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No

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No

P.L. 1999, CHAPTER 378, *approved January 14, 2000*  
Senate, No. 2155 (*Second Reprint*)

1 AN ACT concerning workers' compensation coverage provided  
2 through the New Jersey Horse Racing Injury Compensation Board  
3 and amending <sup>1</sup>and supplementing<sup>1</sup> P.L.1995, c.329.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read  
9 as follows:

10 3. As used in this act:

11 "Board" means the New Jersey Horse Racing Injury Compensation  
12 Board established by section 4 of this act.

13 "Commission" means the New Jersey Racing Commission  
14 established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

15 "Horse racing industry employee" means **[a jockey, jockey**  
16 **apprentice, exercise rider, driver, driver-trainer, assistant trainer,**  
17 **stable employee, or any other person licensed by the commission, who**  
18 **is an employee of an owner or a trainer and engaged in performing**  
19 **services for an owner or a trainer in connection with the exercising or**  
20 **racing of a horse in New Jersey.]** <sup>2</sup>**[: a.]**<sup>2</sup> a jockey, jockey  
21 apprentice, <sup>2</sup>[exercise rider, assistant trainer, stable employee or any  
22 other person licensed by the commission, who is an employee of a  
23 thoroughbred owner or trainer and engaged in performing services for  
24 an owner or trainer in connection with the exercising or racing of a  
25 thoroughbred horse in New Jersey; and b. a] or<sup>2</sup> driver <sup>2</sup>[, driver-  
26 trainer, exercise rider or any other person licensed by the commission,  
27 who is an employee for a standardbred owner and]<sup>2</sup> engaged in  
28 performing services for <sup>2</sup>[a standardbred] an<sup>2</sup> owner in connection  
29 with the <sup>2</sup>[exercising or]<sup>2</sup> racing of a <sup>2</sup>[standardbred]<sup>2</sup> horse in New  
30 Jersey. In addition, a trainer who otherwise would be considered an  
31 employee of the owner pursuant to R.S.34:15-1 et seq.<sup>2</sup>, as well as any  
32 person assisting such trainer who is licensed or required to be licensed  
33 by the commission,<sup>2</sup> is a horse racing industry employee for the  
34 purposes of this act.

35 (cf: P.L.1998, c.11, s.1)

36  
37 2. (New <sup>1</sup>**[Section] section<sup>1</sup>**) Notwithstanding any provision of  
38 P.L.1995, c.329 (C.34:15- <sup>1</sup>**[131]**<sup>129<sup>1</sup> et seq.) as amended, <sup>2</sup>**[the**  
39 **trainer of a standardbred horse]** a trainer<sup>2</sup> shall carry compensation</sup>

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SEG committee amendments adopted November 8, 1999.

<sup>2</sup> Assembly floor amendments adopted January 10, 2000.

1 insurance covering the trainer's employees as required by <sup>2</sup>【the  
2 commission by regulation】 law<sup>2</sup>.

3

4 <sup>2</sup>3. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read  
5 as follows:

6 6. a. The board shall secure workers' compensation insurance  
7 coverage for horse racing industry employees.

8 b. The board shall assess and collect sufficient funds to pay the  
9 costs of the insurance or self insurance coverage required by this act  
10 and by the workers' compensation laws of this State and to pay any  
11 additional costs necessary to carry out its other duties. The board  
12 shall ascertain the total funding necessary, establish the sums that are  
13 to be paid and establish by regulation the method of assessing and  
14 collecting these moneys. 【Owners and trainers shall be assessed  
15 separately for the cost of insurance or self insurance attributable to the  
16 respective horse racing industry employees of owners and trainers.】  
17 Assessments 【to pay the cost of insurance or self insurance  
18 attributable to horse racing industry employees employed by owners  
19 may】 shall include, but shall not be limited to, deductions from 【that  
20 portion of】 gross overnight purses paid to owners, so long as such  
21 deductions do not exceed 3% of 【the owners' portion of】 such purses,  
22 and additional assessments may be collected from horse owners as  
23 needed. 【Assessments to pay the cost of insurance or self insurance  
24 attributable to horse racing industry employees employed by trainers  
25 may include, but shall not be limited to, deductions from that portion  
26 of gross overnight purses paid to trainers, so long as such deductions  
27 do not exceed 3% of the trainers' portion of such purses, and  
28 additional assessments may be collected from trainers as needed.】  
29 Track owners shall not be assessed for such costs.

30 c. Assessments for workers' compensation insurance coverage  
31 pursuant to this act shall be calculated and allocated separately for the  
32 thoroughbred and standardbred industries, based on their respective  
33 loss experience, and any assessments pursuant to subsection b. of this  
34 section shall be allocated accordingly. No public funds, other than the  
35 moneys collected pursuant to subsection b. of this section, shall be  
36 used for the purpose of self insurance or for paying the costs of  
37 workers' compensation insurance or workers' compensation benefits  
38 pursuant to this act.<sup>2</sup>

39 (cf: P.L.1998, c.11, s.2)

40

41 <sup>2</sup>4. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read  
42 as follows:

43 7. a. For the purposes of this act and R.S.34:15-36, a horse racing  
44 industry employee shall be deemed to be in the employment of the  
45 New Jersey Horse Racing Injury Compensation Board and in the

1 employment of all owners **[**or of all trainers, as appropriate,**]** who are  
2 licensed or required to be licensed by the commission at the time of  
3 any occurrence for which workers' compensation benefits are payable  
4 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
5 solely in the employment of a particular owner **[**or of a particular  
6 trainer**]**. A horse racing industry employee shall not be deemed to be  
7 in the employment of the New Jersey Horse Racing Injury  
8 Compensation Board for any other purpose.

9 b. For the purposes of this act and R.S.34:15-36, the New Jersey  
10 Horse Racing Injury Compensation Board and all owners **[**or all  
11 trainers, as appropriate,**]** who are licensed or required to be licensed  
12 by the commission shall be deemed the employer of a horse racing  
13 industry employee at the time of any event for which workers'  
14 compensation benefits are payable pursuant to R.S.34:15-1 et seq. as  
15 supplemented by this act. The New Jersey Racing Injury  
16 Compensation Board shall not be deemed the employer of a horse  
17 racing industry employee for any other purpose.

18 c. With respect to horse racing industry employees, the  
19 requirements of R.S.34:15-1 et seq. regarding the provision of  
20 workers' compensation insurance by employers are satisfied in full by  
21 compliance with the requirements imposed upon owners **[**and upon  
22 trainers**]** by this act and any rules or regulations promulgated  
23 hereunder. If the responsible owner **[**or trainer**]** fails to comply with  
24 the requirements of this act or any rules or regulations promulgated  
25 hereunder and if the board is still required to pay the award on behalf  
26 of that owner **[**or trainer**]** who has been found to have violated this  
27 act or any rule or regulation promulgated hereunder, then the board  
28 shall be entitled to collect from that owner **[**or trainer**]** any assessment  
29 which was not paid but which should have been paid by that owner **[**or  
30 trainer**]** as provided by this act.

31 d. The provisions of this act shall not apply to employees of an  
32 owner **[**or a trainer**]** who are not horse racing industry employees. To  
33 the extent that a horse racing industry employee is also covered by  
34 duplicate coverage procured pursuant to another policy of workers'  
35 compensation insurance, the coverage procured by the board pursuant  
36 to this act shall be considered primary.<sup>2</sup>

37 (cf: P.L.1998, c.11, s.3)

38  
39 <sup>2</sup>**[3.] 5.**<sup>2</sup> This act shall take effect immediately.

40  
41  
42  
43  
44 Eliminates workers' compensation coverage provided by NJ Horse  
45 Racing Injury Compensation Board for employees of trainers.

**SENATE, No. 2155**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED OCTOBER 18, 1999

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**SYNOPSIS**

Eliminates workers' compensation coverage provided through NJ Horse Racing Injury Compensation Board for employees of standardbred trainers.

**CURRENT VERSION OF TEXT**

As introduced.



S2155 PALAIA, CODEY

2

1 AN ACT concerning workers' compensation coverage provided  
2 through the New Jersey Horse Racing Injury Compensation Board  
3 and amending P.L.1995, c.329.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read  
9 as follows:

10 3. As used in this act:

11 "Board" means the New Jersey Horse Racing Injury Compensation  
12 Board established by section 4 of this act.

13 "Commission" means the New Jersey Racing Commission  
14 established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

15 "Horse racing industry employee" means **[a jockey, jockey**  
16 **apprentice, exercise rider, driver, driver-trainer, assistant trainer,**  
17 **stable employee, or any other person licensed by the commission, who**  
18 **is an employee of an owner or a trainer and engaged in performing**  
19 **services for an owner or a trainer in connection with the exercising or**  
20 **racing of a horse in New Jersey.]** : a. a jockey, jockey apprentice,  
21 exercise rider, assistant trainer, stable employee or any other person  
22 licensed by the commission, who is an employee of a thoroughbred  
23 owner or trainer and engaged in performing services for an owner or  
24 trainer in connection with the exercising or racing of a thoroughbred  
25 horse in New Jersey; and b. a driver, driver-trainer, exercise rider or  
26 any other person licensed by the commission, who is an employee for  
27 a standardbred owner and engaged in performing services for a  
28 standardbred owner in connection with the exercising or racing of a  
29 standardbred horse in New Jersey. In addition, a trainer who  
30 otherwise would be considered an employee of the owner pursuant to  
31 R.S.34:15-1 et seq. is a horse racing industry employee for the  
32 purposes of this act.

33 (cf: P.L.1998, c.11, s.1)

34

35 2. (New Section) Notwithstanding any provision of P.L.1995,  
36 c.329 (C.34:15-131 et seq.) as amended, the trainer of a standardbred  
37 horse shall carry compensation insurance covering the trainer's  
38 employees as required by the commission by regulation.

39

40 3. This act shall take effect immediately.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**





ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 2155**

**STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Senate Assembly Labor Committee reports favorably and with committee amendments Senate Bill No. 2155. This bill eliminates the provision of workers' compensation coverage through the New Jersey Horse Racing Injury Compensation Board for employees of standardbred trainers. The bill does require that standardbred trainers continue to provide workers' compensation coverage independently for their employees as required by regulation of the New Jersey Racing Commission.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 2155**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 8, 1999

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 2155 with committee amendments.

This bill, as amended, eliminates the provision of workers' compensation coverage through the New Jersey Horse Racing Injury Compensation Board for employees of standardbred trainers. The bill does require that standardbred trainers continue to provide workers' compensation coverage independently for their employees as required by regulation of the New Jersey Racing Commission.

The committee amended the bill to correct a citation error in the title and in section 2 of the bill.

STATEMENT TO  
[First Reprint]  
**SENATE, No. 2155**

with Assembly Floor Amendments  
(Proposed By Assemblyman ARNONE)

ADOPTED: JANUARY 10, 2000

At present, this bill eliminates workers' compensation coverage provided by the New Jersey Horse Racing Injury Compensation Board for certain employees of standardbred trainers. These amendments change the bill to eliminate coverage provided by the board for all employees of any standardbred or thoroughbred trainer.

The amendments also clarify that trainers will carry compensation insurance for their employees as required by law, instead of as required by the New Jersey Racing Commission by regulation.

**ASSEMBLY, No. 2828**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED JANUARY 25, 1999

**Sponsored by:**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**SYNOPSIS**

Eliminates workers' compensation coverage provided through NJ Horse Racing Injury Compensation Board for certain backstretch employees.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning workers' compensation coverage provided  
2 through the New Jersey Horse Racing Injury Compensation Board  
3 and amending P.L.1995, c.329.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read  
9 as follows:

10 3. As used in this act:

11 "Board" means the New Jersey Horse Racing Injury Compensation  
12 Board established by section 4 of this act.

13 "Commission" means the New Jersey Racing Commission  
14 established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

15 "Horse racing industry employee" means a jockey, jockey  
16 apprentice, exercise rider, driver[, ] and driver-trainer[, assistant  
17 trainer, stable employee, or any other person licensed by the  
18 commission, who is an employee of an owner or a trainer and engaged  
19 in] performing services for an owner [or a trainer] in connection with  
20 the exercising or racing of a horse in New Jersey. In addition, a  
21 trainer who otherwise would be considered an employee of the owner  
22 pursuant to R.S.34:15-1 et seq. is a horse racing industry employee  
23 for the purposes of this act.

24 (cf: P.L.1998, c.11, s.1)

25

26 2. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read  
27 as follows:

28 6. a. The board shall secure workers' compensation insurance  
29 coverage for horse racing industry employees.

30 b. The board shall assess and collect sufficient funds to pay the  
31 costs of the insurance or self insurance coverage required by this act  
32 and by the workers' compensation laws of this State and to pay any  
33 additional costs necessary to carry out its other duties. The board  
34 shall ascertain the total funding necessary, establish the sums that are  
35 to be paid and establish by regulation the method of assessing and  
36 collecting these moneys. [Owners and trainers shall be assessed  
37 separately for the cost of insurance or self insurance attributable to the  
38 respective horse racing industry employees of owners and trainers.]  
39 Assessments [to pay the cost of insurance or self insurance  
40 attributable to horse racing industry employees employed by owners  
41 may] shall include, but shall not be limited to, deductions from [that  
42 portion of] gross overnight purses paid to owners, so long as such

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 deductions do not exceed 3% of **【the owners' portion of】** such purses,  
2 and additional assessments may be collected from horse owners as  
3 needed. **【Assessments to pay the cost of insurance or self insurance**  
4 **attributable to horse racing industry employees employed by trainers**  
5 **may include, but shall not be limited to, deductions from that portion**  
6 **of gross overnight purses paid to trainers, so long as such deductions**  
7 **do not exceed 3% of the trainers' portion of such purses, and**  
8 **additional assessments may be collected from trainers as needed.】**  
9 Track owners shall not be assessed for such costs.

10 c. Assessments for workers' compensation insurance coverage  
11 pursuant to this act shall be calculated and allocated separately for the  
12 thoroughbred and standardbred industries, based on their respective  
13 loss experience, and any assessments pursuant to subsection b. of this  
14 section shall be allocated accordingly. No public funds, other than the  
15 moneys collected pursuant to subsection b. of this section, shall be  
16 used for the purpose of self insurance or for paying the costs of  
17 workers' compensation insurance or workers' compensation benefits  
18 pursuant to this act.

19 (cf: P.L.1998, c.11, s.2)

20

21 3. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read  
22 as follows:

23 7. a. For the purposes of this act and R.S.34:15-36, a horse racing  
24 industry employee shall be deemed to be in the employment of the  
25 New Jersey Horse Racing Injury Compensation Board and in the  
26 employment of all owners **【or of all trainers, as appropriate,】** who are  
27 licensed or required to be licensed by the commission at the time of  
28 any occurrence for which workers' compensation benefits are payable  
29 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
30 solely in the employment of a particular owner **【or of a particular**  
31 **trainer】**. A horse racing industry employee shall not be deemed to be  
32 in the employment of the New Jersey Horse Racing Injury  
33 Compensation Board for any other purpose.

34 b. For the purposes of this act and R.S.34:15-36, the New Jersey  
35 Horse Racing Injury Compensation Board and all owners **【or all**  
36 **trainers, as appropriate,】** who are licensed or required to be licensed  
37 by the commission shall be deemed the employer of a horse racing  
38 industry employee at the time of any event for which workers'  
39 compensation benefits are payable pursuant to R.S.34:15-1 et seq. as  
40 supplemented by this act. The New Jersey Racing Injury  
41 Compensation Board shall not be deemed the employer of a horse  
42 racing industry employee for any other purpose.

43 c. With respect to horse racing industry employees, the  
44 requirements of R.S.34:15-1 et seq. regarding the provision of  
45 workers' compensation insurance by employers are satisfied in full by

1 compliance with the requirements imposed upon owners [and upon  
2 trainers] by this act and any rules or regulations promulgated  
3 hereunder. If the responsible owner [or trainer] fails to comply with  
4 the requirements of this act or any rules or regulations promulgated  
5 hereunder and if the board is still required to pay the award on behalf  
6 of that owner [or trainer] who has been found to have violated this  
7 act or any rule or regulation promulgated hereunder, then the board  
8 shall be entitled to collect from that owner [or trainer] any assessment  
9 which was not paid but which should have been paid by that owner [or  
10 trainer] as provided by this act.

11 d. The provisions of this act shall not apply to employees of an  
12 owner [or a trainer] who are not horse racing industry employees. To  
13 the extent that a horse racing industry employee is also covered by  
14 duplicate coverage procured pursuant to another policy of workers'  
15 compensation insurance, the coverage procured by the board pursuant  
16 to this act shall be considered primary.  
17 (cf: P.L.1998, c.11, s.3)

18

19 4. This act shall take effect immediately.

20

21

22

#### STATEMENT

23

24 This bill effectively repeals P.L.1998, c.11, which extended  
25 workers' compensation coverage provided through the New Jersey  
26 Horse Racing Injury Compensation Board to certain backstretch  
27 employees, and clarified the manner of assessing costs upon owners  
28 and trainers for this increased coverage.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2828**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2828.

As amended by the committee, this bill ends the provision of workers' compensation coverage through the New Jersey Horse Racing Injury Compensation Board for employees of standardbred trainers. The bill does require that standardbred trainers continue to provide workers' compensation coverage independently for their employees as required by regulation of the New Jersey Racing Commission. The bill does not change the present requirement that the employees of thoroughbred trainers and owners and standardbred owners be provided workers' compensation coverage through the board.

The committee amendments, which make the bill identical to S-2155(1R), retain workers' compensation coverage through the board for employees of a thoroughbred trainer, but require standardbred trainers to provide workers' compensation coverage for their employees independently as required by regulation of the New Jersey Racing Commission. Without the committee amendments, A-2828 eliminates workers' compensation coverage through the New Jersey Horse Racing Injury Compensation Board for certain employees of thoroughbred and standardbred trainers, thus effectively repealing the provisions of P.L.1998, c.11.