

13:71-20.2 Driver's meeting

(a) Before the first heat or race at any meeting is contested the racing officials and the drivers shall meet at a time and place to be designated by the presiding judge. Notice of the time and place of such meeting shall be published on the bulletin board in the office of the race secretary at least 48 hours prior to the meeting, and shall be announced over the public address system one hour prior to the meeting.

(b) The officials will announce any special rules affecting the race meeting and shall construe such of the rules of racing as shall be requested. At the conclusion of such meeting, all drivers shall be presumed to be familiar with the rules of racing.

(c) Any driver failing to attend this meeting after being duly notified, may be fined a sum not to exceed \$100.00.

(d) No driver will be permitted to drive unless he shall have attended such meeting or has met with the officials.

13:71-20.3 Substitutions of driver

If the judges believe a driver is unreliable, unfit or incompetent to drive, or if he refuses to comply with the direction of the judges, or is reckless or unmannerly in his conduct, he may be removed and another driver substituted any time after the positions have been drawn in a race. Compensation of such substitute driver may be fixed in the discretion of the judges. No driver shall, without sufficient reason, decline to be substituted by the judge.

Case Notes

Horse driver who moved into another racing lane without sufficient clearance was fined and suspended. *Stafford v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 25.

13:71-20.4 Trainers' duty regarding racing of horses

A trainer is responsible for the timely attendance of his horse or horses when they are being raced, and he shall attend his horse in the paddock to supervise the preparation of such horse when it is racing.

13:71-20.5 Absence of trainer-notice-substitute trainer

If any licensed trainer is to be absent from the track where employed, the presiding judge shall be immediately notified in writing and at that time a licensed substitute trainer, acceptable to the presiding judge, shall be appointed to assume responsibility for the horse or horses racing during the absence of the regular trainer. The name of the substitute trainer shall appear on the program if possible. The presiding judge shall be advised immediately when the regular trainer is present and resumes his duties.

13:71-20.6 Racing and track rules; driving procedures

(a) Although a leading horse is entitled to any part of the track except after selecting his position in the home stretch,

neither the driver or the first horse nor any other driver in the race shall:

1. Change either to the right or left during any part of the race when another horse is so near him that in altering his positions he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride;
 2. Jostle, strike, hook wheels or interfere with another horse or driver;
 3. Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;
 4. Swerve in and out or pull up quickly;
 5. Crowd a horse or driver by "putting a wheel under him";
 6. "Carry a horse out" or "sit down in front of him", take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses;
 7. Let a horse pass inside needlessly, or do any other act which constitutes what is popularly known as helping;
 8. Commit any act which impedes the progress of another horse or causes him to "break";
 9. Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in such manner as to interfere with another horse or cause him to change course or take back;
 10. To drive in a careless or reckless manner;
 11. Laying off a normal pace and leaving a hole when it is well within the horse's capacity to keep the hole closed;
 12. Drivers must set and maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing, or general outcome of the race, or allowing his horse to go on an unrestrained break will be considered a violation of this section and the judges may impose a penalty which can be a fine, suspension or both.
- (b) With the approval of the Racing Commission, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. In the event the homestretch is expanded pursuant to this subsection, the following shall apply:
1. No horse shall use the extended inside lane except when entering the final homestretch run;
 2. The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane; and
 3. Judge's discretion shall prevail in all instances regarding the open stretch.

As amended, R.1982 d.109, effective April 5, 1982.

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

"or allowing . . . break", added.

Amended by R.1992 d.268, effective July 6, 1992.

See: 24 N.J.R. 686(a), 24 N.J.R. 2462(a).

Added (b).

Case Notes

Disqualification of first place horse for violation of N.J.A.C. 13:71-20.6(a)8 affects the second and third place horses' owners, entitling them to a hearing before the Commission upon adequate notice; one-day mailgram notice of hearing from Commission is inadequate; one-sentence decision by Commission lacked required findings and conclusions. *Pitts v. Div. of New Jersey Racing Commission*, 185 N.J.Super. 190, 447 A.2d 1348 (App.Div.1982), certification denied.

Unintentional lane change that impeded progress of other horse warranted three-day suspension of driver. *Manzi v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 49.

Racing over passing lane during open stretch supported race horse's disqualification from first place finish. *Vacca v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 20.

Impeding another driver's forward progress during race justified three-day suspension for horse driver. *Smith v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 19.

Jockey suspended for causing interference or confusion among trailing horses in race. *McNichol v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 1.

Suspension of horse driver, impeding progress of other horses. *New Jersey Racing Commission v. Morrill*, 95 N.J.A.R.2d (RAC) 1.

Suspension of harness driver; interference with other drivers. *New Jersey Racing Commission v. Patterson*, 94 N.J.A.R.2d (RAC) 13.

Slowing of horse constituted interference; finish placement changed. *New Jersey Racing Commission v. Stein*, 93 N.J.A.R.2d (RAC) 29.

Hooking wheels; five day suspension. *Allen v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 27.

Harness driver's conduct made inevitable horse's hoof getting caught in another driver's wheel assembly; careless driving; suspension. *Parker v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 19.

First driver pulling in front of second horse and causing second driver to take evasive action constituted interference; suspension ordered. *LaChance v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 13.

Abrupt slowing by sulky driver warranted disqualification of horse. *Biada v. New Jersey Racing Commission*, 92 N.J.A.R.2d (RAC) 1.

Finding that driver impeded the progress of another horse and caused him to "break." *Gillis v. New Jersey Racing Commission*, 1 N.J.A.R. 78 (1980).

13:71-20.7 Complaints by drivers; judge's stand

All complaints by drivers of any foul driving or other misconduct during the race or heat shall be made at the termination of the race or heat unless the driver is prevented from doing so by an accident or injury. At the conclusion of each race or heat, any driver desiring to enter a claim of foul or other complaint of violation of the rules must, before dismounting, indicate to the patrol judge his desire to enter such claim or complaint immediately after the race and, upon dismounting, shall proceed to the nearest telephone and advise the judges of the complaint or foul involved. The judges shall not cause the official sign to be displayed until such complaint shall have been entered and considered. All drivers must return to the paddock and remain there until the race is made official. The judges will not consider any claim of foul instituted after the race has been made official.

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

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

13:71-20.8 Violations involving entries, complaints, penalties

If any of the violations in N.J.A.C. 13:71-20.7 are committed by a person driving a horse coupled as an entry in the betting, the judges may set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise, penalties may be applied individually to the drivers of any entry.

Administrative correction.

See: 29 N.J.R. 585(a).

13:71-20.9 Placing offending horse

In case of interference, collision or violation of any of the rules, the offending horse may be placed behind all the unoffending horses in that heat or dash, and in the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be penalized.

13:71-20.10 Fraudulent or unsatisfactory driving

(a) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven, or had been driven, with design to prevent his winning a heat or dash which he was evidently able to win, or is being raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver, and anyone in concert with him to so affect the outcome of the race or races, may be penalized. The judges may in such cases substitute a driver. The substitute driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.

(b) In the event a drive is unsatisfactory due to lack of effort, carelessness, misjudgment, or demonstrated lack of judgment in performance, and the judges believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive, they may impose a penalty similarly under this subsection.

(c) The length of suspension of a driver may be increased by the judges, stewards or Racing Commission if said driver is guilty of the same infractions of the rules of racing two times or more during any calendar year.

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

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

Case Notes

Executive Director's improper ex parte communication with Board of Judges specifying exceptionally harsh and excessive sanction for licensee's lack of effort or carelessness in course of race tainted final determination of Racing Commission where sanction specified by Executive Director was eventually imposed by Board and affirmed by Commission. *New Jersey Racing Com'n v. Silverman*, 303 N.J.Super. 293, 696 A.2d 771 (N.J.Super.A.D.1997).

Suspension for violation in driving in unsatisfactory manner as a result of lack of effort, carelessness, misjudgment or demonstrated lack of judgment in performance (also cited as N.J.A.C. 13:71-20.10). *DeVitis v. New Jersey Racing Commission*, 202 N.J.Super. 484, 495 A.2d 457 (App.Div.1985), certification denied 102 N.J. 337, 508 A.2d 213 (1985).

Racehorse driver's license was suspended for 45 days for holding horse back during race. New Jersey Racing Commission v. Silverman, 96 N.J.A.R.2d (RAC) 7.

13:71-20.11 Removal and substitution of unfit or incompetent drivers

If in the opinion of the judges a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the judges, or is reckless in his conduct and endangers the safety of horses or other drivers in the race, he may be removed and another driver substituted at any time after the positions have been assigned in a race, in which case, the offending driver may be penalized. The substitute driver shall be properly compensated.