

Subchapter 5, Stable Name, Corporations, Multiple Ownerships, establishes requirements and licensure procedures with respect to stable names, corporations, and multiple ownerships.

Subchapter 6, Entries and Subscriptions, sets forth the requirements for entries and subscriptions. This subchapter includes provisions with respect to the coupling of horses, tattooing requirements, and work out program requirements.

Subchapter 7, Declarations and Scratches, establishes the methods of declaring horses to start and scratching of horses.

Subchapter 8, Weights, establishes the method of assigning weights to horses and equipment requirements.

Subchapter 9, Jockeys, Jockey Apprentices and Jockey Agents, sets forth requirements and restrictions with respect to jockeys, jockey equipment and fees, jockey agents, and jockey apprentices.

Subchapter 10, Paddock to Post, sets forth the requirements for horses from paddock to post, which includes the post parade.

Subchapter 11, Post to Finish, contains the requirements for post to finish, including jockey requirements related thereto.

Subchapter 12, Claiming, sets forth the rules and procedures with respect to the claiming of horses.

Subchapter 13, Objections and Protests, sets forth the procedures to lodge objections and protests.

Subchapter 13A, Appeals, sets forth the procedures to file appeals.

Subchapter 14, Illegal Practices, sets forth illegal practices, imposes requirements on individuals to cooperate in its investigations or prosecutions and to report violations to the stewards, sets forth various responsibilities of the New Jersey State Police, and requires filing of equine fatality reports, as appropriate.

Subchapter 14A, Medication and Testing Procedures, sets forth the procedures for implementation and penalties for detection, concerning testing of horses for foreign substances and the testing of individuals subject to the Commission's jurisdiction for alcohol, controlled dangerous substances, or contraband.

Subchapter 15, Racing Officials, defines race officials and sets forth various restrictions and duties with respect thereto.

Subchapter 16, Stewards, establishes the qualifications, authority, and various duties of the thoroughbred stewards.

Subchapter 17, Starter, establishes the qualifications for starters and the responsibilities placed upon the starter.

Subchapter 18, Racing Secretary, sets forth the duties of the race secretary.

Subchapter 19, Other Officials, establishes the qualification and duties of other officials, including the clerk of scales, the jockey room custodian, paddock judge, patrol judges, placing judges, and State Veterinarians.

Subchapter 20, Trainers, establishes the qualifications and responsibilities placed upon the trainers.

Subchapter 21, Owners, sets forth the qualifications and responsibilities placed upon the owners.

Subchapter 22, Authorized Agents, establishes the qualification and responsibilities of those granted authority on behalf of another, namely authorized agents and sub-agents.

Subchapter 23, Disciplinary Actions, sets forth penalties and certain disciplinary related items.

Subchapter 24, Steeplechasing, establishes procedures in connection with steeplechase or hurdle race events.

Subchapter 25, Dead Heats, sets forth the procedures in the event a race competition ends in a dead heat.

Subchapter 26, Produce Races, sets forth the qualifications for produce races.

Subchapter 27, Vendors, establishes the licensing procedures for vendors and imposes labeling requirements with respect to drugs, etc., on race association grounds.

Subchapter 28, Winnings, establishes the procedures utilized for computing the winnings of horses.

Subchapter 29, Mutuels, sets forth the procedures and methods for computing prices to be paid to the patrons in the various types of wagering, as well as the duties of the Supervisor of Mutuels.

Subchapter 30, Initial Track Application, sets forth the qualifications for an initial application for a permit to conduct a horse racing meeting.

Subchapter 31, Violations, sets forth violations of the rules and regulations of the Commission and provides for penalties to be imposed.

Subchapter 32, Self-Exclusion List, incorporates N.J.A.C. 13:74, which establishes procedures for problem gamblers to voluntarily exclude themselves from racetracks, the account wagering system, and off-track wagering facilities, into this chapter.

The New Jersey Racing Commission has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Pursuant to N.J.S.A. 5:5-30, and in accordance with N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.

(a)

## NEW JERSEY RACING COMMISSION

### Notice of Readoption Harness Racing

#### Readoption: N.J.A.C. 13:71

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

Authorized By: Frank Zanzuccki, Executive Director, New Jersey Racing Commission.

Effective Date: August 28, 2017.

New Expiration Date: August 28, 2024.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:71 were scheduled to expire on December 7, 2017. In accordance with N.J.S.A. 5:5-30, the rules at N.J.A.C. 13:71 establish the rules regulating standardbred horse racing in New Jersey. The rules at N.J.A.C. 13:71 also establish general standards of practice within the industry.

The rules proposed for readoption have had an advantageous impact on the regulation and conduct of harness racing, industry participants, and racetrack permitholders. The chapter proposed for readoption contains 30 subchapters, described as follows:

Subchapter 1, General Rules, contains the chapter's rules of general applicability, including applicability of the regulations and standards of behavior.

Subchapter 2, Violations, sets forth various penalties for violations of the law, or of the rules of the Racing Commission.

Subchapter 3, Appeals, sets forth the right of appeal with respect to determinations of violations of the rules, including the procedures and requirements for requesting an appeal.

Subchapter 4, Definitions, defines various terms used in Chapter 71, including definitions of racing terminology, as relevant to harness racing.

Subchapter 5, Tracks, contains various requirements placed upon permitted racetracks, including policing requirements, access to grounds, and prohibited forms of wagering activities thereupon.

Subchapter 6, Associations, sets forth additional requirements placed upon associations, such as compensation insurance carriage, paddock-related rules, ambulance maintenance on racetrack grounds requirements, and the race permit application review process.

Subchapter 7, Licensing, contains the procedures and fees for licensure.

Subchapter 8, Officials, sets forth the qualifications, duties and authority of the racing officials, as well as the Racing Commission's Executive Director.

Subchapter 9, Veterinarians and Veterinarian Certificates, establishes the qualifications and responsibilities of State veterinarians and practicing veterinarians, pertaining to harness racing.

Subchapter 10, Program, contains race program requirements and requires that such information be reliable.

Subchapter 11, Identification of Horses and Eligibility to Run, sets forth the procedures and qualifications for identification of horses and their eligibility to run.

Subchapter 12, Stable Name, Leases, establishes registration requirements for use of a racing farm, corporate, or stable name and horse lease filing requirements.

Subchapter 13, Eligibility and Classification Conditions, sets forth ownership registration requirements, as well as the qualifications for the eligibility and classification of horses.

Subchapter 14, Claiming, sets forth qualifications, restrictions, and procedures concerning the claiming of horses.

Subchapter 15, Stakes and Futurities, establishes the qualifications and standards for stakes and futurities.

Subchapter 16, Declarations to Start and Drawing Horses, sets forth the method of declaring horses to start and the drawing of horses into races.

Subchapter 17, Starting, contains the procedures used in starting of races, defines the duties and responsibilities of the starter, and requires each racetrack to utilize a mobile starting gate.

Subchapter 18, Breathalyzer Test, sets forth the procedures for implementation and penalties for detection concerning the testing of individuals subject to the Commission's jurisdiction for alcohol, controlled dangerous substances, or contraband.

Subchapter 19, Colors and Drivers Attire, establishes qualifications regarding driver attire, including the wearing of distinguishing clothing and safety helmets.

Subchapter 20, Rules of Racing, sets forth general rules of racing and imposes requirements on the drivers and trainers in connection therewith. The subchapter also requires the registration of nerved horses and the filing of equine fatality reports, as appropriate.

Subchapter 21, Placing Conditions and Purses, contains the general rules of placing conditions and purses.

Subchapter 22, Radios, Receivers and Transmitters, requires the approval of the Racing Commission for public telephonic devices to remain open during the race day.

Subchapter 23, Medication and Testing Procedures, establishes medication and testing procedures, licensee responsibilities in this area and related penalties and restrictions with respect to the possession of drugs or drug instruments. This subchapter also sets forth the responsibility of the New Jersey State Police, as well as the responsibilities of each racetrack, official, and all licensees to cooperate in investigations involving a violation of law, or of the Commission's rules.

Subchapter 24, Authorized Agents, contains the procedures with respect to the licensure of authorized agents for owners.

Subchapter 25, Vendors, establishes the licensing procedure for track vendors.

Subchapter 26, Illegal Practices, sets forth various illegal practices, such as bribes, false statements and conspiracies; imposes reporting requirements with respect to knowledge of violations; requires individuals to cooperate in investigations; and provides for license suspension pending the outcome of indictment.

Subchapter 27, Mutuels, contains the procedures and methods for computing prices to be paid to the patrons in the various types of wagering, as well as the duties of the Supervisor of Mutuels.

Subchapter 28, Initial Track Application, establishes the qualifications for an initial application for a permit to conduct a horse race meeting.

Subchapter 29, Sulky, sets forth standards for sulkies to compete in New Jersey and imposes requirements with respect thereto.

Subchapter 30, Self-Exclusion List, incorporates N.J.A.C. 13:74, which establishes procedures for problem gamblers to voluntarily exclude themselves from racetracks, the account wagering system, and off-track wagering facilities, into this chapter.

The New Jersey Racing Commission has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Pursuant to N.J.S.A. 5:5-30, and in accordance with N.J.S.A. 52:14B-5.1, these rules are readopted and shall continue in effect for a seven-year period.

## TRANSPORTATION

(a)

### THE COMMISSIONER

#### Administration, Organization, Records Management, and Information Requests

#### Readoption with Amendments: N.J.A.C. 16:1A

#### Adopted New Rules: N.J.A.C. 16:1A-4.7 and 4.8

Proposed: June 5, 2017, at 49 N.J.R. 1342(a).

Adopted: August 30, 2017, by Richard T. Hammer, Commissioner, Department of Transportation.

Filed: August 30, 2017, as R.2017.d.178, **without change**.

Authority: N.J.S.A. 27:1A-1, 27:1A-5, 27:1A-6, and 52:14B-1 et seq., particularly 52:14B-3 and 4.

Effective Dates: August 30, 2017, Readoption; October 2, 2017, Amendments and New Rules.

Expiration Date: August 30, 2024.

**Summary of Public Comment and Agency Response:**

**No comments were received.**

#### Federal Standards Statement

A Federal standards analysis pursuant to Executive Order No. 27 (1994) and P.L. 1995, c. 65 is not required because the rules readopted with amendments and new rules come within the authority of State statute only and are not subject to Federal requirements or standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 16:1A.

**Full text** of the adopted amendments and new rules follows:

### SUBCHAPTER 1. GENERAL INFORMATION

#### 16:1A-1.2 Organization of the Department

(a) The Department of Transportation is organized as indicated in the Organizational Chart found at <http://www.state.nj.us/transportation/about/pdf/orgchart.pdf> and the functions and responsibilities of its officers are as follows:

1. The Commissioner of Transportation is the Chief Executive Officer of the Department and oversees all functions of the Department of Transportation.

i. The Assistant Commissioner of Capital Program Management, having the necessary experience and a valid New Jersey Professional Engineer's license, is designated the State Transportation Engineer;

2. The Deputy Commissioner reports to the Commissioner with principal responsibilities in the following areas:

i. Capital Program Management—the Assistant Commissioner of Capital Program Management has principal responsibilities in the following areas:

(1)-(4) (No change.)

Recodify existing (6) and (7) as (5) and (6) (No change in text.)

ii. Operations—the Assistant Commissioner of Operations has principal responsibilities in the following areas:

(1)-(2) (No change.)

(3) Operations South;

(4) Operations; and

(5) Permits, Electrical, and Claims Unit;

iii. Capital Investment Planning and Grant Administration—the Assistant Commissioner of Capital Investment Planning and Grant Administration has principal responsibilities in the following areas:

(1)-(3) (No change.)

(4) Multimodal Services; and

(5) Capital Investment Planning and Development;

iv.-viii. (No change.)

3.-5. (No change.)