

13:70-6.29 Sale of horse to disqualified person

If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of the sale.

13:70-6.30 Owner in arrears

No horse shall be allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the racing secretary.

13:70-6.31 Limitation on double entries; same owner

Not more than two horses of the same ownership or interest shall start in any race (except stakes). When making a double entry in the same ownership the owner or trainer must express a preference; and in no case may two horses start in the same ownership to the exclusion of a *single entry*.

13:70-6.32 Divided races

In divided races, the starters in the separate divisions shall be determined by lot; except that stable couplings may be separated, at the discretion of the racing secretary.

13:70-6.33 Unclosed races

The association shall have the right to withdraw or change any unclosed race.

13:70-6.34 Insufficient entries

If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post position.

13:70-6.35 Sweepstakes entries

An entry in a sweepstakes is a subscription, and cannot be withdrawn.

13:70-6.36 Return of fees

If a horse is excused from the race before the off-time, the starting fees shall be refunded; if a horse is locked in the gate, any fees of any kind, including jockey fees, shall be returned to the owner.

13:70-6.37 Nominator liability

The nominator is liable for the entrance money or stake, and the death of an entered horse or a mistake in its entry shall not release the nominator or transferees from such liability; nor shall the entrance money or stake of an eligible horse to any race which is run off be returnable for the entry's failure to start, for any cause.

13:70-6.38 Death of nominator

Except in a match race, no entry or subscription shall become void on the death of the nominator.

13:70-6.39 Closing of entries

Entries shall be closed at the advertised time, and no entry accepted thereafter. The racing secretary, however, may postpone closing of overnight races.

13:70-6.40 Overnight race entries

In the absence of conditions or notice to the contrary, entries to overnight races shall be considered closed not later than 10:30 A.M. on the day preceding that on which the race is to be run.

13:70-6.41 Closing places for entries

In the absence of notice to the contrary, entrances and declarations for sweepstakes which close during or on the eve of a race meeting, close at the office of the racing secretary. Closing at all other times for sweepstakes shall be at the office of the association.

13:70-6.42 Closing time implied

Except in overnight races, if the hour of closing of entries or for declarations is not stated, it is understood to be midnight at the close of the day specified.

13:70-6.43 Nomination for stake races

Nomination for stake races received and post-marked before midnight of the day of closing shall be valid if received 24 hours in advance of the publication of the weights, if a handicap; or 24 hours in advance of the closing of overnight entries, if any other type of race.

13:70-6.44 Miscarriage of stake race nomination or declaration

If a miscarriage of any nomination or declaration in a stake race is claimed, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or such evidence will not be considered.

13:70-6.45 Posting of closed entries

Entries which have closed shall be compiled without delay by the racing secretary, and conspicuously posted.

13:70-6.46 Number of horses; stake races

In a stake race, the number of horses to compete will be limited only by the number of horses duly nominated and entered.

13:70-6.47 Number of starters; overnight race

The number of starters in any overnight race shall be limited by the width of the track at the starting post, the maximum number to be determined by the stewards.

13:70-6.48 Alteration in entry after closing

No alteration shall be made in any entry after the closing of entries, but an error may be corrected.

13:70-6.49 Naming of jockey; changes

Jockeys shall be named at time of entry. Any subsequent change of a jockey must be sanctioned by the stewards and must be promptly and publicly posted and announced.

13:70-6.50 Postponement and cancellation of races

If the whole, or part of a racing program is abandoned, any purse race involved must be declared off.

13:70-6.51 Closed entries; declared off

No race, which has closed with sufficient entries, shall be declared off except by the stewards.

13:70-6.52 Post position

Post positions shall be determined publicly by lot in the presence of the racing secretary or his deputy, one or more stewards or their deputies, and at least one trainer licensed by the Racing Commission.

13:70-6.53 Eligibility; registration required

(a) In order to be eligible to enter and start in races exclusively for New Jersey bred foals, each horse must be registered with the Thoroughbred Breeders' Association of New Jersey.

(b) To qualify for such registration, the said horse must have been foaled in the State of New Jersey and:

1. For the resident breeder, he or she must be a resident of New Jersey or an individual or entity that maintains a breeding farm in New Jersey; or
2. For the non-resident breeder, who is an individual non-resident, or an entity not owned entirely by New Jersey residents, the foal must meet one of the following conditions:
 - i. Be the produce of a mare conceived in New Jersey the previous season by a registered stallion; or
 - ii. If conceived outside of New Jersey, the mare must be bred to a registered New Jersey stallion the season of the birth of said foal; or
 - iii. If conceived outside of New Jersey by a resident mare which leaves New Jersey for breeding purposes, the resident mare must return by September 1 of that year and verification may be required; or
 - iv. A non-resident breeder having a mare foal for the first time in New Jersey must have a mare in the State 30 days before foaling if it was bred out of State, and in subsequent years shall follow the rules and regulations for a resident mare owned by a non-resident breeder.

(c) A horse is bred where it is foaled. The breeder is the owner of the dam at the time of foaling.

(d) The breeder is responsible for the registering of the foal as a New Jersey bred thoroughbred.

(e) A breeder who registers or attempts to register a foal based upon false or fraudulent information may be subject to any or all of the following sanctions by the Thoroughbred Breeders' Association:

1. The horse may no longer be considered a New Jersey bred;
2. Any New Jersey breeder awards earned by an ineligible horse shall be forfeited to the State;
3. The breeder may be denied the privilege of registering any horses as a New Jersey bred for a time period determined by the Thoroughbred Breeders' Association;
4. The breeder may be denied the benefit of any and all breeder awards in New Jersey for a time period determined by the Thoroughbred Breeders' Association.

(f) Any owner or breeder may appeal the decision of the Thoroughbred Breeders' Association of New Jersey concerning the registration of a horse under this rule to the New Jersey Racing Commission.

(g) To be considered a New Jersey stallion, it is required that the stallion stand in the State of New Jersey the full breeding season, commonly understood to be the period from February 1 through July 1 of any year, and remain in the State, or if the stallion is brought in subsequent to the start of the breeding season, he must be approved as a New Jersey stallion by the New Jersey Racing Commission upon recommendation of the Board of Trustees of the Thoroughbred Breeders' Association of New Jersey and the appropriate annual fee paid to the Association prior to serving the first mare in the State of New Jersey and annually thereafter prior to February 1.

1. Should any stallion die in New Jersey prior to completion of one full breeding season he may also be considered a New Jersey stallion upon approval of the New Jersey Racing Commission upon recommendation of the Board of Trustees of the Thoroughbred Breeders' Association of New Jersey.

(h) All fees for registration of foals, horses of racing age and stallions as established by the Thoroughbred Breeders' Association of New Jersey shall be subject to the approval of the Commission, which approval shall be based upon the Commission's review of a full accounting of fees received and the disposition and purposes for which the revenue collected by the Association is utilized in order to comply with the rules of racing and the terms of New Jersey statutes, the purposes of which are to improve and develop the thoroughbred breeding industry in the State.

R.1976 d.125, eff. April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
As amended, R.1984 d.45, eff. February 21, 1984.
See: 15 N.J.R. 2147(a), N.J.R. 378(a).

(a)3. changed July to July 1st, (a)3. i and ii added.
 New Rule R.1985 d.203, effective May 6, 1985.
 See: 17 N.J.R. 271(a), 17 N.J.R. 1135(b).
 Repealed old rule and adopted this new rule.
 Amended by R.1995 d.617, effective December 4, 1995.
 See: 27 N.J.R. 3304(b), 27 N.J.R. 4904(a).
 Petition for Rulemaking.
 See: 35 N.J.R. 4332(b).

13:70-6.54 First time starters

(a) No first time starters will be allowed to enter without a published workout.

(b) It shall be the trainers responsibility to see that all first time starters in their care have a published workout.

R.1976 d.125, effective April 22, 1976.
 See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-6.55 (Reserved)

R.1976 d.125, eff. April 22, 1976.
 See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).
 As amended, R.1982 d.183, eff. June 21, 1982.
 See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).
 As amended, R.1983 d.14, eff. February 7, 1983.
 See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).
 Decreased non-racing period from 25 to 14 days for first time bleeders and added three month prohibition for second time bleeders. Also added last sentence.
 Repealed by R.1988 d.245, effective June 6, 1988.
 See: 20 N.J.R. 506(a), 20 N.J.R. 1207(a).
 This rule appears at N.J.A.C. 13:70-14A.9(d).

13:70-6.56 Starters; published workouts

A horse which has not started for 30 days or more shall be ineligible to race unless it has a published timed workout at a racetrack within 30 days prior to entry. Workouts following the entry of a horse shall appear on the official daily program.

R.1983 d.14, eff. February 7, 1983.
 See: 14 N.J.R. 1146(b), 15 N.J.R. 158(b).

13:70-6.57 Workout program

(a) Each track association shall establish and maintain a workout program meeting the following requirements, as well as such other requirements and conditions as established from time to time by the Commission.

1. Training and workout hours for the main track and/or training track shall be designated by the racing association.

2. No horse shall be permitted onto either track for training or a workout except during the designated hours unless with the express permission of the Racing Secretary and Board of Stewards.

3. Access to the training track and/or main track during such hours shall be limited to such gaps as directed by the Board of Stewards where the association shall have at least one workout coordinator per gap.

4. The workout coordinator shall obtain the identity of all horses to workout at the time the horse enters through the appropriate gap. The workout coordinator shall also obtain from the trainer, custodian or rider of any such horse, the distance which the horse will workout and at what point on the track the workout is intended to begin. All such information shall then be promptly transmitted to the clockers who are responsible for timing and reporting all workouts.

5. The racing association shall maintain a communication system between the workout coordinators and clockers.

6. The trainer shall be responsible for insuring that horses in his care and custody comply with all provisions of this workout program.

7. The Board of Stewards shall have overall jurisdiction of this program, and may fine and/or suspend any persons who violate or attempt to violate the workout program requirements. The stewards may also fine and/or suspend any person who reports or submits inaccurate or false information concerning the identity of any horse and the particulars of any workout.

New Rule, R.1985 d.663, effective January 6, 1986.
 See: 17 N.J.R. 2529(a), 18 N.J.R. 92(b).

SUBCHAPTER 7. DECLARATIONS AND SCRATCHES

13:70-7.1 Purse races

Declaration and scratches from purse races shall be made to the racing secretary by the owner, his authorized agent, or some person deputed by him, at a time which shall be set by the racing secretary and so posted conspicuously.

13:70-7.2 Notice of declarations and scratches

No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent, or some person deputed by him shall have given due notice in writing to the racing secretary.

13:70-7.3 Scratches from overnight races

No horse shall be scratched from an overnight race without the approval of the stewards.

13:70-7.4 Irrevocability

The declaration or scratch of a horse out of an engagement is irrevocable.

13:70-7.5 Stakes Races

For stakes races, if a horse is not named through the entry box at the time appointed by the racing secretary, the horse is automatically out.

13:70-7.6 Time for scratches; stakes races

Scratches from stakes races will close 45 minutes before post time.

13:70-7.7 Miscarriage of declaration

If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant; otherwise, the declaration shall not be accepted as of the time alleged.

SUBCHAPTER 8. WEIGHTS
13:70-8.1 Obligatory penalties

Weight penalties are obligatory.

13:70-8.2 Weight allowances

Weight allowances must be claimed at time of entry, and shall not be abandoned after the posting of entries except by consent of the stewards.

13:70-8.3 Noncumulative penalties and allowances

Penalties and allowance of weight are not cumulative, unless so declared by the conditions of a race.

13:70-8.4 Entitled allowance of weight

A horse shall start with only the allowance of weight to which it is entitled at the time of starting, regardless of its allowance at the time of entry.

13:70-8.5 Weight penalties; effect on allowances

Horses incurring weight penalties for a race shall not be entitled to any of the weight allowances for that race.

13:70-8.6 Subsequent weight allowances

Horses not entitled to the first weight allowance in a race shall not be entitled to the second, and so on.

13:70-8.7 Claim of unentitled weight allowance

Claim of weight allowance to which a horse is not entitled shall not disqualify unless protest is made in writing and lodged with the stewards at least 60 minutes before post time.

13:70-8.8 Placing second or lower

No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

13:70-8.9 Failure to finish second or lower

No horse shall be given a weight allowance for failure to finish second or any lower place in any race.

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

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

"In" to "or".

13:70-8.10 Steeplechase or hurdle race penalties

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

13:70-8.11 Horses beaten in one or more races

No horse shall receive allowance of weight, or be relieved of extra weight, for having been beaten in one or more races, provided this rule shall not prohibit maiden allowances or allowances to a horse which has not won within a specified period or which has not won a race of specified value.

13:70-8.12 Decision in dispute

When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winning of that race until a winner has been adjusted.

13:70-8.13 Disqualification penalties

No horse shall incur a weight penalty for a placement from which it is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement.

13:70-8.14 Dead heats

A horse involved in a dead heat for first place shall be liable to the weight penalty for the amount received.

13:70-8.15 Determine eligibility, penalties and allowances

(a) Eligibility, penalties and allowance of weight for all races will be determined after considering the reports, records and statistics published by the daily racing form.

(b) A race not reported in the daily racing form will not be considered unless otherwise stated in the conditions of the race, except that, in the case of an imported horse, the racing record of such horse must be available to the racing secretary prior to the time entry is made to qualify for eligibility. (This rule shall not apply in the classification of maidens.)

13:70-8.16 Weights, scale of

(a) The following is the scale of weights for age, and shall be carried when not otherwise specified in the condition of the race: