

and new rules. The Racing Commission adopts these amendments, repeals, and new rules pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30.

Full text of the adoption follows:

SUBCHAPTER 14. CLAIMING

13:71-14.1 Restrictions: Claiming privileges

Claiming privileges, other than open claiming pursuant to N.J.A.C. 13:71-14.36, are restricted to those persons who possess a current New Jersey owner's license issued by the Commission.

13:71-14.2 Claiming races: price and eligibility

Except as exempted pursuant to N.J.A.C. 13:71-14.2A, any horse entered into a claiming race is subject to claim for its entered price by any person qualified under the terms of N.J.A.C. 13:71-14.1 and 14.36. No trainer or agent shall be permitted to enter a horse in a claiming race unless written permission of the owner is filed with the race secretary.

13:71-14.2A Exemption from claim

(a) A horse entered into any claiming race governed by this subchapter shall be exempted from any claim of title, if:

1. Said horse has not been entered in any race for a period of 180 days from the date of the last claiming race in which the horse was a starter;
2. The owner entering a qualified horse pursuant to (a)1 above into a qualifying claims race governed by this section makes known to the Judges or their appointed deputy, at the time of entrance, that the horse being entered is qualified for exemption from claim and that the owner wishes to exercise his or her right to exempt the qualified horse from claiming; and
3. The horse is entered for a claiming price equal to or greater than the claiming price at which it last started.

(b) If a horse has been exempted from claim pursuant to this section, a conspicuous notification shall be indicated in the race program.

13:71-14.3 Claimed horse

Wherever a horse has been claimed, that horse shall not leave the grounds of the meeting of the association where claimed for 60 days following the date of the successful claim unless permission to leave is granted by the Presiding Judge or the meeting ends prior to the expiration of the 60 day time limit. For purposes of this rule, the start and end date of the meeting shall be left to the determination of the Presiding Judge or his or her designated race track official.

13:71-14.6 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.

13:71-14.7 Number of claims

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

13:71-14.8 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 substantially accurate in the judgment of the Judges, otherwise, the claim may be voided at the discretion of the Judges. For purpose of compliance with this rule, the name of the horse as appearing in the program shall govern.

13:71-14.10 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.

13:71-14.11 Intimidation

No person shall attempt by intimidation or threat of bodily harm to coerce any person to enter a horse into a claiming race, to prevent any person from entering a horse into a claiming race, to prevent anyone

(a)

NEW JERSEY RACING COMMISSION

Harness Racing

Exemption from Claim; Void Claims; Voidable Claims; Delivery of Corticosteroid Records; Restrictions; Claiming Privileges; Claiming Races: Price and Eligibility; Claimed Horse; Claimed Horse: Stabled; Number of Claims; Form of Claims; Agreements; Intimidation; Affidavits; No Money in Claim Box; Irrevocability; Title in Claimed Horse; Scratched Horse; Right to Claim; Sale of Claimed Horse; Testing; Open Claiming

Adopted New Rules: N.J.A.C. 13:71-14.2A, 14.17A, 14.17B, and 14.37

Adopted Amendments: N.J.A.C. 13:71-14.1, 14.2, 14.3, 14.6, 14.7, 14.8, 14.10, 14.11, 14.12, 14.13, 14.15, 14.17, 14.18, 14.28, 14.32, and 14.36

Adopted Repeal: N.J.A.C. 13:71-14.26

Proposed: August 15, 2016, at 48 N.J.R. 1597(a).

Adopted: November 16, 2016, by the New Jersey Racing Commission, Frank Zanzuccki, Executive Director.

Filed: November 17, 2016, as R.2016 d.179, without change.

Authority: N.J.S.A. 5:5-30.

Effective Date: December 19, 2016.

Expiration Date: December 7, 2017.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted amendments, repeal,

from racing a horse in any claiming race for which it is entered, or to interfere with any claiming race or its entrants in any way.

13:71-14.12 Affidavits

The Judges and/or Steward may, at any time, at their discretion, require any person who has filed a claim to make an affidavit in writing that he or she is claiming in accordance within the rules. Failure to make an affidavit in writing or the filing of a claim, which is not made in keeping with this subchapter shall result in the claim being deemed void.

13:71-14.13 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 or her account with the horsemen's bookkeeper of not less than the amount of the claim, plus the applicable post-race testing fee pursuant to N.J.A.C. 13:71-14.32, if elected, and New Jersey sales tax. No claimant shall deplete his or her account after entering a claim for any horse for a period of two hours from the time the said claim was entered. For purposes of this section, a claim shall be deemed entered at the time the Judges, or their appointed deputy, open the claim envelopes pursuant to N.J.A.C. 13:71-14.16.

13:71-14.15 Irrevocability

Claims are irrevocable and at the risk of the claimant.

13:71-14.17 Title in claimed horse

Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in the event, but title to the claimed horse shall be vested in the successful claimant from the word "go" and said successful claimant shall become the owner of the horse unless title in the claimed horse is void pursuant to this subchapter.

13:71-14.17A Void claims

(a) A claim shall be void if:

1. A claimed horse is excused by the Judges before the word "go";
2. The claimed horse dies during the race or, at the direction of the State Veterinarian, has to be euthanized;
3. The claim is made by an owner in violation of N.J.A.C. 13:71-14.5;
4. Claims are made by any person in violation of N.J.A.C. 13:71-14.7;
5. The claim is voided at the discretion of the Judges pursuant to N.J.A.C. 13:71-14.8;
6. Claims are made on behalf of a stable in violation of N.J.A.C. 13:71-14.9;
7. Any person making a claim, when required to do so by the Judges and/or Steward, refuses to make affidavit in writing pursuant to N.J.A.C. 13:71-14.12;
8. The claimant's account with the horsemen's bookkeeper is insufficient to cover the cost of the claim, the cost of testing, if applicable, and the applicable New Jersey sales tax from the word "go" in the race in which the horse was claimed;
9. The claimed horse is scratched prior to off-time pursuant to N.J.A.C. 13:71-14.18 and the claimant decides not to proceed with the claim as outlined in N.J.A.C. 13:71-14.18;
10. The claimant has elected to void the claim pursuant to N.J.A.C. 13:71-14.32; or
11. A claim is not otherwise made in accordance with this subchapter.

13:71-14.17B Voidable claims

(a) A claim is voidable at the discretion of the successful claimant if:

1. A post-race test of the claimed horse pursuant to N.J.A.C. 13:71-14.32 returns a positive finding for any drug and/or substance foreign to the natural horse; or
2. A claimed horse, after starting in the race from which it was claimed, and at the direction of the State Veterinarian, is ordered transported or "vanned off" via racetrack equine ambulance from the track. In such an instance, the claimant or his or her trainer shall have one hour from post time of the race in which the horse was claimed to inform the Judges of his or her decision to void the claim. Should the claimant or his or her trainer take possession of the horse and remove it from the detention barn or should the claimant or his or her trainer fail to

communicate to the Judges his or her decision to void the claim, the claim shall be considered valid and the right to void the claim shall expire. Communication of the claimant's decision to void the claim may be made to the State Veterinarian who shall then log the time the decision was communicated and immediately contact the Judges.

13:71-14.18 Scratched horse

Should a horse that has been claimed be scratched prior to off-time, the claim on that horse shall become void. However, should the claimant of the scratched horse wish to continue with his or her claim, he or she may elect to do so by informing the horsemen's bookkeeper prior to off-time of the race that he or she wishes his or her claim to remain in effect despite the horse being scratched. Upon receiving such notification from the claimant, the horsemen's bookkeeper shall immediately inform the Judges of the claimant's decision to continue with the claim. Any horse drawn into a claiming race is eligible to be claimed, excepting those horses exempted pursuant to N.J.A.C. 13:71-14.2A. Horses entered in claiming races that have been cancelled by the New Jersey Racing Commission shall not be subject to claims.

13:71-14.26 (Reserved)

13:71-14.28 Sale of claimed horse

No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within 30 days after the day the horse was claimed except via a successful claim in a subsequent claiming race.

13:71-14.32 Testing

A claimant may request, via indication on the claim form, a post-race blood and urine test be taken in full compliance with Subchapter 23 from any horse he or she claims in a race. The cost of testing pursuant to this section shall be set by the New Jersey Racing Commission and shall be paid by the claimant along with the claiming fee and applicable New Jersey sales tax. Should the test result in a positive finding, the claimant has the right to void the claim within 24 hours from the time notification of the positive finding was communicated to the claimant. The trainer at the time of entry into the claiming race shall be responsible for a positive finding of any drug and/or substance foreign to the natural horse. A claimant's election to conduct post-race testing shall not otherwise affect the transfer of ownership title pursuant to N.J.A.C. 13:71-14.17. Should the claimant not elect to conduct post-race testing, the former trainer shall conduct the horse to the detention barn after the race and the transfer of possession will occur as soon as is practicable. Should the claimed horse be selected for testing by the Commission, the cost of testing will remain the responsibility of the Commission, regardless of the claimant's indication that he or she wished to have the horse tested. The claimant shall have the right to void his or her claim should the forensic analysis of the sample so taken be positive for any drug and/or substance foreign to the horse.

13:71-14.36 Open claiming

(a) This section is not applicable to any licensed owner that has claiming privileges pursuant to N.J.A.C. 13:71-14.1.

(b) (No change.)

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

1. (No change.)

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus the applicable post-race testing fee pursuant to N.J.A.C. 13:71-14.32, if elected, New Jersey sales tax, and any other applicable 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. (No change.)

(d) (No change.)

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

13:71-14.37 Delivery of corticosteroid records

The previous trainer of a claimed horse shall, within 48 hours after the race from which the horse was claimed is made official, provide

accurate treatment records of all corticosteroid joint injections that were administered to the horse within 30 days before the race took place to the new trainer. The previous trainer shall also deliver a copy of the records to the State Veterinarian within the same 48 hour timeframe.