

HORSE RACING

SUBCHAPTER 8. WEIGHTS

- 13:70-8.1 Obligatory penalties
- 13:70-8.2 Weight allowances
- 13:70-8.3 Noncumulative penalties and allowances
- 13:70-8.4 Entitled allowance of weight
- 13:70-8.5 Weight penalties; effect on allowances
- 13:70-8.6 Subsequent weight allowances
- 13:70-8.7 Claim of unentitled weight allowance
- 13:70-8.8 Placing second or lower
- 13:70-8.9 Failure to finish second or lower
- 13:70-8.10 Steeplechase or hurdle race penalties
- 13:70-8.11 Horses beaten in one or more races
- 13:70-8.12 Decision in dispute
- 13:70-8.13 Disqualification penalties
- 13:70-8.14 Dead heats
- 13:70-8.15 Determine eligibility, penalties and allowances
- 13:70-8.16 Weights, scale of
- 13:70-8.17 Weighing of jockeys
- 13:70-8.18 Items included in jockey's weight; safety vest requirement
- 13:70-8.19 Weight of bridle or whip
- 13:70-8.20 Overweight limit
- 13:70-8.21 Attendants for jockeys
- 13:70-8.22 Weighing after race
- 13:70-8.23 Assistance after race
- 13:70-8.24 Touching horse after race
- 13:70-8.25 Removal of equipment from horse
- 13:70-8.26 Jockey carries equipment to scales
- 13:70-8.27 Weight of jockey after race; short weight
- 13:70-8.28 Overweight of jockey after race

SUBCHAPTER 9. JOCKEYS, JOCKEY APPRENTICES AND JOCKEY AGENTS

- 13:70-9.1 Jockey license
- 13:70-9.2 Jockey's name
- 13:70-9.3 Age of jockey
- 13:70-9.4 New riders
- 13:70-9.5 Pending application
- 13:70-9.6 Jockey's interest in horses
- 13:70-9.7 Owner or trainer consent to ride
- 13:70-9.8 Jockey under contract
- 13:70-9.9 Jockey's appearance
- 13:70-9.10 Smoking
- 13:70-9.11 Protective skull cap
- 13:70-9.12 Safety helmet
- 13:70-9.13 Jockey's number
- 13:70-9.14 Reporting to jockey room
- 13:70-9.15 Reporting to jockey room; stake race
- 13:70-9.16 Betting by jockeys
- 13:70-9.17 Touting information; jockey
- 13:70-9.18 Jockey fees
- 13:70-9.19 Dead heats
- 13:70-9.20 Forfeiture of winning purse; jockey's fees
- 13:70-9.21 Proof of physical and mental capacity
- 13:70-9.22 Start of suspension/designated race
- 13:70-9.23 Fines
- 13:70-9.24 Agents
- 13:70-9.25 Jockey's attendants; restriction
- 13:70-9.26 Jockey apprentices; rules
- 13:70-9.27 Application for apprentice license
- 13:70-9.28 Riding pending application decision
- 13:70-9.29 Weight allowances
- 13:70-9.30 Apprentice contracts
- 13:70-9.31 Allowances for contracted apprentices
- 13:70-9.32 Extension of time period
- 13:70-9.33 Earnings
- 13:70-9.34 Filing of jockey contracts
- 13:70-9.35 Written contracts required
- 13:70-9.36 Weighing out
- 13:70-9.37 Jockey agent license
- 13:70-9.38 Engagements
- 13:70-9.39 Dismissed agent; transfer of license
- 13:70-9.40 Agent's records

- 13:70-9.41 Jockey agent license fee
- 13:70-9.42 Actions pending application decision
- 13:70-9.43 Engagements for other jockeys
- 13:70-9.44 Termination of contract; notice
- 13:70-9.45 Agent's fees
- 13:70-9.46 Record of engagements
- 13:70-9.47 Rival claims for rider's services
- 13:70-9.48 Touting information; agent
- 13:70-9.49 Falsification of records
- 13:70-9.50 Agent's assistance; rival claims
- 13:70-9.51 Requirement concerning the wearing of advertisement material

SUBCHAPTER 10. PADDOCK TO POST

- 13:70-10.1 Saddled horses in paddock
- 13:70-10.2 Time schedule
- 13:70-10.3 Saddle number
- 13:70-10.4 Full parade
- 13:70-10.5 Weights
- 13:70-10.6 Time period
- 13:70-10.7 Equipment changes
- 13:70-10.8 Blinkers

SUBCHAPTER 11. POST TO FINISH

- 13:70-11.1 Crossing or weaving
- 13:70-11.2 Jostling
- 13:70-11.3 Touching or striking
- 13:70-11.4 Shortening stride
- 13:70-11.5 Frivolous complaints
- 13:70-11.6 Complaints
- 13:70-11.7 Disqualifications; fouls
- 13:70-11.8 Extent of disqualification
- 13:70-11.9 Horses' best effort
- 13:70-11.10 Jockey's best effort
- 13:70-11.11 Automatic disqualification; purse
- 13:70-11.12 Abusive whipping by a jockey

SUBCHAPTER 12. CLAIMING

- 13:70-12.1 Claiming races on the flat
- 13:70-12.2 Restrictions; claiming privileges
- 13:70-12.3 Claiming races over jumps or hurdles
- 13:70-12.4 Claimed horse
- 13:70-12.5 Claimed horse racing elsewhere
- 13:70-12.6 Agents
- 13:70-12.7 Claiming own horse
- 13:70-12.8 Claimed horse; stabled
- 13:70-12.9 Number of claims
- 13:70-12.10 Stable claims
- 13:70-12.11 Agreements
- 13:70-12.12 Intimidation
- 13:70-12.13 Affidavits
- 13:70-12.14 Form of claims
- 13:70-12.15 No money in claim box
- 13:70-12.16 Time; claims
- 13:70-12.17 Irrevocability
- 13:70-12.18 Opening claim envelopes
- 13:70-12.19 Title in claimed horse
- 13:70-12.20 Void claims
- 13:70-12.21 Delivery to claimant
- 13:70-12.22 Delivery; written authorization
- 13:70-12.23 Cooling the horse
- 13:70-12.24 Required delivery
- 13:70-12.25 Title; more than one claim
- 13:70-12.26 Engagements
- 13:70-12.27 Liens
- 13:70-12.28 Eliminated stables
- 13:70-12.29 Right to claim
- 13:70-12.30 Claiming price
- 13:70-12.31 Sale of claimed horse
- 13:70-12.32 Conflict of rules
- 13:70-12.33 Circumvention of rules
- 13:70-12.34 Sex of horse claimed
- 13:70-12.35 Protests

- 13:70-12.36 Testing
- 13:70-12.37 Open claiming

SUBCHAPTER 13. OBJECTIONS AND PROTESTS

- 13:70-13.1 Who can protest; generally
- 13:70-13.2 Protest involving fraud
- 13:70-13.3 Protest procedure
- 13:70-13.4 Protest; maiden status
- 13:70-13.5 Immediate consideration; disqualification
- 13:70-13.6 Protest; programmed distance
- 13:70-13.7 Happening in race
- 13:70-13.8 Protest by jockey
- 13:70-13.9 Costs
- 13:70-13.10 Disposition of moneys
- 13:70-13.11 Weight penalties
- 13:70-13.12 Records of protest
- 13:70-13.13 Frivolous protests
- 13:70-13.14 Withdrawing protests
- 13:70-13.15 through 13:70-13.20 (Reserved)

SUBCHAPTER 13A. APPEALS

- 13:70-13A.1 Right of Appeal
- 13:70-13A.2 Imposition of penalty; Commission
- 13:70-13A.3 Nature of proceedings
- 13:70-13A.4 Appeal procedure
- 13:70-13A.5 Hearings
- 13:70-13A.6 Frivolous appeals
- 13:70-13A.7 Hearing; costs
- 13:70-13A.8 Stay pending appeal

SUBCHAPTER 14. ILLEGAL PRACTICES

- 13:70-14.1 Bribes, gifts and gratuities
- 13:70-14.2 Offers of bribes
- 13:70-14.3 Knowledge of violations
- 13:70-14.4 False or misleading statements
- 13:70-14.5 Illegal devices
- 13:70-14.6 Tampering
- 13:70-14.7 Disqualified persons or horses
- 13:70-14.8 Conspiracies
- 13:70-14.9 Soliciting bets
- 13:70-14.10 Betting; jockey's attendant
- 13:70-14.11 Betting own horse
- 13:70-14.12 Narcotics conviction; denial of license
- 13:70-14.13 Cooperation with other agencies; violations of law
- 13:70-14.14 Fraud; disqualification
- 13:70-14.15 State Police; responsibilities
- 13:70-14.16 Equine fatality report
- 13:70-14.17 Suspension pending outcome of indictment
- 13:70-14.18 through 13:70-14.29 (Reserved)

SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

- 13:70-14A.1 Intent of medication rules; general provisions
- 13:70-14A.2 Testing
- 13:70-14A.3 Pre-race testing program
- 13:70-14A.4 Post-race testing program; split urine or split blood samples
- 13:70-14A.5 Procedure following positive chemical analysis
- 13:70-14A.6 Trainers
- 13:70-14A.7 Penalties
- 13:70-14A.8 Possession of drugs or drug instruments
- 13:70-14A.9 Administering medication to respiratory bleeders; standards for the administration of non-steroidal anti-inflammatory drugs (NSAID) and anti-ulcer medications; environmental contaminants
- 13:70-14A.10 Breathalyzer test
- 13:70-14A.11 Urine test
- 13:70-14A.12 Anti-recombinant human EPO antibody testing program
- 13:70-14A.13 Out-of-competition testing (on non-race days and on race days pre-race) of racehorses for Erythropoietin (Epogen, EPO), DarbEPO, or other blood

doping agents; penalties, procedures and testing costs for positive test results for Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agents, as a result of out-of-competition testing; penalties, procedures and testing costs for positive test results for Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agents, as a result of post-race blood sample testing (on race days) conducted pursuant to other provisions of this chapter

- 13:70-14A.14 Post-race blood gas testing program
- 13:70-14A.15 Post-race blood gas testing program; pre-race guarded quarantine
- 13:70-14A.16 Post-race blood gas testing program; punishment for failure to cooperate
- 13:70-14A.17 Anabolic steroids

SUBCHAPTER 15. RACING OFFICIALS

- 13:70-15.1 List of racing officials
- 13:70-15.2 Appointment
- 13:70-15.3 Submission of names of officials
- 13:70-15.4 Certificates; vision
- 13:70-15.5 Weekly compensation
- 13:70-15.6 Horse ownership or interest; officials
- 13:70-15.7 Restrictions
- 13:70-15.8 Report of violations

SUBCHAPTER 16. STEWARDS

- 13:70-16.1 Qualifications
- 13:70-16.2 Powers of stewards
- 13:70-16.3 Steward's orders
- 13:70-16.4 Governing conduct
- 13:70-16.5 Entries and declarations
- 13:70-16.6 Authority; extent
- 13:70-16.7 Punishment for violations
- 13:70-16.8 Fines
- 13:70-16.9 Suspensions and disqualifications
- 13:70-16.10 Exclusion of certain persons
- 13:70-16.11 Required proof
- 13:70-16.12 Postponing races
- 13:70-16.13 Track conditions; transfers
- 13:70-16.14 Extent of disqualification; fouls
- 13:70-16.15 Power to examine horses
- 13:70-16.16 Presence of stewards
- 13:70-16.17 Overnight races; time on duty
- 13:70-16.18 Steward's deputy; appointment
- 13:70-16.19 Filling vacancies; stewards
- 13:70-16.20 Acting stewards
- 13:70-16.21 Filling vacancies; racing officials
- 13:70-16.22 Reporting replacements or substitutions
- 13:70-16.23 Questionable conduct
- 13:70-16.24 Jockey substitutes
- 13:70-16.25 Horses in temporary charge of trainer
- 13:70-16.26 Horses, arrival at starting post
- 13:70-16.27 Accidents or casualties
- 13:70-16.28 Investigation of complaints
- 13:70-16.29 Reports of infractions
- 13:70-16.30 Procedure; violations
- 13:70-16.31 Access
- 13:70-16.32 Suspensions; badges; admission
- 13:70-16.33 Changes in equipment
- 13:70-16.34 State Police; communication

SUBCHAPTER 17. STARTER

- 13:70-17.1 Who may start race
- 13:70-17.2 Insurance of a fair start
- 13:70-17.3 Final decision; starts
- 13:70-17.4 Appointing starter's assistants
- 13:70-17.5 Horses; starter's control
- 13:70-17.6 Horses' positions
- 13:70-17.7 Delays
- 13:70-17.8 Injured horses

HORSE RACING

- 13:70-17.9 Starting gate
- 13:70-17.10 Excusing horses; notice
- 13:70-17.11 Flag
- 13:70-17.12 Inability to place horse in starting gate
- 13:70-17.13 Schooling list
- 13:70-17.14 Filing schooling list and horses stricken from list
- 13:70-17.15 Approval of starter
- 13:70-17.16 Abusive language
- 13:70-17.17 Fines and suspensions by starter

SUBCHAPTER 18. RACING SECRETARY

- 13:70-18.1 Discharge of duties
- 13:70-18.2 Official program
- 13:70-18.3 Contents of program
- 13:70-18.4 Entries and declarations
- 13:70-18.5 Assign stabling
- 13:70-18.6 Conditions; program
- 13:70-18.7 Number of entrants; overnight race
- 13:70-18.8 List of eliminated horses
- 13:70-18.9 The "also-eligible" list

SUBCHAPTER 19. OTHER OFFICIALS

- 13:70-19.1 Duties of clerk of the scales
- 13:70-19.2 Recording jockey changes and weights; notice
- 13:70-19.3 Post-race data reports
- 13:70-19.4 Infraction of rules; reports
- 13:70-19.5 Riding engagements for jockeys
- 13:70-19.6 Assistance; jockey room custodian
- 13:70-19.7 Duties; custodian
- 13:70-19.8 Conditions of jockey room
- 13:70-19.9 Admission to jockey room
- 13:70-19.10 Overseeing jockey attendants
- 13:70-19.11 Colors and jockey attire
- 13:70-19.12 Duties of paddock judge; generally
- 13:70-19.13 Identifying horses
- 13:70-19.14 Record of equipment carried by horses
- 13:70-19.15 Shodding of horses
- 13:70-19.16 Reporting irregularities
- 13:70-19.17 Patrol judge selections
- 13:70-19.18 Reports; patrol judges
- 13:70-19.19 Placing judges' duties
- 13:70-19.20 Displaying numbers of winning horses
- 13:70-19.21 Majority decisions; placing judges
- 13:70-19.22 Determining finishing place; noses of horses
- 13:70-19.23 Declaring race official
- 13:70-19.24 Official sign; corrections
- 13:70-19.25 Filing copy of official placement
- 13:70-19.26 Timer's duties
- 13:70-19.27 Electric timing
- 13:70-19.28 Time announced and displayed
- 13:70-19.29 Official time
- 13:70-19.30 Track superintendent's duties
- 13:70-19.31 Control over course
- 13:70-19.32 Sanitary conditions
- 13:70-19.33 Preserving order
- 13:70-19.34 Chief State Veterinarian, State Veterinarians and Associate State Veterinarian license
- 13:70-19.35 Duties of Chief State, State and Associate State Veterinarians
- 13:70-19.36 Veterinarian's list
- 13:70-19.37 Veterinarian's presence; reports
- 13:70-19.38 Other treatments by veterinarian
- 13:70-19.39 Testing specimens
- 13:70-19.40 Unlicensed veterinarians
- 13:70-19.41 Veterinary reports
- 13:70-19.42 Medical equipment and supplies
- 13:70-19.43 Veterinarians during racing hours

SUBCHAPTER 20. TRAINERS

- 13:70-20.1 Trainer's license
- 13:70-20.2 Trainer representing owner
- 13:70-20.3 Trainer's actions pending application approval
- 13:70-20.4 Trainer and unlicensed owners

- 13:70-20.5 Presence of trainer
- 13:70-20.6 Absence of trainer; substitutes
- 13:70-20.7 Trainer responsibilities; horses
- 13:70-20.8 Registering horses
- 13:70-20.9 Registering employees
- 13:70-20.10 Horses owned by disqualified persons
- 13:70-20.11 Limitations on entering or starting
- 13:70-20.12 Licensed under legal name only
- 13:70-20.13 Trainer commissions

SUBCHAPTER 21. OWNERS

- 13:70-21.1 Owner's license
- 13:70-21.2 Married woman as owner
- 13:70-21.3 Disqualification of spouse
- 13:70-21.4 Medication
- 13:70-21.5 Registering horses
- 13:70-21.6 Insurance; employees
- 13:70-21.7 Licensed under legal name only
- 13:70-21.8 Fines

SUBCHAPTER 22. AUTHORIZED AGENTS

- 13:70-22.1 License
- 13:70-22.2 License Application
- 13:70-22.3 Powers of attorney
- 13:70-22.4 Changes
- 13:70-22.5 License fees
- 13:70-22.6 Owner's revocations
- 13:70-22.7 Appointment of sub-agents

SUBCHAPTER 23. DISCIPLINARY ACTION

- 13:70-23.1 Right to impose fines or suspensions
- 13:70-23.2 Written reports
- 13:70-23.3 Payment of fines
- 13:70-23.4 Collection of fines
- 13:70-23.5 Unpaid fines
- 13:70-23.6 Power to punish; violations
- 13:70-23.7 (Reserved)
- 13:70-23.8 Persons and horses
- 13:70-23.9 Objectionable persons

SUBCHAPTER 24. STEEPLECHASING

- 13:70-24.1 Jurisdiction
- 13:70-24.2 Penalties
- 13:70-24.3 Claiming races

SUBCHAPTER 25. DEAD HEATS

- 13:70-25.1 Running off dead heats prohibited
- 13:70-25.2 Division of purse money
- 13:70-25.3 First place; dead heats
- 13:70-25.4 Drawing lots
- 13:70-25.5 Jockey fees

SUBCHAPTER 26. PRODUCE RACES

- 13:70-26.1 Naming entries
- 13:70-26.2 Mares
- 13:70-26.3 Return of entrance money
- 13:70-26.4 Weight allowances
- 13:70-26.5 Failure to register foal
- 13:70-26.6 Nominator liability

SUBCHAPTER 27. VENDORS

- 13:70-27.1 Licenses
- 13:70-27.2 Labelling drugs and medication

SUBCHAPTER 28. WINNINGS

- 13:70-28.1 Computation of value of winnings
- 13:70-28.2 Stake races
- 13:70-28.3 Net moneys won
- 13:70-28.4 Calendar year
- 13:70-28.5 Winner or nonwinner of money
- 13:70-28.6 Series of races

- 13:70-28.7 Foreign winnings
- 13:70-28.8 Entrance money and fees
- 13:70-28.9 Horse registration
- 13:70-28.10 Where is horse bred
- 13:70-28.11 Horse registration rules; authority
- 13:70-28.12 Appeal; horse registration

SUBCHAPTER 29. MUTUELS

- 13:70-29.1 Supervisor of mutuels
- 13:70-29.2 Post time
- 13:70-29.3 Public notice
- 13:70-29.4 Number of entrants
- 13:70-29.5 List of eliminated horses
- 13:70-29.6 Also eligible list
- 13:70-29.7 Dissemination of racing information
- 13:70-29.8 Odds board
- 13:70-29.9 Lines
- 13:70-29.10 Payoff prices
- 13:70-29.11 (Reserved)
- 13:70-29.12 Ticket sales
- 13:70-29.13 Ticket claims
- 13:70-29.14 Emergencies
- 13:70-29.15 Advice; horses competing
- 13:70-29.16 Post time schedule
- 13:70-29.17 Entry defined
- 13:70-29.18 Field defined
- 13:70-29.19 Elimination of wagering
- 13:70-29.20 Cease wagering
- 13:70-29.21 Ticket-issuing machines closed
- 13:70-29.22 Name and numbers of horses in gate
- 13:70-29.23 Written notice of official placement
- 13:70-29.24 Basis of payoffs
- 13:70-29.25 Recapitulation of sales
- 13:70-29.26 Errors in pay-off figures
- 13:70-29.27 Overpays or underpays
- 13:70-29.28 Mechanical breakdowns
- 13:70-29.29 Refunds
- 13:70-29.30 through 13:70-29.34 (Reserved)
- 13:70-29.35 No wagers to win
- 13:70-29.36 Place pool apportionment
- 13:70-29.37 Show pool apportionment
- 13:70-29.38 One horse finishing race
- 13:70-29.39 Two horses finishing race
- 13:70-29.40 Rulings after display of official sign
- 13:70-29.41 Copies of reports
- 13:70-29.42 Payments
- 13:70-29.43 Calculating the pay-off in a straight pool
- 13:70-29.44 Calculating the pay-off in a place pool
- 13:70-29.45 Calculating the pay-off in a show pool
- 13:70-29.46 Calculating the pay-off in dead heats
- 13:70-29.47 Exacta
- 13:70-29.48 Daily double
- 13:70-29.49 Quiniela
- 13:70-29.50 Daily triple
- 13:70-29.51 Break to nickel in the event of a minus pool
- 13:70-29.52 The Pick (N)
- 13:70-29.53 Trifecta
- 13:70-29.54 Sell-only system
- 13:70-29.55 Cash-sell system
- 13:70-29.56 Super-Six
- 13:70-29.57 Pick-Seven
- 13:70-29.58 (Reserved)
- 13:70-29.59 Cancellations
- 13:70-29.60 Expiration of mutuel tickets
- 13:70-29.61 Superfecta
- 13:70-29.62 Distribution of funds derived from casino simulcasting in lieu of N.J.S.A. 5:12-203g(2)
- 13:70-29.63 Handicapping contests
- 13:70-29.64 The Choose (N)
- 13:70-29.65 The "Group Bet"
- 13:70-29.66 Requirements under which permitholders may request Racing Commission approval for new pari-mutuel wagers

SUBCHAPTER 29A. SINGLE-POOL WAGERING

- 13:70-29A.1 Applicability of rules in this subchapter
- 13:70-29A.2 Definitions
- 13:70-29A.3 Licensing of single-pool wagering provider, principals, and employees
- 13:70-29A.4 Written internal control procedures requirement for the single-pool wagering provider
- 13:70-29A.5 In-State requirement for odds calculation engine; dedicated requirement for odds calculation engine; access by Racing Commission
- 13:70-29A.6 Petitions to the Racing Commission to offer a single-pool wagering event
- 13:70-29A.7 Single-pool wager placement types; single-pool wager varieties
- 13:70-29A.8 Single wagering pool unawarded surplus
- 13:70-29A.9 Calculation of odds in the event of a dead heat finish
- 13:70-29A.10 Notification to public of single-pool wagering event; display of odds information
- 13:70-29A.11 Single-pool wagering with out-of-State racetracks
- 13:70-29A.12 Take-out structure for single-pool wagering events; calculation of net pool amount
- 13:70-29A.13 Integration of single-pool wagering data with Racing Commission mutuel system
- 13:70-29A.14 System failure for single-pool wagering event

SUBCHAPTER 30. INITIAL TRACK APPLICATION

- 13:70-30.1 Permit to hold race meetings

SUBCHAPTER 31. VIOLATIONS

- 13:70-31.1 Liability
- 13:70-31.2 Attempt to violate
- 13:70-31.3 Penalties

SUBCHAPTER 32. "SELF-EXCLUSION LIST" RULES

- 13:70-32.1 "Self-exclusion list" rules incorporated herein by reference

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.

SUBCHAPTER 11. POST TO FINISH

13:70-11.1 Crossing or weaving

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

Case Notes

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

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

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

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

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

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

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

13:70-11.2 Jostling

No horse or jockey shall willfully jostle another horse.

13:70-11.3 Touching or striking

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

13:70-11.4 Shortening stride

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

13:70-11.5 Frivolous complaints

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

13:70-11.6 Complaints

The stewards shall take cognizance of foul or careless riding and may entertain reports from other racing officials of the meeting whether or not formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, owner or trainer of the horse alleged to have been interfered with.

13:70-11.7 Disqualifications; fouls

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

13:70-11.8 Extent of disqualification

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

Case Notes

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

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

13:70-11.9 Horses' best effort

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

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

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

13:70-11.10 Jockey's best effort

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

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

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

Administrative correction.

13:70-11.11 Automatic disqualification; purse

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

13:70-11.12 Abusive whipping by a jockey

Every jockey shall be responsible for the proper use of his or her whip during the running of a race. Whips may be used

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

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

SUBCHAPTER 12. CLAIMING

Subchapter Historical Note

Petition for Rulemaking. See: 46 N.J.R. 1754(a), 2125(a).

13:70-12.1 Claiming races on the flat

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

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

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

Amended by R.1982 d.183, effective June 21, 1982.

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

“Any licensed ... individually” added.

Amended by R.1986 d.215, effective June 16, 1986.

See: 18 N.J.R. 546(a), 18 N.J.R. 1308(a).

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

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

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

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

Petition for Rulemaking.

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

13:70-12.2 Restrictions; claiming privileges

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

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

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

Amended by R.1986 d.215, effective June 16, 1986.

See: 18 N.J.R. 546(a), 18 N.J.R. 1308(c).

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

13:70-12.3 Claiming races over jumps or hurdles

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

13:70-12.4 Claimed horse

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

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

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

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

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

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

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

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

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

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

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

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

Substituted “20” for “30”, and deleted “which finishes first or second in the race from which it was claimed,” following “any claimed horse”.

Adopted concurrent amendment, R.2001 d.319, effective September 4, 2001.

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

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

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

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

Deleted the second sentence.

13:70-12.5 Claimed horse racing elsewhere

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

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

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

13:70-12.6 Agents

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

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

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

13:70-12.7 Claiming own horse

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

13:70-12.8 Claimed horse; stabled

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

13:70-12.9 Number of claims

No person shall claim more than one horse in any one race. No authorized agent, although representing several owners, shall submit more than one claim in any one race. No person shall place or cause to be placed more than one claim form in the claim box under any circumstances.

Amended by R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.10 Stable claims

When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

13:70-12.11 Agreements

No person shall offer, or enter into an agreement to claim or not to claim, or attempt to prevent another person from claiming any horse in a claiming race; and no owner or trainer shall make any agreement for the protection of each other's horses in a claiming race.

13:70-12.12 Intimidation

No person shall attempt by intimidation or threat of bodily harm to prevent anyone from racing a horse in any claiming race for which it is entered.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.13 Affidavits

The Stewards may, at any time, at their discretion, require any person who has filed a claim to make affidavit in writing that he is claiming in accordance with the rules; and claims which are not made in keeping with the rules shall be void.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 436(a), 12 N.J.R. 208(c).

13:70-12.14 Form of claims

All claims must be made in writing, on forms and in envelopes furnished by the association. Both forms and envelopes

must be filled out completely, and must be accurate in every detail, otherwise, the claim shall be void. For purpose of compliance with this rule, the name of the horse as appearing in the program and/or Daily Racing Form shall govern.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.15 No money in claim box

No money or its equivalent shall be put in the claim box. For a claim to be valid the claimant must have a credit balance in his account with the association's horsemen's accountant of not less than the amount of the claim, plus New Jersey sales tax. No claimant shall deplete his account after entering a claim for any horse for a period of two hours from the time the said claim was entered.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.16 Time; claims

Claims must be deposited in the claim box at least 10 minutes before post time of each race.

Amended by R.1986 d.171, effective May 19, 1986.
See: 18 N.J.R. 402(a), 18 N.J.R. 1104(c).

Claims deposited changed from 15 to 10 minutes.

13:70-12.17 Irrevocability

Claims are irrevocable.

13:70-12.18 Opening claim envelopes

Prior to off-time, the stewards, or their appointed deputy, shall open the claim envelopes for each race, and thereafter check with the horsemen's accountant to ascertain whether the proper credit balance has been established with the association. The association shall provide an agent who shall deliver the claim box to the Steward's stand.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.19 Title in claimed horse

Title in a claimed horse shall be vested in a successful claimant from the time said horse is a starter, and said claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

13:70-12.20 Void claims

If a claimed horse is excused by the stewards before it is a starter, any claim or claims for such horse shall be void.

13:70-12.21 Delivery to claimant

Any horse that has been claimed shall, after the race has been run, be taken to the detention barn for delivery to the claimant.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 298(c).

13:70-12.22 Delivery; written authorization

A claimed horse shall not be delivered to the successful claimant until written authorization is given by the racing secretary, or his deputy.

13:70-12.23 Cooling the horse

A trainer whose horse has been claimed is responsible for cooling his horse out until after the collection of any blood and/or urine specimen and he shall sign for the witnessing thereof. Failure to comply shall be subject to penalty.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.24 Required delivery

No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question is disqualified until delivery is made.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.25 Title; more than one claim

If more than one claim is filed for the same horse, title to the horse shall be determined by lot under the direction or supervision of the stewards, or their appointed deputy.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.26 Engagements

When a horse is claimed, the horse's engagements are included.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.27 Liens

No person shall enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder of the claim shall be filed with the racing secretary of the association conducting such claiming race.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.28 Eliminated stables

Should any stable registered at a meeting be eliminated by sale or removal from the grounds, the right to claim is void.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.29 Right to claim

(a) An owner whose stable has been eliminated by claiming shall have the right to claim during the remainder of the meeting at which his stable was eliminated, or for 30 New Jersey racing days, whichever period is longer.

(b) If the 30 day period should extend into the next succeeding meeting, the owner must obtain a certificate from the stewards of the meeting at which his last horse was claimed, and must present this certificate when filing a claim at the next meeting.

(c) Stables eliminated by fire or other hazards may also be permitted to claim under this rule at the discretion of the stewards.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.30 Claiming price

The claiming price of each horse in a claiming race shall be printed in the official program, and all claims for said horse shall be for the amount so designated.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.31 Sale of claimed horse

No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to any one within 30 days after the day he was claimed except in another claiming race.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.32 Conflict of rules

A horse claimed at a recognized meeting under rules at variance with those contained in this subchapter, shall while racing in New Jersey, serve any additional penalty imposed by the rules of the state wherein claimed.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.33 Circumvention of rules

If an owner ships away only part of his horses, the Stewards shall be free to decide whether or not a part was left behind merely to circumvent the claiming rules. If they should decide an attempt was made at circumvention of the rule, the claim shall be void and the owner or stable considered an eliminated stable under section 29 of this subchapter.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.34 Sex of horse claimed

Notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.35 Protests

A protest to the claim of a horse must be filed with the stewards within 48 hours of the claim. No protest will be accepted after that time.

As amended, R.1980 d.95, eff. February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.36 Testing

A post race urine test shall be taken in full compliance with subchapter 14 of this chapter from any horse claimed in a race. The claimant shall have the right to void said claim should the forensic analysis of the sample so taken be positive for any drug.

New Rule, R.1980 d.95, effective February 27, 1980.
See: 11 N.J.R. 463(a), 12 N.J.R. 208(c).

13:70-12.37 Open claiming

(a) This section is not applicable to any licensed owner that has claiming privileges pursuant to N.J.A.C. 13:70-12.1.

(b) Any individual or entity may claim a horse by obtaining an open claiming license pursuant to (c) below.

(c) An applicant may obtain an open claiming license by complying with the following procedures:

1. The applicant shall file a completed license application on the form prescribed by the New Jersey Racing Commission and will be required to be fingerprinted and photographed at the discretion of the Commission. The applicant must pay for the cost of the fingerprint card checks consistent with the charge set by the reviewing agency which provides the fingerprint card checks according to the type of investigation requested.

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus sales tax and any other application charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. The applicant shall declare a trainer, currently licensed by the New Jersey Racing Commission, who will represent the new owner once a claim is made.

(d) Claiming privileges executed under this section shall be limited to one time during a race meet.

(e) Unless approval has been granted by the stewards to the contrary, the claimed horse must race back at that race meet.

New Rule, R.1987 d.420, effective October 19, 1987 (operative December 26, 1987).

See: 19 N.J.R. 1419(a), 19 N.J.R. 1411(a).
Amended by R.1991 d.313, effective June 17, 1991.
See: 23 N.J.R. 1068(a), 23 N.J.R. 1960(b).

Added new (a).

Reconstructed existing (a) by deleting "A new owner who does not have claiming privileges pursuant to N.J.A.C. 13:70-12.37" and adding "Any individual or entity" for a redesignated (b).

Deleted (a)1.

Reconstructed existing (b) by deleting "A new owner" and adding "An applicant" for a redesignated (c).

Recodified existing (c) and (d) as (d) and (e).

SUBCHAPTER 13. OBJECTIONS AND PROTESTS

13:70-13.1 Who can protest; generally

A protest, except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer or jockey of a horse engaged in the race over which the protest is made, or by a racing official of the meeting.

13:70-13.2 Protest involving fraud

A protest involving fraud may be made by any person.

13:70-13.3 Protest procedure

A protest, except a claim growing out of happenings in a race, must be made in writing, signed by the complainant, and filed with the stewards at least 60 minutes before post time of the race in question.

13:70-13.4 Protest; maiden status

To merit consideration, a protest over the status of an alleged maiden must be made in writing, signed by the complainant and filed with the stewards at least two hours before the programmed post time of the race in which the protested maiden is scheduled to run.