of each calendar year.

As amended R.1984 d.43, effective February 21, 1984.
See: 15 N.J.R. 1928(a), 16 N.J.R. 377(a).
Substantially amended.

Case Notes

Stockbroker's violation of requirements for disclosure by stock transferee of proposed beneficial owner and owner's personal background was not proximate cause of premium which investor paid for subsequent private purchase of stock. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

Failure to list investor as beneficial owner of race track stock violated New Jersey State Racing Commission requirement. In re Thomson McKinnon Securities Inc., 1992, 141 B.R. 559, affirmed 151 B.R. 324.

13:70-3.7 Application forms; approval

Approval may only be given to such persons who make application therefor on the form prescribed by the New Jersey Racing Commission and only when such application is filed with the Executive Director of the Racing Commission properly completed and executed in all respects.

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 "secretary" changed to "Executive Director".

13:70-3.8 Investigation

The commission may investigate the applicant or any person named in the application, with respect to such person's criminal record, subversive activities record and any other reports concerning such persons, in order to determine whether the applicant or a person for whom ownership is indirectly or beneficially to be held has not been convicted of a crime or moral turpitude, has not violated any rules and regulations previously or presently prescribed by the New Jersey Racing Commission, and who possesses sufficient moral responsibility so as not to be detrimental to the best interests of racing in New Jersey.

13:70-3.9 Review of application approval

Applications may be approved, after due consideration by the Executive Director of the Racing Commission to whom such power is delegated, but the New Jersey Racing Commission may, in its discretion, review any such findings made by the Executive Director to determine whether any applicant merits approval.

As amended, R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"secretary" changed to "Executive Director".
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 "secretary" changed to "Executive Director".

13:70-3.10 Application denials; notice

When an applicant, after due consideration, cannot be approved for reasons expressed in N.J.S.A. 5:5-22 et seq., as amended and supplemented, or if, in the opinion of the New Jersey Racing Commission, approval of such person will be detrimental to the best interests of racing in New Jersey, or if an applicant will hold ownership for another whose interest is beneficial, indirect or otherwise and the indirect or beneficial owner could not qualify to hold direct ownership for reasons expressed herein, the commission may disapprove such applicant by notifying the secretary of the association or corporation licensed to conduct a horse race meeting by registered mail. Such disapproved person may request, and the commission shall hold, a hearing, which request and hearing shall be made and had as provided for in N.J.S.A. 5:5-22, et seq.

13:70-3.11 Video tape system

An association shall install and be responsible for the proper operation of an accurate video tape system. The original tapes produced by this system shall be stored in a safe place for a period of at least one year from the date of the race.

13:70-3.12 Starting gates

An association shall provide and maintain in good working order two starting gates.

13:70-3.13 Maintenance of grounds and facilities

An association shall at all times maintain its grounds and facilities so as to be neat and clean, painted in good repair, with special consideration for the comfort and safety of patrons, employees and other persons whose business requires their attendance; and with special consideration for the health and safety of horses stabled, exercising or entered to race; and shall have available adequate and proper implements to maintain a uniform track, weather conditions permitting.

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 (Reserved)

Repealed by R.1996 d.394, effective August 19, 1996.

See: 28 N.J.R. 2793(a), 28 N.J.R. 3969(a).

Section was "Betting prohibited outside 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

(a) 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, and may withhold an amount not to exceed three percent of gross overnight purses paid to owners for payment to the New Jersey Horse Racing Injury Compensation Board for worker's compensation insurance premiums as per N.J.S.A. 34:15-129 et seq.

1. Racetracks shall remit to the appropriate State account, on a weekly basis, the premium for the worker's compensation insurance. The premium shall be collected separately for thoroughbred and standardbred industries based on percentage of gross overnight purses, such percentage to be determined by the Horse Racing Injury Compensation Board.

Amended by R.1997 d.51, effective February 3, 1997.
See: 28 N.J.R. 4736(a), 29 N.J.R. 447(b).
In (a), inserted text "and may withhold an amount ... N.J.S.A. 34:15-129 et seq."; and added (a)1.

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;

4. Track superintendent's office (including all track workers, mechanics, porters, janitors, gardeners, watchmen and employees who are under the control of the track superintendent);

5. Admissions department (including sellers, collectors, stile men, ushers and miscellaneous employees under the control of the manager of said department);

6. Concessions (including all employees engaged in the auto parking lots if the concession of parking is contracted to concessionaires and all employees of all concessions, whether operated by association or contracted to concessionaires);

7. Parking lot employees if not contracted to concessionaires;

8. Department of Security (including detectives, policemen watchmen and fire protection and miscellaneous employees under the control of the chief of security of the race track);

9. Publicity department;

10. Printing (including all printers and other employees employed on programs, turf sheets and other publications);

11. All independent contractors and their employees working within the licensed premises;

12. Miscellaneous employees department (including all employees not designated in any other department).

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

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

(a)3 "ticket checkers, ticket room" deleted. (a)3i inserted.

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

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

"Police" changed to "security".

13:70-3.36 Nonresident defined

Any person who has voted within two years in any state other than New Jersey since casting his last vote in New Jersey, or who has made representation within two years that he is a citizen or resident of a state other than New Jersey shall be considered not a resident of New Jersey.

13:70-3.37 Decisions on citizenship and residence

The Commission shall make decision of the citizenship and residence of each employee under the laws of the State of New Jersey and the rules, regulations and conditions of the Commission which shall be binding upon the employees and the race track association.

13:70-3.38 False or misleading statements

Any employee making any false, untrue or misleading statement with reference to his citizenship or residence in his application or additional written or oral examination may be suspended by the Racing Commission and may be ruled off the turf for life by the Racing Commission and

may be refused all privileges of the race track under the jurisdiction of the Commission.

13:70-3.39 Compensation insurance

Associations are required to carry adequate compensation insurance covering all persons in their employ.

13:70-3.40 Admission; age

(a) Any child under 18 years of age must be accompanied by an adult, parent or guardian to be admitted to any racetrack enclosure as a spectator during the hours when the running of races is being conducted.

(b) No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Amended by R.1978 d.353, effective October 2, 1978.

See: 10 N.J.R. 349(b), 10 N.J.R. 510(b).

Amended by R.1989 d.547, effective November 6, 1989.

See: 21 N.J.R. 1972(a), 21 N.J.R. 3475(c).

Deleted old (b) regarding requirement that children (12-16) be accompanied by adult during nighttime races.

Relettered (c) as (b).

Amended by R.1993 d.483, effective October 4, 1993.

See: 25 N.J.R. 2647(a), 25 N.J.R. 4600(b).

13:70-3.41 Employee compensation insurance

(a) All owners and trainers shall carry compensation insurance covering all their employees. This paragraph is intended to include all individuals employed by owners and trainers in the training and racing of horses. All concessionaires shall carry compensation insurance covering all their employees.

(b) An individual or entity shall provide adequate proof of compliance with (a) above before he or she will be licensed as an owner, trainer, and/or concessionaire by the New Jersey Racing Commission. Such proof shall be in the form of:

1. A certificate of insurance, valid for the year through December 31 (for which licensing is sought), issued by an insurance company authorized to do business in the State of New Jersey; or

i. A certificate, if offered and found not to be valid, may result in penalties provided in N.J.A.C. 13:70-23 up to and including revocation of license of the person who submitted the certificate; or

2. Proof of payment of the required premium entitling an individual or entity to participate in a workmen's compensation insurance group program.

i. Any group or organization sponsoring such a program shall guarantee worker's compensation coverage for those eligible individuals or entities which pay the required premium. A copy of the worker's compensation insurance group program and eligibility requirements shall be filed by the sponsoring group or

organization with the New Jersey Racing Commission each year.

Amended by R.1990 d.574, effective November 19, 1990.
See: 22 N.J.R. 1716(a), 22 N.J.R. 3499(c).

New (b) added provision requiring proof of compliance with worker compensation rules.

13:70-3.42 Certificate of compliance on file

Effective January 1, 1969, a certificate of compliance with section N.J.A.C. 13:70-3.41, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the racing secretary.

Amended by R.1987 d.42, effective January 5, 1987.
See: 18 N.J.R. 2116(b), 19 N.J.R. 138(a).

Cross reference changed from section 43 to 41.

13:70-3.43 Certificate of veterinary examination

(a) All horses, including ponies, entering the grounds of any race track in New Jersey, must be accompanied by a current, valid certificate of veterinary examination.

(b) A current certificate is one which has been issued within a ten-day period immediately preceding date of entry.

(c) To be considered valid, the certificate must contain:

1. Adequate identification and/or description of the subject animal;
2. A declaration that said animal is free of apparent symptoms of an infectious or communicable disease;
3. A record of the horse's body temperature at the time that the examination is conducted;
4. The signature of an accredited, licensed veterinarian who has conducted the examination.

(d) Any horse accompanied by a current certificate of examination which records a body temperature reading of more than 102 degrees Fahrenheit will be denied access to the grounds of the racing association. The racing association will be responsible for compliance with this rule, and will determine that each horse entering the grounds is properly certified in accordance with the provisions of this rule. The racing secretary will maintain adequate records to substantiate the certification of all horses on the grounds.

(e) Nothing herein contained is to be construed as a limitation on the movement of horses from one New Jersey race track to another.

13:70-3.44 Telephone

All public telephones at the race track may remain open during the race day, with the approval of the Commission.

Repeal and New Rule, R.1990 d.533, effective November 5, 1990.
See: 22 N.J.R. 2402(a), 22 N.J.R. 3385(a).

Former rule closed telephones and telegraphs with the opening of the pari-mutuel window for the first race of the day.

13:70-3.45 (Reserved)

As amended, R.1982 d.183, eff. June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
Repealed.

13:70-3.46 Horsemen's bookkeeper account

(a) Each track association shall establish a horsemen's bookkeeper account to hold moneys deposited by thoroughbred owners. The horsemen's bookkeeper shall maintain a record of each owner's account crediting such account with all earnings, awards, or deposits and deducting all payments as directed by each owner or authorized agent.

(b) All thoroughbred track associations shall be required to invest in either New Jersey business savings accounts, bank certificates of deposit or United States Treasury notes, the sums deposited by the owners of thoroughbred horses with the horsemen's bookkeeper. Such investments are to be held in the name of the track association's horsemen's bookkeeper account. No more than 80 percent of said funds shall be invested at any time. No less than 20 percent of all the funds shall, at all times, be available for use by the track association's horsemen's bookkeeper. The funds not invested shall be deposited in a separate trust account and shall, at no time, be commingled with any other funds of the track association.

(c) The income realized from the invested funds shall be used firstly, to reimburse the track association for one-half of the cost and expense of operating the horsemen's bookkeeper's account, with the remainder of the income being used for programs managed by the Horsemen's Benevolent and Protective Association, and designed to benefit the racing industry.

(d) The specific programs and anticipated budget for the Horsemen's Benevolent and Protective Association for any calendar year shall be submitted to the New Jersey Racing Commission for its approval no later than December 1 of the preceding calendar year. The programs and budget may be amended during said calendar year with prior approval of the New Jersey Racing Commission.

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

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

Amended by R.1985 d.204, effective May 6, 1985.

See: 17 N.J.R. 173(a), 17 N.J.R. 1135(a).

(c) deleted text: "with the remainder . . . of thoroughbred horses" and substituted "with the remainder . . . New Jersey Racing Commission."

13:70-3.47 Track entrance; Coggins test requirements for horses, ponies or equine mascot

(a) No horse shall enter the grounds of any track association absent presentation of a valid certificate of a negative Coggins test. Said certificate shall:

1. Identify the horse by tattoo number;
2. Indicate said test was performed within one year prior to the date of presentation to the racing secretary;

(c) The owner, trainer or agent thereof shall have no recourse against the horsemen's bookkeeper, or any agent thereof, for any acts or omissions in administering this rule.

(d) Nothing contained in this rule shall preclude the owner and trainer from entering into an agreement for the payment of fees due the trainer for services provided or expenses incurred.

New Rule, R.1994 d.135, effective March 21, 1994.
See: 25 N.J.R. 5107(b), 26 N.J.R. 1355(a).

SUBCHAPTER 21. OWNERS

13:70-21.1 Owner's license

Each owner must obtain a license from the Racing Commission. Owner includes sole owner, part owner or lessee. Where in the case of extenuating circumstances an owner may be unavailable to complete the license application, permission may be granted by the Racing Commission for the horses of said owner to be entered. The trainer for the owner in question will be required to promptly fill out a temporary application and pay all license fees.

13:70-21.2 Married woman as owner

An owner who is a married woman may be required to furnish to the Racing Commission the same information about her husband as she is required to furnish about herself.

13:70-21.3 Disqualification of spouse

Disqualification of either husband or wife applies equally to both, unless the spouse of the disqualified person shows to the satisfaction of the Commission that ownership and racing of his or her horses are independent of or not under the control or influence of the disqualified spouse.

13:70-21.4 Medication

An owner shall not knowingly enter, or cause to be entered, any horses having received a substance foreign to the natural horse which results in the horse not being in compliance with N.J.A.C. 13:70-14A.1 and/or N.J.A.C. 13:70-20.11.

Amended by R.1994 d.131, effective March 7, 1994.
See: 25 N.J.R. 3102(a), 26 N.J.R. 1238(b).

13:70-21.5 Registering horses

An owner who changes trainers must see to it that his horses are properly registered under the new trainer's name.

13:70-21.6 Insurance; employees

All owners and trainers shall carry compensation insurance covering all their employees. This paragraph is intended to include all individuals employed by owners and trainers in the training and racing of horses. All concessionaires shall carry compensation insurance covering all their employees.

13:70-21.7 Licensed under legal name only

No owner may be licensed other than in his legal name.

13:70-21.8 Fines

The Commission may in its discretion, impose a fine against an owner and/or any participant in racing who seeks to be reinstated following suspension for failure to comply with the Commission rules governing licensing.

SUBCHAPTER 22. AUTHORIZED GRANTS

13:70-22.1 License

Each authorized agent must obtain a license from the Racing Commission.

13:70-22.2 License Application

Application for a license must be filed for each owner represented.

13:70-22.3 Powers of attorney

If the written instrument is a power of attorney, it shall be filed permanently with the Racing Secretary. If, however, the powers are properly delegated by the owner on the application form for a license, then said application shall be in duplicate and one copy filed permanently with the Racing Secretary.

13:70-22.4 Changes

Any change must be in writing and filed as above provided.

13:70-22.5 License fees

The fee for each license shall be \$50.00 as set forth in N.J.A.C. 13:70-4.1. If an agent represents more than one owner, a separate written instrument shall be filed for each owner and the fee paid in each case.

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

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

License fee increased from \$10.00 to \$25.00.

Amended by R.1993 d.43, effective January 19, 1993.

See: 24 N.J.R. 4021(a), 25 N.J.R. 314(a).

License fee revised.

13:70-22.6 Owner's revocations

Owner's revocations must be filed in writing with the Racing Commission and with the Racing Secretary.

13:70-22.7 Appointment of sub-agents

An authorized agent may appoint a sub-agent only when authorized to do so by the above written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Racing Commission and the

Racing Secretary. Application for a license must be filed for each sub-agency so created.

Amended by R.1982 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
"Application . . . created", added.

SUBCHAPTER 23. DISCIPLINARY ACTION

13:70-23.1 Right to impose fines or suspensions

No racing official other than the stewards and the starter shall have the right to impose a fine or suspension.

13:70-23.2 Written reports

A racing official imposing a fine or suspension shall report it promptly to the Racing Secretary in writing.

13:70-23.3 Payment of fines

All fines shall be paid to the horsemen's accountant within 48 hours after imposition.

13:70-23.4 Collection of fines

Fines collected by the horsemen's accountant shall be paid promptly to the New Jersey Racing Commission.

13:70-23.5 Unpaid fines

An unpaid fine may not be rescinded except with the approval of the Racing Commission.

13:70-23.6 Power to punish; violations

The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions.

13:70-23.7 (Reserved)

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

13:70-23.8 Persons and horses

The stewards may suspend a person or disqualify a horse.

13:70-23.9 Objectionable persons

The stewards shall have the power to exclude from all premises and enclosures of the association any person who is disqualified for corrupt practices on the turf in any country; or so exclude any other improper or objectionable persons.

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 ejection deleted.

SUBCHAPTER 24. STEEPLECHASING

13:70-24.1 Jurisdiction

Steeplechases (includes any form of jumping race) shall be conducted in conformity with the rules herein established insofar as they can be consistently applied. To the extent that they cannot be so applied, modification thereto may be made by the stewards in accordance with the rules of the National Steeplechase and Hunt Association; but the jurisdiction of steeplechasing at a meeting shall be vested solely in the Racing Commission.

13:70-24.2 Penalties

Penalties incurred or allowances due to steeplechase or hurdle races shall not apply to races on the flat, or vice versa.

13:70-24.3 Claiming races

In claiming races over jumps and 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. Any licensed owner who has an interest in any starter shall thereafter be eligible to claim individually.

As amended, 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.

SUBCHAPTER 25. DEAD HEATS

13:70-25.1 Running off dead heats prohibited

When two or more horses run a dead heat, the dead heat shall not be run off.

13:70-25.2 Division of purse money

The owners of the horses in a dead heat shall divide equally the purse money involved.

13:70-25.3 First place; dead heats

If a dead heat is for first place, each horse shall be considered a winner of the amount received.

13:70-25.4 Drawing lots

Owners shall divide equally all moneys and other prizes; and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.