

As amended, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 13 N.J.R. 347(a).
 Substantially amended.

13:71-7.18 Multiple ownership; applications

(a) Multiple ownership applications shall, among other things, set forth the following:

1. The name and address of each and every person having any interest in the horse or horses involved;
2. The relative proportions of such interests;
3. To whom the winnings are payable;
4. In whose name the horse or horses shall race;
5. With whom the power of entry and declaration shall rest;
6. The terms of any contingency, lease or any other arrangement.

13:71-7.19 Alteration in a multiple ownership

Any alteration in a recorded multiple ownership registration, to be effective, must be reported in writing to the Racing Commission and be signed by all the partners.

13:71-7.20 Liability

All the parties to any multiple ownership shall be jointly and severally liable for all stakes, forfeits and other obligations.

As amended, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-7.21 Employment application blank

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

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

13:71-7.22 Nonresident defined

(a) 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.

(b) 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.

Case Notes

Finding that no domiciliary ownership or control requirements were in existence on day of race; horse not disqualified from "owned and bred" race; owner was New Jersey domiciliary on race date (also cited as N.J.A.C. 13:71-7.11). *Bunny Stables v. New Jersey Racing Commission*, 3 N.J.A.R. 148 (1981).

13:71-7.23 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.
 See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

13:71-7.24 Loss of identification card

All persons who have in their possession an identification card issued by the New Jersey Racing Commission and lose same are subject to a fine of not less than \$2.00 or more than \$10.00, to be paid before a duplicate card can be issued.

Amended by R.1990 d.126, effective February 20, 1990.
 See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
 Maximum and minimum fines established, change from fine of \$1.00.

13:71-7.25 Application for driver's license

(a) Every person desiring to drive a harness horse at a race meeting licensed by the Commission shall be required to obtain a license from the Commission. Such application shall be on forms provided by the Commission; applications may be filed at any Commission office. Such license shall be presented to the clerk of the course before driving.

(b) Every applicant for a license to drive a harness horse at a race meeting licensed by the Commission shall, in addition to any other requirements mentioned herein:

1. Be at least 16 years of age;
2. Submit evidence of good moral character;
3. Have a minimum of 20-40 vision in one eye, corrected, according to certification by a licensed optometrist, or ophthalmologist. All drivers must be examined at least biannually by one of the aforementioned doctors. A proof of such examination must be submitted with the license application;
4. Furnish a completed application form;
5. When requested, submit evidence of physical and mental ability and/or submit to a physical examination;

6. When requested, submit to a written examination at a designated time and place to determine his qualification to drive and his knowledge of racing and the rules;

7. Submit evidence of ability to drive in a race and, if a new applicant, this must include the equivalent of one year's experience.

(c) Any applicant who has complied with the requirements of (a) and (b) above, may be eligible for a license in New Jersey in the following categories:

1. (F)(Fair) A license valid for fair meetings. Drivers holding a license valid for fairs only who have driven at fairs must demonstrate an ability to drive satisfactorily before they will be granted a (Q) license valid for qualifying races.

2. (Q)(Qualifying) A license valid for fairs and a license for qualifying races at pari-mutuel meetings with the approval of the Presiding Judge. The Presiding Judge shall make a report to the United States Trotting Association relating to the performance of such a driver in a qualifying race. Drivers holding a qualifying license must demonstrate an ability to drive satisfactorily before a Presiding Judge before they will be granted a (P) Provisional license.

3. (P)(Provisional) A license valid for fairs and for pari-mutuel meetings subject to satisfactory performance and with the permission of the Racing Association. In cases where drivers are Provisional (P), it shall be noted on the program. Drivers holding a provisional license will not be considered for advancement to an "A" (full) license until he or she has qualified in one of the three following categories:

i. Had at least one year's driving experience while holding a "P" (Provisional) license plus 25 satisfactory pari-mutuel starts in the calendar year prior to application;

ii. Or had less than one year's driving experience while holding a "P" (Provisional) license but with at least 50 satisfactory pari-mutuel starts and the written approval from a licensed pari-mutuel Presiding Judge.

iii. Or made 25 satisfactory starts at extended pari-mutuel or Grand Circuit meetings in the two calendar year period preceding date of application provided he or she has had at least 50 satisfactory fair starts.

iv. In all cases, an individual must have demonstrated professional competence at all times and a Presiding Judge, licensed by a Racing Commission, must have submitted a satisfactory written report certifying to such performance.

4. (A) (Full) A full license for all meetings.

5. (V) (Probationary) A Probationary license indicating that the driver has been guilty of rule violations and has been warned against repetition of such violations.

(d) In the event any person is involved in an accident on the track, the Commission may order such person to submit to a physical examination and such examination must be completed within 30 days from such request, or his license may be suspended until compliance therewith.

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.1984 d.214, effective June 4, 1984.

See: 16 N.J.R. 691(a), 16 N.J.R. 1361(b).

Section substantially amended.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

(a)1 deleted.

13:71-7.26 Requirements; farms or licensed tracks

(a) No horse may start in any race wherein pari-mutuel wagering is conducted unless stabled on the grounds of a racing association licensed by the Commission or at a farm or training facility licensed by the Commission. Nothing in this rule shall prohibit any horse stabled outside the State of New Jersey from vanning to any racing association to start.

(b) A license shall not be issued to any farm or training center not in compliance with the following requirements:

1. All box stalls shall be properly ventilated and measure approximately 10 feet by 10 feet or larger.

2. Arrangements for the disposal of manure and other refuse shall be made in compliance with appropriate State and municipal health codes and/or ordinances.

3. Adequate spraying and/or fogging equipment must be available.

4. Any farm or training center that is placed under quarantine by the New Jersey Department of Agriculture shall have their license immediately suspended. Any facility whose license is so suspended, shall be afforded the right of appeal as provided for in N.J.A.C. 13:71-3.

(c) Any farm or training center making application for licensure as an off-track stabling facility shall pay a \$50.00 annual license fee and be liable to inspection by the employees of the Commission and shall be required to provide unrestricted access to all stabling facilities to the employees and agent of the Commission upon demand.

(d) Any horse in training or entered to start stabled on such a farm or training center must be under the care and custody of a licensed trainer. It shall be the responsibility of the trainer to insure that only individuals licensed by the Commission are employed in any capacity of caretaker, groom or other attendant with respect to the care-custody and training of such a horse. Nothing in this section shall be deemed to apply to brood mares, foals, weanlings, yearlings, stallions or other horses not in training.

(e) It shall be the responsibility of the farm manager or training center manager to complete and file all reports required of him by the Commission. It shall similarly be the responsibility of the trainer to complete and file all reports required of him by the Commission, including, but not limited to, the Equine Fatality Report (see: N.J.A.C. 13:71-20.24).

(f) Failure to comply with the requirements in this section shall subject the offending party to the penalties provided for in N.J.A.C. 13:71-2.3. Further, violation of this section may subject the offending party to suspension, revocation or denial of the farm license and/or declaration of ineligibility for stables or horses involved.

New Rule, R.1984 d.214, effective June 4, 1984.

See: 16 N.J.R. 691(a), 16 N.J.R. 1361(b).

Repealed.

New Rule, R.1985 d.637, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1393(b), 17 N.J.R. 2996(c).

Amended by R.1993 d.52, effective January 19, 1993.

See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised (c).

Petition for Rulemaking.

See: 35 N.J.R. 1741(a), 1741(b).

13:71-7.27 Trainers; application for license

An applicant for a license as trainer must be at least 18 years of age and satisfy the Commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a trainer in the preparation, training, entering and managing the horses for racing. The system of qualification employed by the United States Trotting Association may be accepted as evidence of the necessary experience.

13:71-7.28 Grooms; application for license

An applicant for a license as a groom must satisfy the commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a groom. Applicants between the ages of 16 and 18 years of age must submit New Jersey "working papers" together with their application. No license shall be issued to applicants under 16 years of age.

13:71-7.29 Suspension or revocation of drivers—trainers or grooms licenses

(a) The license of any driver, trainer or groom may be suspended, revoked or money fine may be imposed, at any time for:

1. Failure to obey the instructions of a racing official;
2. Failure to drive in a race when programmed, unless excused by the presiding judge;

3. Appearing in the paddock in an unfit condition to perform his duties;

4. Fighting;

5. Assault upon any other person;

6. Offensive or profane language;

7. Smoking while on the race track in silks and during actual racing hours;

8. Warming up a horse without silks at any time after the admission gates are open;

9. Disturbing the peace;

10. Refusal to take a breathalyzer test when directed by the presiding judge;

11. Refusal, when requested by the commission, to submit evidence of physical and mental ability and/or to submit to a physical examination;

12. Failure to participate in post parade, unless specifically excused by presiding judge;

13. Any other act or conduct detrimental to the sport;

14. Violation of any rule of the commission;

15. Falsifying or misrepresenting answers on the application for license.

16. The length of suspension of a driver may be increased up to and including an indefinite suspension by the New Jersey Racing Commission if said driver is guilty of the same infractions of the rules of racing two times or more during any 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).

Case Notes

Trainer's offensive behavior warrants suspension and fine. *Milici v. New Jersey Racing Commission*, 97 N.J.A.R.2d (RAC) 10.

Suspended trainer was denied a new trainer's license. *Temming v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 51.

13:71-7.30 Owners' application for license

(a) Every owner desiring to enter a harness horse at a race meeting licensed by the commission shall be required to obtain a license from the commission.

1. No person shall have more than one trainer, training his horse or horses in which he has any interest, at any one track in New Jersey, at the same time, without the written consent of the New Jersey Racing Commission. When a horse is shipped in for one particular race, this ruling may be waived in writing by the New Jersey Racing Commission or its representatives.

(b) Such application shall be on forms provided by the commission. "Owner" includes sole owner, part owner or lessee of a horse.

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

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

13:71-7.31 Qualification for owner's license

(a) Every applicant for a license as an owner in addition to any other requirements mentioned herein shall:

1. Be at least 18 years of age unless a parent or legal guardian expressly assumes responsibility for an applicant who is under 18 years of age;
2. Submit evidence of good moral character; and
3. Furnish a completed application form.

(b) Where a horse is owned jointly by two or more parties, all parties must comply with (a)1, 2 and 3 above.

(c) Where a horse is owned by a corporation, all officers, directors and persons owning more than five percent of the capital stock must comply with (a)1, 2 and 3 above.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

At (c) change from 10 percent ownership to 5 percent ownership.

13:71-7.32 Suspension or revocation of owner's license

(a) The license of any owner may be suspended, revoked or a money fine may be imposed for:

1. Failure to obey the instructions of a racing official;
2. Failure to race his horse when programmed, unless excused by the presiding judge;
3. Misconduct or acts detrimental to the sport;
4. Violation of any rule of the Commission;
5. Falsifying or misrepresenting answers on an application for an owner's license.

13:71-7.33 Reinstatement of owner's license

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

13:71-7.34 Reinstatement of license of driver, trainer and groom

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

13:71-7.35 Badges

(a) All licensed personnel who enter the stable area of any track under the jurisdiction of the New Jersey Racing Commission in any capacity whatsoever shall wear upon their outside apparel in a prominent position the authorized badges containing picture identification supplied by the Commission. This rule shall also apply to State, track, veterinarian personnel, as well as the vendors and suppliers authorized in the stable area, and the badges shall be readily available and produced by such personnel upon request of track security, county and city police, State police, Commission inspectors and stewards at said request. Failure to comply with this rule will result in a \$5.00 fine for the first offense; \$10.00 fine for the second; \$25.00 for the third; and ejection from the grounds upon the fourth offense.

1. All persons working in or about the licensed premises shall be required to be licensed in their appropriate category by the New Jersey Racing Commission.

(b) Any person losing his identification license will be subject to a fine of not less than \$2.00 or more than \$10.00. The amount of fine to be determined by the New Jersey Racing Commission.

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.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

"HTS" was "TRPB".

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

"Police" changed to "security" and reference to HTS deleted in (a).

Amended by R.1993 d.52, effective January 19, 1993.

See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised (a)1.

13:71-7.36 Written agreements between owners and trainers

A written agreement between owners and trainers shall be filed at the time they enter a partnership or stable name on any horse. The trainer shall be responsible for filing the written agreement with the New Jersey Racing Commission and the clerk of course at the track where said horse or horses participate within 72 hours.

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

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

13:71-7.37 Collection and dissemination of Social Security numbers

(a) The Racing Commission may request Social Security numbers to be furnished for use in determining an applicant's eligibility for licensure especially as it relates to credit checks, background checks or other such investigations, including those relative to open claiming. No application shall be denied for failure to comply with such request provided that a person may be required to submit such other information as the Commission may require in order to determine an applicant's eligibility for licensure.

(b) Any form used by the Commission to request submission of a Social Security number shall include the following:

1. A statement as to whether provision of a Social Security number is mandatory or voluntary;
2. A citation of the rule (which in the case of a request for voluntary submission shall be this section) that authorizes the Commission to request the Social Security number; and
3. A statement that the Commission will use Social Security numbers as a secondary internal identifier for the following purposes: Credit checks, background checks and other such investigations.

13:71-8.36 Charter

The charting of races shall be done only by a charter approved by the commission. The charter shall be responsible for providing a complete and accurate chart. Approval of the commission will be granted only to the employment of a person who has the knowledge, training and industry to perform the duties of a charter.

13:71-8.37 Setting and maintaining post time

The mutuel manager shall be charged with the responsibility of setting and maintaining post time. Post time shall not be changed after being posted on the odds board without the consent of the judges.

13:71-8.38 State Police; communication

When the State Police in the normal performance of their duties at an association meeting observe a violation of the Racing Commission rules and regulations that may adversely affect the integrity of racing, they shall communicate the circumstances of such to the State steward and the Executive Director of the Racing Commission in writing. The State steward shall acknowledge receipt of the information from the State Police and shall respond in writing to the Racing Commission, without undue delay, of the action taken thereon.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

SUBCHAPTER 9. VETERINARIANS AND VETERINARIANS CERTIFICATES

13:71-9.1 Chief State Veterinarian, State Veterinarian and Associate State Veterinarians

(a) The commission shall designate two or more duly licensed veterinarians at each association track one of whom shall be known as the State Veterinarian and the other shall be known as Associate State Veterinarians. Their compensation shall be fixed by the commission and paid by the association. The various State Veterinarians and Associate State Veterinarians shall be under the supervision of the Chief State Veterinarian who shall be designated by the Commission from among the State Veterinarians and who shall serve at the pleasure of the Racing Commission.

(b) The State Veterinarian and Associate State Veterinarian, unless otherwise directed by the commission, shall devote their time to the performance of the duties of their office and shall not render their professional services to any horsemen on the grounds of the association to which they are assigned during the course of the meeting except in cases of emergency and only as long as the emergency exists.

(c) The State Veterinarian shall have full and complete control of the detention barn and shall supervise all activi-

ties therein including the taking of pre-race and post-race blood and urine samples. Further, the State Veterinarian shall have assigned to him one or more Associate State Veterinarian(s) who shall perform his (their) duties and responsibilities under the supervision of the State Veterinarian. The Associate State Veterinarian shall, in general, familiarize himself with the racing condition of all entrants and if, in his opinion, any entrant is not in good condition to race, he shall notify the presiding judge.

(d) The duties of the State Veterinarian shall be the following:

1. Supervise the taking of blood, urine or such other samples from the horses as may be directed by the executive director of the commission or the presiding judge and be responsible for the proper storing and delivery thereof to the laboratory designated by the commission and the maintenance of required records;
2. Directly supervise personnel assigned to the chemical sample collection detail;
3. Examine the credentials of and approve practicing veterinarians wishing to furnish services to owners and trainers on the premises of any track association. Approval will not be granted to any veterinarian possessing a direct or indirect interest in a racing stable;
4. Receive, evaluate and file daily reports, made by the practicing veterinarians of all horses under treatment by them;
5. The State Veterinarian shall obtain blood and urine from such horses as are designated by the judges or the Racing Commission, and make such examination and tests as from time to time may be required by the judges or the Racing Commission: costs of such tests to be borne by the association.

Amended by R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).
Amended by R.1978 d.269, effective August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

13:71-9.2 Veterinarian (practicing)

(a) No owner or trainer shall employ any veterinarian who has not been duly licensed in accordance with the laws of the State of New Jersey. Any duly licensed veterinarian desiring to practice at the race track of an association must be approved by the Racing Commission State Veterinarian, who shall list his name with the race secretary. The association shall warn off all unlicensed veterinarians.

(b) The veterinarians shall make daily reports to the State Veterinarian and to the stewards of all horses under treatment by them. Any violation of the rule shall be immediately reported to the Racing Commission and the stewards.

(c) No veterinarian employed by the Racing Commission shall be permitted, during the period of his employment, to treat or prescribe for any horse, for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the stewards.

(d) Treatment of any horse with a drug for which the practitioner has not submitted a report pursuant to (b) above, shall be accompanied by a written report to the State Veterinarian of such administration or intended administration but in no event less than 72 hours before any such horse shall start. The pharmaceutical inserts accompanying such drug, which shall be accompanied by a sample of the drug when so directed by the State Veterinarian, shall be made part of said written report. Failure to comply with the foregoing may subject the practicing veterinarian to disciplinary action by the steward.

Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

(d): added.

Amended by R.1991 d.259, effective May 20, 1991.
See: 23 N.J.R. 675(a), 23 N.J.R. 1684(c).
Deleted "or by an association" in (c).

13:71-9.3 Associate State Veterinarian

(a) The duties of the Associate State Veterinarian shall be as follows:

1. Observe the horses in the paddock and while warming up for the racing program and investigate into and examine such horses as appear to him, or are reported to him, to be ill or infirm, and report thereon to the presiding judge.

2. Examine horses to be scratched from any race and certify that such horse is unfit to compete before it may be scratched. No horse, having been scratched from a race may enter a later race without the certificate of the Associate State Veterinarian that such horse has become fit to race.

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

(c) A current certificate is one which has been issued within a 10-day period immediately preceding date of entry. 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 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.

(e) 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.

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

Amended by R.1978 d.133, effective April 19, 1978.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

13:71-9.4 Veterinarians during racing hours

The racing association will be responsible to provide the services of a licensed veterinary practitioner for the period of one-half hour prior to the post time of the first race until one-half hour after the conclusion of the last race on the racing program.

New Rule, R.1991 d.261, effective May 20, 1991.
See: 23 N.J.R. 675(b), 23 N.J.R. 1684(d).

SUBCHAPTER 10. PROGRAM

13:71-10.1 Program information

(a) A printed program shall be available to the public at all meetings where purses are offered. All programs shall furnish:

1. Horse's name and sex;
2. Color and age;
3. Sire and dam;
4. Owner's name;
5. Driver's name and colors;
6. Trainer's name;
7. Type of race and horses. In claiming races, the price for which the horse is entered to be claimed shall be indicated. If claimed later programs shall indicate the fact;
8. At least the last six performance and accurate chart lines. An accurate chart line shall include: date of race, size of track if other than half-mile, symbol for free-legged pacers, track condition, type of race, distance, the fractional times of the leading horse including race time, post position, position at quarter, half and three-quarter, stretch with lengths behind the leader, finish with lengths behind the leader, individual time of the horse, closing dollar odds, name of the driver, names of the horses placed first, second and third by the judges. The standard symbol for "breaks" and "park-outs" shall be used where appropriate;