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LAW

P.L. 2008, CHAPTER 11, *approved April 11, 2008*  
Senate, No. 1163 (*First Reprint*)

1 AN ACT concerning workers' compensation coverage for certain  
2 horse racing industry employees and amending P.L.1995, c.329  
3 and P.L.1999, c.378 'and supplementing P.L.1995, c.329  
4 (C.34:15-129 et seq.)<sup>1</sup>.  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. Section 2 of P.L.1995, c.329 (C.34:15-130) is amended to  
10 read as follows:

11 2. The Legislature finds and declares that, whereas current law  
12 already requires virtually all employers to provide for the payment  
13 of workers' compensation benefits to injured employees, because of  
14 the unique nature of the horse racing industry, difficulties have  
15 arisen in ensuring that coverage is provided to employees. For  
16 example, out-of-State horse owners are sometimes unaware of their  
17 obligation to provide such coverage, or because a jockey may ride  
18 the horses of more than one owner, there may be confusion as to  
19 who the responsible employer is. As a result, serious injuries have  
20 been sustained for which there is no coverage.

21 It is, therefore, in the public interest to ensure that workers'  
22 compensation coverage is available to persons employed in the  
23 thoroughbred and standardbred horse racing industries in New  
24 Jersey by collectively securing workers' compensation insurance  
25 coverage for **[such persons]** certain designated horse racing  
26 industry employees who are eligible to receive that coverage  
27 pursuant to the provisions of this act, the costs of which shall be  
28 funded by the horse racing industry, and the assessments for  
29 funding that coverage shall be calculated separately for the  
30 thoroughbred and standardbred industries, based on their respective  
31 experience.

32 It is also in the public interest for the Legislature to provide,  
33 through this act, sufficient guidance and clarity regarding which  
34 horse racing industry employees are eligible for coverage secured  
35 by the New Jersey Horse Racing Injury Compensation Board  
36 pursuant to this act, and the circumstances that must exist for that  
37 coverage to be applicable.

38 (cf: P.L.1995, c.329, s.2)

**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 SWT committee amendments adopted February 21, 2008.

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

3       3. As used in this act:

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

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

8       "Horse racing industry employee" means [a jockey, jockey  
9 apprentice, or driver engaged in performing services for an owner in  
10 connection with the racing of a horse in New Jersey. "Horse racing  
11 industry employee" also means an exercise rider of a thoroughbred  
12 horse for the period of time during which he or she is employed as  
13 an exercise rider of a thoroughbred horse at a horse racetrack in this  
14 State, who is licensed by the commission and from whose wages  
15 deductions and withholdings as required or authorized by State or  
16 federal law are taken, and a trainer who otherwise would be  
17 considered an employee of the owner pursuant to R.S.34:15-1 et  
18 seq., as well as any person assisting such trainer who is required to  
19 be licensed by the commission];

20       a. the driver of a standardbred horse, who is licensed or is  
21 required to be licensed by the commission, while that driver is  
22 engaged in performing those services for which that driver is or is  
23 required to be licensed at a permitted New Jersey racetrack in  
24 connection with the racing of a horse. That standardbred driver  
25 shall be considered to be the horse racing industry employee of a  
26 standardbred owner for the purposes of calculating, allocating and  
27 assessing the cost of workers' compensation insurance coverage;

28       b. the jockey, jockey apprentice or exercise rider of a  
29 thoroughbred horse, who is licensed or is required to be licensed by  
30 the commission, while engaged in performing those services for  
31 which that jockey, jockey apprentice or exercise rider is or is  
32 required to be licensed at a permitted New Jersey racetrack in  
33 connection with the racing or exercising of a horse. That jockey,  
34 jockey apprentice or exercise rider shall be considered to be the  
35 horse racing industry employee of a thoroughbred owner for the  
36 purposes of calculating, allocating and assessing the cost of  
37 workers' compensation insurance coverage; and

38       c. the stable employees of a thoroughbred trainer, who are  
39 licensed or are required to be licensed by the commission, while  
40 those stable employees are engaged in performing those services for  
41 which those stable employees are licensed or are required to be  
42 licensed at a permitted New Jersey racetrack, during the period of  
43 time the trainer's horses are stabled at the permitted New Jersey  
44 racetrack. Stable employees as defined herein shall include  
45 assistant trainers, grooms, and hot walkers.

46       A "horse racing industry employee" shall not mean a  
47 standardbred owner, standardbred trainer, thoroughbred owner, or  
48 thoroughbred trainer.

1       "Permitted New Jersey racetrack" means a New Jersey racetrack  
2 that has been approved by the commission to hold a horse race  
3 meeting as evidenced by a valid permit issued pursuant to section  
4 18 of P.L.1940, c.17 (C.5:5-38) for the year in which the race  
5 meeting is held.

6       "Stabled" means the long-term placement of horses in assigned  
7 stalls in barns located on the grounds of a permitted New Jersey  
8 racetrack, in which stalls the horses reside continuously for the  
9 purpose of racing at any permitted racetrack in New Jersey, or the  
10 short-term placement of those horses in stalls located on the  
11 grounds of an out-of-State racetrack in connection with the pre-race  
12 detention requirements of that out-of-State racetrack, provided the  
13 horses are returned to their permanent stabled location at the  
14 permitted New Jersey racetrack within a maximum of 48 hours after  
15 that out-of-State race.

16 (cf: P.L.2004, c.119, s.1)

17  
18       3. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to  
19 read as follows:

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

22       b. The board shall assess and collect sufficient funds to pay the  
23 costs of the insurance or self insurance coverage required by this act  
24 and by the workers' compensation laws of this State and to pay any  
25 additional costs necessary to carry out its other duties. The board  
26 shall ascertain the total funding necessary, establish the sums that  
27 are to be paid and establish by regulation the method of assessing  
28 and collecting these moneys. Assessments shall include, but shall  
29 not be limited to, deductions from gross overnight purses paid to  
30 owners, so long as such deductions do not exceed 3% of **[such]**  
31 standardbred purses or 4% of thoroughbred purses, as applicable,  
32 and additional assessments may be collected **[from horse owners]**  
33 as needed from standardbred owners, thoroughbred owners and  
34 thoroughbred trainers who are licensed or are required to be  
35 licensed by the commission. Track owners shall not be assessed for  
36 such costs.

37       c. Assessments for workers' compensation insurance coverage  
38 pursuant to this act shall be calculated and allocated separately for  
39 the thoroughbred and standardbred industries, based on their  
40 respective loss experience, and any assessments pursuant to  
41 subsection b. of this section shall be allocated accordingly. No  
42 public funds, other than the moneys collected pursuant to  
43 subsection b. of this section, shall be used for the purpose of self  
44 insurance or for paying the costs of workers' compensation  
45 insurance or workers' compensation benefits pursuant to this act.

46 (cf: P.L.1999, c.378, s.3)

1       4. Section 2 of P.L.1999, c.378 (C.34:15-134.1) is amended to  
2 read as follows:

3       2. Notwithstanding any provision of P.L.1995, c.329 (C.34:15-  
4 129 et seq.), as amended[, ]:

5       a. A standardbred trainer who is licensed or is required to be  
6 licensed by the commission shall carry compensation insurance  
7 covering the standardbred trainer's employees as required by  
8 [law]R.S.34:15-1 et seq., regardless of where the standardbred  
9 trainer's horses are stabled;

10       b. With respect to the stable employees of a thoroughbred  
11 trainer, the workers' compensation policy secured by the board shall  
12 cover only those stable employees who are licensed or are required  
13 to be licensed by the commission when they are employed to work  
14 at a permitted New Jersey racetrack to care for the horses located  
15 there. To be eligible for coverage and benefits under the workers'  
16 compensation policy secured by the board, those stable employees  
17 shall be injured at a permitted New Jersey racetrack while they are  
18 engaged in performing services for which they are licensed or are  
19 required to be licensed. Those thoroughbred trainer's stable  
20 employees shall remain eligible for coverage under the workers'  
21 compensation policy secured by the board, if the trainer requires  
22 them to accompany a horse that is transported from the permitted  
23 New Jersey racetrack where it is stabled to compete in a race at an  
24 out-of-State racetrack. Those stable employees shall remain  
25 eligible for coverage under the board's policy for that period of time  
26 in which the out-of-State racetrack requires the horse to be present  
27 prior to the race, provided that the horse is returned to stabling at a  
28 permitted New Jersey racetrack within a maximum of 48 hours after  
29 the race. The workers' compensation policy of the board shall not  
30 cover those stable employees who are licensed or are required to be  
31 licensed by the commission who work with horses that the trainer  
32 has stabled at a location other than a permitted New Jersey  
33 racetrack;

34       c. A thoroughbred trainer who is licensed or is required to be  
35 licensed by the commission shall carry compensation insurance  
36 covering the thoroughbred trainer's employees as required by  
37 R.S.34:15-1 et seq. when the trainer's horses are not stabled at a  
38 permitted New Jersey racetrack. A thoroughbred trainer whose  
39 horses are stabled at a permitted New Jersey racetrack and whose  
40 stable employees receive workers' compensation coverage through  
41 the policy secured by the board shall immediately obtain  
42 compensation insurance covering these stable employees as  
43 required by R.S.34:15-1 et seq. if and when that trainer's horses are  
44 no longer stabled at a permitted New Jersey racetrack; and

45       d. A thoroughbred trainer whose stable employees receive  
46 workers' compensation coverage through the policy secured by the  
47 board shall ascertain and comply with the workers' compensation  
48 requirements of any other state to which that thoroughbred trainer is

1 subject to jurisdiction. In such cases when a state other than New  
2 Jersey requires a thoroughbred trainer to obtain workers'  
3 compensation insurance coverage pursuant to the terms and  
4 conditions of its laws, any workers' compensation coverage  
5 provided through the policy secured by the board shall be secondary  
6 to the coverage required by the other state.

7 (cf: P.L.1999, c.378, s.2)

8

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

11 7. a. For the purposes of this act and R.S.34:15-36, a horse  
12 racing industry employee shall be deemed to be in the employment  
13 of the New Jersey Horse Racing Injury Compensation Board and in  
14 the employment of all standardbred owners, thoroughbred owners,  
15 or thoroughbred trainers, as the case may be, who are licensed or  
16 are required to be licensed by the commission and whose horses are  
17 stabled at a permitted New Jersey racetrack at the time of any  
18 occurrence for which workers' compensation benefits are payable  
19 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
20 solely in the employment of a particular owner 'or trainer'. A  
21 horse racing industry employee shall not be deemed to be in the  
22 employment of the New Jersey Horse Racing Injury Compensation  
23 Board for any other purpose.

24 b. For the purposes of this act and R.S.34:15-36, the New  
25 Jersey Horse Racing Injury Compensation Board and all  
26 standardbred owners, thoroughbred owners, or thoroughbred  
27 trainers who are licensed or are required to be licensed by the  
28 commission and whose horses are stabled at a permitted New Jersey  
29 racetrack shall be deemed the employer of a horse racing industry  
30 employee at the time of any event for which workers' compensation  
31 benefits are payable pursuant to R.S.34:15-1 et seq., as  
32 supplemented by this act. The New Jersey Racing Injury  
33 Compensation Board shall not be deemed the employer of a horse  
34 racing industry employee for any other purpose.

35 c. With respect to horse racing industry employees, the  
36 requirements of R.S.34:15-1 et seq. regarding the provision of  
37 workers' compensation insurance by employers are satisfied in full  
38 by compliance with the requirements imposed upon standardbred  
39 owners, thoroughbred owners, and thoroughbred trainers by this act  
40 and any rules or regulations promulgated hereunder. If the  
41 responsible owner or trainer fails to comply with the requirements  
42 of this act or any rules or regulations promulgated hereunder and if  
43 the board is still required to pay the award on behalf of that owner  
44 or trainer who has been found to have violated this act or any rule  
45 or regulation promulgated hereunder, then the board <sup>1</sup>[shall be  
46 entitled to collect from that owner or trainer any assessment which  
47 was not paid but which should have been paid by that owner or  
48 trainer as provided by this act] is hereby authorized to impose a

1 penalty on that owner or trainer in an amount not to exceed \$10,000  
2 per violation<sup>1</sup>.

3 d. The provisions of this act shall not apply to employees of an  
4 owner or trainer who are not horse racing industry employees. **【To**  
5 **the extent that a horse racing industry employee is also covered by**  
6 **duplicate coverage procured pursuant to another policy of workers'**  
7 **compensation insurance, the coverage procured by the board**  
8 **pursuant to this act shall be considered primary.】**  
9 (cf: P.L.1999, c.378, s.4)

10  
11 <sup>1</sup>6. (New section) a. A thoroughbred trainer shall document and  
12 maintain complete and accurate records of all wages paid, whether  
13 by check or in cash, to stable employees and, notwithstanding the  
14 provisions of subsection b. of the definition of “Horse racing  
15 industry employee” in section 3 of P.L.1995, c.329 (C.34:15-131),  
16 to exercise riders who are hired in connection with the exercising or  
17 riding of a horse the trainer trains, who receive workers'  
18 compensation coverage through the policy secured by the board. A  
19 thoroughbred trainer shall produce these records within five days  
20 when directed to do so by the board or a designated agent of the  
21 board. The board is hereby authorized to impose a penalty in an  
22 amount not to exceed \$1,000 per violation on any trainer who fails  
23 to produce complete and accurate records within the time period  
24 allotted by this subsection.

25 b. The appropriate horsemen’s bookkeeper, consistent with  
26 regulations promulgated by the New Jersey Racing Commission,  
27 shall document and maintain complete and accurate records of all  
28 wages paid, whether by check or in cash, to a jockey or jockey  
29 apprentice or driver who receives workers’ compensation coverage  
30 through the policy secured by the board.<sup>1</sup>

31  
32 <sup>1</sup>**【6.】** <sup>1</sup>7. This act shall take effect immediately.

33  
34  
35  
36  
37 Expands coverage under “New Jersey Horse Racing Injury  
38 Compensation Board Act” to thoroughbred hot walkers, grooms,  
39 and assistant trainers under certain circumstances.

# SENATE, No. 1163

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 14, 2008

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Senator JENNIFER BECK**

**District 12 (Mercer and Monmouth)**

**SYNOPSIS**

Expands coverage under “New Jersey Horse Racing Injury Compensation Board Act” to thoroughbred hot walkers, grooms, and assistant trainers under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2008)**

1 AN ACT concerning workers' compensation coverage for certain  
2 horse racing industry employees and amending P.L.1995, c.329  
3 and P.L.1999, c.378.

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

7  
8 1. Section 2 of P.L.1995, c.329 (C.34:15-130) is amended to  
9 read as follows:

10 2. The Legislature finds and declares that, whereas current law  
11 already requires virtually all employers to provide for the payment  
12 of workers' compensation benefits to injured employees, because of  
13 the unique nature of the horse racing industry, difficulties have  
14 arisen in ensuring that coverage is provided to employees. For  
15 example, out-of-State horse owners are sometimes unaware of their  
16 obligation to provide such coverage, or because a jockey may ride  
17 the horses of more than one owner, there may be confusion as to  
18 who the responsible employer is. As a result, serious injuries have  
19 been sustained for which there is no coverage.

20 It is, therefore, in the public interest to ensure that workers'  
21 compensation coverage is available to persons employed in the  
22 thoroughbred and standardbred horse racing industries in New  
23 Jersey by collectively securing workers' compensation insurance  
24 coverage for **[such persons]** certain designated horse racing  
25 industry employees who are eligible to receive that coverage  
26 pursuant to the provisions of this act, the costs of which shall be  
27 funded by the horse racing industry, and the assessments for  
28 funding that coverage shall be calculated separately for the  
29 thoroughbred and standardbred industries, based on their respective  
30 experience.

31 It is also in the public interest for the Legislature to provide,  
32 through this act, sufficient guidance and clarity regarding which  
33 horse racing industry employees are eligible for coverage secured  
34 by the New Jersey Horse Racing Injury Compensation Board  
35 pursuant to this act, and the circumstances that must exist for that  
36 coverage to be applicable.

37 (cf: P.L.1995, c.329, s.2)

38  
39 2. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to  
40 read as follows:

41 3. As used in this act:

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

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

**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 "Horse racing industry employee" means [a jockey, jockey  
2 apprentice, or driver engaged in performing services for an owner in  
3 connection with the racing of a horse in New Jersey. "Horse racing  
4 industry employee" also means an exercise rider of a thoroughbred  
5 horse for the period of time during which he or she is employed as  
6 an exercise rider of a thoroughbred horse at a horse racetrack in this  
7 State, who is licensed by the commission and from whose wages  
8 deductions and withholdings as required or authorized by State or  
9 federal law are taken, and a trainer who otherwise would be  
10 considered an employee of the owner pursuant to R.S.34:15-1 et  
11 seq., as well as any person assisting such trainer who is required to  
12 be licensed by the commission];

13 a. the driver of a standardbred horse, who is licensed or is  
14 required to be licensed by the commission, while that driver is  
15 engaged in performing those services for which that driver is or is  
16 required to be licensed at a permitted New Jersey racetrack in  
17 connection with the racing of a horse. That standardbred driver  
18 shall be considered to be the horse racing industry employee of a  
19 standardbred owner for the purposes of calculating, allocating and  
20 assessing the cost of workers' compensation insurance coverage;

21 b. the jockey, jockey apprentice or exercise rider of a  
22 thoroughbred horse, who is licensed or is required to be licensed by  
23 the commission, while engaged in performing those services for  
24 which that jockey, jockey apprentice or exercise rider is or is  
25 required to be licensed at a permitted New Jersey racetrack in  
26 connection with the racing or exercising of a horse. That jockey,  
27 jockey apprentice or exercise rider shall be considered to be the  
28 horse racing industry employee of a thoroughbred owner for the  
29 purposes of calculating, allocating and assessing the cost of  
30 workers' compensation insurance coverage; and

31 c. the stable employees of a thoroughbred trainer, who are  
32 licensed or are required to be licensed by the commission, while  
33 those stable employees are engaged in performing those services for  
34 which those stable employees are licensed or are required to be  
35 licensed at a permitted New Jersey racetrack, during the period of  
36 time the trainer's horses are stabled at the permitted New Jersey  
37 racetrack. Stable employees as defined herein shall include  
38 assistant trainers, grooms, and hot walkers.

39 A "horse racing industry employee" shall not mean a  
40 standardbred owner, standardbred trainer, thoroughbred owner, or  
41 thoroughbred trainer.

42 "Permitted New Jersey racetrack" means a New Jersey racetrack  
43 that has been approved by the commission to hold a horse race  
44 meeting as evidenced by a valid permit issued pursuant to section  
45 18 of P.L.1940, c.17 (C.5:5-38) for the year in which the race  
46 meeting is held.

47 "Stabled" means the long-term placement of horses in assigned  
48 stalls in barns located on the grounds of a permitted New Jersey

1 racetrack, in which stalls the horses reside continuously for the  
2 purpose of racing at any permitted racetrack in New Jersey, or the  
3 short-term placement of those horses in stalls located on the  
4 grounds of an out-of-State racetrack in connection with the pre-race  
5 detention requirements of that out-of-State racetrack, provided the  
6 horses are returned to their permanent stabled location at the  
7 permitted New Jersey racetrack within a maximum of 48 hours after  
8 that out-of-State race.

9 (cf: P.L.2004, c.119, s.1)

10

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

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

15 b. The board shall assess and collect sufficient funds to pay the  
16 costs of the insurance or self insurance coverage required by this act  
17 and by the workers' compensation laws of this State and to pay any  
18 additional costs necessary to carry out its other duties. The board  
19 shall ascertain the total funding necessary, establish the sums that  
20 are to be paid and establish by regulation the method of assessing  
21 and collecting these moneys. Assessments shall include, but shall  
22 not be limited to, deductions from gross overnight purses paid to  
23 owners, so long as such deductions do not exceed 3% of **[such]**  
24 standardbred purses or 4% of thoroughbred purses, as applicable,  
25 and additional assessments may be collected **[from horse owners]**  
26 as needed from standardbred owners, thoroughbred owners and  
27 thoroughbred trainers who are licensed or are required to be  
28 licensed by the commission. Track owners shall not be assessed for  
29 such costs.

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

39 (cf: P.L.1999, c.378, s.3)

40

41 4. Section 2 of P.L.1999, c.378 (C.34:15-134.1) is amended to  
42 read as follows:

43 2. Notwithstanding any provision of P.L.1995, c.329 (C.34:15-  
44 129 et seq.), as amended**[, ]**:

45 a. A standardbred trainer who is licensed or is required to be  
46 licensed by the commission shall carry compensation insurance  
47 covering the standardbred trainer's employees as required by

1 [law]R.S.34:15-1 et seq., regardless of where the standardbred  
2 trainer's horses are stabled;

3 b. With respect to the stable employees of a thoroughbred  
4 trainer, the workers' compensation policy secured by the board shall  
5 cover only those stable employees who are licensed or are required  
6 to be licensed by the commission when they are employed to work  
7 at a permitted New Jersey racetrack to care for the horses located  
8 there. To be eligible for coverage and benefits under the workers'  
9 compensation policy secured by the board, those stable employees  
10 shall be injured at a permitted New Jersey racetrack while they are  
11 engaged in performing services for which they are licensed or are  
12 required to be licensed. Those thoroughbred trainer's stable  
13 employees shall remain eligible for coverage under the workers'  
14 compensation policy secured by the board, if the trainer requires  
15 them to accompany a horse that is transported from the permitted  
16 New Jersey racetrack where it is stabled to compete in a race at an  
17 out-of-State racetrack. Those stable employees shall remain  
18 eligible for coverage under the board's policy for that period of time  
19 in which the out-of-State racetrack requires the horse to be present  
20 prior to the race, provided that the horse is returned to stabling at a  
21 permitted New Jersey racetrack within a maximum of 48 hours after  
22 the race. The workers' compensation policy of the board shall not  
23 cover those stable employees who are licensed or are required to be  
24 licensed by the commission who work with horses that the trainer  
25 has stabled at a location other than a permitted New Jersey  
26 racetrack;

27 c. A thoroughbred trainer who is licensed or is required to be  
28 licensed by the commission shall carry compensation insurance  
29 covering the thoroughbred trainer's employees as required by  
30 R.S.34:15-1 et seq. when the trainer's horses are not stabled at a  
31 permitted New Jersey racetrack. A thoroughbred trainer whose  
32 horses are stabled at a permitted New Jersey racetrack and whose  
33 stable employees receive workers' compensation coverage through  
34 the policy secured by the board shall immediately obtain  
35 compensation insurance covering these stable employees as  
36 required by R.S.34:15-1 et seq. if and when that trainer's horses are  
37 no longer stabled at a permitted New Jersey racetrack; and

38 d. A thoroughbred trainer whose stable employees receive  
39 workers' compensation coverage through the policy secured by the  
40 board shall ascertain and comply with the workers' compensation  
41 requirements of any other state to which that thoroughbred trainer is  
42 subject to jurisdiction. In such cases when a state other than New  
43 Jersey requires a thoroughbred trainer to obtain workers'  
44 compensation insurance coverage pursuant to the terms and  
45 conditions of its laws, any workers' compensation coverage  
46 provided through the policy secured by the board shall be secondary  
47 to the coverage required by the other state.

48 (cf: P.L.1999, c.378, s.2)

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

3       7. a. For the purposes of this act and R.S.34:15-36, a horse  
4 racing industry employee shall be deemed to be in the employment  
5 of the New Jersey Horse Racing Injury Compensation Board and in  
6 the employment of all standardbred owners, thoroughbred owners,  
7 or thoroughbred trainers, as the case may be, who are licensed or  
8 are required to be licensed by the commission and whose horses are  
9 stabled at a permitted New Jersey racetrack at the time of any  
10 occurrence for which workers' compensation benefits are payable  
11 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
12 solely in the employment of a particular owner. A horse racing  
13 industry employee shall not be deemed to be in the employment of  
14 the New Jersey Horse Racing Injury Compensation Board for any  
15 other purpose.

16       b. For the purposes of this act and R.S.34:15-36, the New  
17 Jersey Horse Racing Injury Compensation Board and all  
18 standardbred owners, thoroughbred owners, or thoroughbred  
19 trainers who are licensed or are required to be licensed by the  
20 commission and whose horses are stabled at a permitted New Jersey  
21 racetrack shall be deemed the employer of a horse racing industry  
22 employee at the time of any event for which workers' compensation  
23 benefits are payable pursuant to R.S.34:15-1 et seq., as  
24 supplemented by this act. The New Jersey Racing Injury  
25 Compensation Board shall not be deemed the employer of a horse  
26 racing industry employee for any other purpose.

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

41       d. The provisions of this act shall not apply to employees of an  
42 owner or trainer who are not horse racing industry employees. **[To**  
43 **the extent that a horse racing industry employee is also covered by**  
44 **duplicate coverage procured pursuant to another policy of workers'**  
45 **compensation insurance, the coverage procured by the board**  
46 **pursuant to this act shall be considered primary.]**

47 (cf: P.L.1999, c.378, s.4)

1       6. This act shall take effect immediately.

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STATEMENT

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6       This bill amends the "New Jersey Horse Racing Injury  
7 Compensation Board Act," P.L.1995, c.329 (C.34:15-129), to  
8 expand the workers' compensation insurance coverage provided by  
9 the board to certain additional horse racing industry employees, and  
10 to clarify which employees are eligible for coverage secured by the  
11 board and the circumstances that must exist for that coverage to be  
12 applicable.

13       This bill continues the coverage currently available under the  
14 board's policy for standardbred drivers, thoroughbred jockeys,  
15 jockey apprentices and exercise riders, and expands that coverage to  
16 the stable employees of a thoroughbred trainer, which include  
17 assistant trainers, grooms and hot walkers, if and when the trainer's  
18 horses subject to the stable employees' care are stabled at a  
19 permitted New Jersey racetrack.

20       Under the bill, the board's coverage applies to these employees  
21 when they are engaged in performing the functions for which they  
22 are or are required to be licensed by the commission at a permitted  
23 New Jersey racetrack. However, the board's coverage for the  
24 thoroughbred trainer's stable employees also applies when the  
25 stable employees must travel with the stabled horses to perform  
26 their functions in connection with a race at an out-of-State  
27 racetrack. These stable employees would remain covered for that  
28 period of time in which the out-of State racetrack requires the  
29 horses to be present prior to the race, during the race, and up to 48  
30 hours after the race, as long as the horses are returned to their  
31 permanent stabling location at the permitted New Jersey racetrack  
32 within a maximum of 48 hours after the out-of-state race.

33       This bill also clarifies that coverage under the board's policy is  
34 not available to horse owners or trainers themselves in either the  
35 standardbred or thoroughbred industries, or to the employees of a  
36 standardbred trainer. In addition, the bill clarifies that all  
37 standardbred trainers must secure private workers' compensation  
38 insurance for their employees regardless of where their horses are  
39 stabled, and that thoroughbred trainers must also do so when their  
40 horses are not stabled at a permitted New Jersey racetrack or when  
41 required to do so by an out-of-State racetrack.

42       This bill also increases the maximum amount that may be taken  
43 by the board from thoroughbred purses, from 3% to 4%, to fund the  
44 cost of providing workers' compensation coverage to covered  
45 thoroughbred horse racing industry employees.

SENATE WAGERING, TOURISM AND HISTORIC  
PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 1163**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 21, 2008

The Senate Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 1163.

As amended by the committee, this bill amends the "New Jersey Horse Racing Injury Compensation Board Act," P.L.1995, c.329 (C.34:15-129), to expand the workers' compensation insurance coverage provided by the board to certain additional horse racing industry employees, and to clarify which employees are eligible for coverage secured by the board and the circumstances that must exist for that coverage to be applicable.

This bill continues the coverage currently available under the board's policy for standardbred drivers, thoroughbred jockeys, jockey apprentices and exercise riders, and expands that coverage to the stable employees of a thoroughbred trainer, which include assistant trainers, grooms and hot walkers, if and when the trainer's horses subject to the stable employees' care are stabled at a permitted New Jersey racetrack.

Under the bill, the board's coverage applies to these employees when they are engaged in performing the functions for which they are or are required to be licensed by the commission at a permitted New Jersey racetrack. However, the board's coverage for the thoroughbred trainer's stable employees also applies when the stable employees must travel with the stabled horses to perform their functions in connection with a race at an out-of-State racetrack. These stable employees would remain covered for that period of time in which the out-of State racetrack requires the horses to be present prior to the race, during the race, and up to 48 hours after the race, as long as the horses are returned to their permanent stabling location at the permitted New Jersey racetrack within a maximum of 48 hours after the out-of-state race.

This bill also clarifies that coverage under the board's policy is not available to horse owners or trainers themselves in either the standardbred or thoroughbred industries, or to the employees of a standardbred trainer. In addition, the bill clarifies that all standardbred

trainers must secure private workers' compensation insurance for their employees regardless of where their horses are stabled, and that thoroughbred trainers must also do so when their horses are not stabled at a permitted New Jersey racetrack or when required to do so by an out-of-State racetrack.

This bill also increases the maximum amount that may be taken by the board from thoroughbred purses, from 3% to 4%, to fund the cost of providing workers' compensation coverage to covered thoroughbred horse racing industry employees.

The committee amended the bill to require thoroughbred trainers to document and maintain complete and accurate records of all wages paid to stable employees and exercise riders who receive workers' compensation coverage through the policy secured by the board. Under the amendments, a thoroughbred trainer would be required to produce these records within five days when directed to do so by the board or a designated agent of the board. The board is authorized to impose a penalty of up to \$1,000 per violation on any trainer who fails to produce complete and accurate records within the five day time period.

The amendments also require the appropriate horsemen's bookkeeper to document and maintain complete and accurate records of all wages paid to a jockey, jockey apprentice, or driver who receives workers' compensation coverage through the policy secured by the board.

Additionally, the amendments provide that the board may impose a penalty of up to \$10,000 per violation on an owner or trainer who fails to comply with the requirements of the act or any rules or regulations that are promulgated under the act if the board is still required to pay the award on behalf of the owner or trainer.

# ASSEMBLY, No. 2251

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

**Sponsored by:**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman RONALD S. DANCER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**SYNOPSIS**

Expands coverage under “New Jersey Horse Racing Injury Compensation Board Act” to thoroughbred hot walkers, grooms, and assistant trainers under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/26/2008)**

1 AN ACT concerning workers' compensation coverage for certain  
2 horse racing industry employees and amending P.L.1995, c.329  
3 and P.L.1999, c.378.

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

7  
8 1. Section 2 of P.L.1995, c.329 (C.34:15-130) is amended to  
9 read as follows:

10 2. The Legislature finds and declares that, whereas current law  
11 already requires virtually all employers to provide for the payment  
12 of workers' compensation benefits to injured employees, because of  
13 the unique nature of the horse racing industry, difficulties have  
14 arisen in ensuring that coverage is provided to employees. For  
15 example, out-of-State horse owners are sometimes unaware of their  
16 obligation to provide such coverage, or because a jockey may ride  
17 the horses of more than one owner, there may be confusion as to  
18 who the responsible employer is. As a result, serious injuries have  
19 been sustained for which there is no coverage.

20 It is, therefore, in the public interest to ensure that workers'  
21 compensation coverage is available to persons employed in the  
22 thoroughbred and standardbred horse racing industries in New  
23 Jersey by collectively securing workers' compensation insurance  
24 coverage for **[such persons]** certain designated horse racing  
25 industry employees who are eligible to receive that coverage  
26 pursuant to the provisions of this act, the costs of which shall be  
27 funded by the horse racing industry, and the assessments for  
28 funding that coverage shall be calculated separately for the  
29 thoroughbred and standardbred industries, based on their respective  
30 experience.

31 It is also in the public interest for the Legislature to provide,  
32 through this act, sufficient guidance and clarity regarding which  
33 horse racing industry employees are eligible for coverage secured  
34 by the New Jersey Horse Racing Injury Compensation Board  
35 pursuant to this act, and the circumstances that must exist for that  
36 coverage to be applicable.

37 (cf: P.L.1995, c.329, s.2)

38  
39 2. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to  
40 read as follows:

41 3. As used in this act:

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

44 "Commission" means the New Jersey Racing Commission

**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 established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

2 "Horse racing industry employee" means [a jockey, jockey  
3 apprentice, or driver engaged in performing services for an owner in  
4 connection with the racing of a horse in New Jersey. "Horse racing  
5 industry employee" also means an exercise rider of a thoroughbred  
6 horse for the period of time during which he or she is employed as  
7 an exercise rider of a thoroughbred horse at a horse racetrack in this  
8 State, who is licensed by the commission and from whose wages  
9 deductions and withholdings as required or authorized by State or  
10 federal law are taken, and a trainer who otherwise would be  
11 considered an employee of the owner pursuant to R.S.34:15-1 et  
12 seq., as well as any person assisting such trainer who is required to  
13 be licensed by the commission];

14 a. the driver of a standardbred horse, who is licensed or is  
15 required to be licensed by the commission, while that driver is  
16 engaged in performing those services for which that driver is or is  
17 required to be licensed at a permitted New Jersey racetrack in  
18 connection with the racing of a horse. That standardbred driver  
19 shall be considered to be the horse racing industry employee of a  
20 standardbred owner for the purposes of calculating, allocating and  
21 assessing the cost of workers' compensation insurance coverage;

22 b. the jockey, jockey apprentice or exercise rider of a  
23 thoroughbred horse, who is licensed or is required to be licensed by  
24 the commission, while engaged in performing those services for  
25 which that jockey, jockey apprentice or exercise rider is or is  
26 required to be licensed at a permitted New Jersey racetrack in  
27 connection with the racing or exercising of a horse. That jockey,  
28 jockey apprentice or exercise rider shall be considered to be the  
29 horse racing industry employee of a thoroughbred owner for the  
30 purposes of calculating, allocating and assessing the cost of  
31 workers' compensation insurance coverage; and

32 c. the stable employees of a thoroughbred trainer, who are  
33 licensed or are required to be licensed by the commission, while  
34 those stable employees are engaged in performing those services for  
35 which those stable employees are licensed or are required to be  
36 licensed at a permitted New Jersey racetrack, during the period of  
37 time the trainer's horses are stabled at the permitted New Jersey  
38 racetrack. Stable employees as defined herein shall include  
39 assistant trainers, grooms, and hot walkers.

40 A "horse racing industry employee" shall not mean a  
41 standardbred owner, standardbred trainer, thoroughbred owner, or  
42 thoroughbred trainer.

43 "Permitted New Jersey racetrack" means a New Jersey racetrack  
44 that has been approved by the commission to hold a horse race  
45 meeting as evidenced by a valid permit issued pursuant to section  
46 18 of P.L.1940, c.17 (C.5:5-38) for the year in which the race  
47 meeting is held.

1       "Stabled" means the long-term placement of horses in assigned  
2 stalls in barns located on the grounds of a permitted New Jersey  
3 racetrack, in which stalls the horses reside continuously for the  
4 purpose of racing at any permitted racetrack in New Jersey, or the  
5 short-term placement of those horses in stalls located on the  
6 grounds of an out-of-State racetrack in connection with the pre-race  
7 detention requirements of that out-of-State racetrack, provided the  
8 horses are returned to their permanent stabled location at the  
9 permitted New Jersey racetrack within a maximum of 48 hours after  
10 that out-of-State race.

11 (cf: P.L.2004, c.119, s.1)

12

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

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

17       b. The board shall assess and collect sufficient funds to pay the  
18 costs of the insurance or self insurance coverage required by this act  
19 and by the workers' compensation laws of this State and to pay any  
20 additional costs necessary to carry out its other duties. The board  
21 shall ascertain the total funding necessary, establish the sums that  
22 are to be paid and establish by regulation the method of assessing  
23 and collecting these moneys. Assessments shall include, but shall  
24 not be limited to, deductions from gross overnight purses paid to  
25 owners, so long as such deductions do not exceed 3% of **[such]**  
26 standardbred purses or 4% of thoroughbred purses, as applicable,  
27 and additional assessments may be collected **[from horse owners]**  
28 as needed from standardbred owners, thoroughbred owners and  
29 thoroughbred trainers who are licensed or are required to be  
30 licensed by the commission. Track owners shall not be assessed for  
31 such costs.

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

41 (cf: P.L.1999, c.378, s.3)

42

43       4. Section 2 of P.L.1999, c.378 (C.34:15-134.1) is amended to  
44 read as follows:

45       2. Notwithstanding any provision of P.L.1995, c.329 (C.34:15-  
46 129 et seq.),<sub>2</sub> as amended**[, ]:**

47       a. A standardbred trainer who is licensed or is required to be  
48 licensed by the commission shall carry compensation insurance

1 covering the standardbred trainer's employees as required by  
2 [law]R.S.34:15-1 et seq., regardless of where the standardbred  
3 trainer's horses are stabled;

4 b. With respect to the stable employees of a thoroughbred  
5 trainer, the workers' compensation policy secured by the board shall  
6 cover only those stable employees who are licensed or are required  
7 to be licensed by the commission when they are employed to work  
8 at a permitted New Jersey racetrack to care for the horses located  
9 there. To be eligible for coverage and benefits under the workers'  
10 compensation policy secured by the board, those stable employees  
11 shall be injured at a permitted New Jersey racetrack while they are  
12 engaged in performing services for which they are licensed or are  
13 required to be licensed. Those thoroughbred trainer's stable  
14 employees shall remain eligible for coverage under the workers'  
15 compensation policy secured by the board, if the trainer requires  
16 them to accompany a horse that is transported from the permitted  
17 New Jersey racetrack where it is stabled to compete in a race at an  
18 out-of-State racetrack. Those stable employees shall remain  
19 eligible for coverage under the board's policy for that period of time  
20 in which the out-of-State racetrack requires the horse to be present  
21 prior to the race, provided that the horse is returned to stabling at a  
22 permitted New Jersey racetrack within a maximum of 48 hours after  
23 the race. The workers' compensation policy of the board shall not  
24 cover those stable employees who are licensed or are required to be  
25 licensed by the commission who work with horses that the trainer  
26 has stabled at a location other than a permitted New Jersey  
27 racetrack;

28 c. A thoroughbred trainer who is licensed or is required to be  
29 licensed by the commission shall carry compensation insurance  
30 covering the thoroughbred trainer's employees as required by  
31 R.S.34:15-1 et seq. when the trainer's horses are not stabled at a  
32 permitted New Jersey racetrack. A thoroughbred trainer whose  
33 horses are stabled at a permitted New Jersey racetrack and whose  
34 stable employees receive workers' compensation coverage through  
35 the policy secured by the board shall immediately obtain  
36 compensation insurance covering these stable employees as  
37 required by R.S.34:15-1 et seq. if and when that trainer's horses are  
38 no longer stabled at a permitted New Jersey racetrack; and

39 d. A thoroughbred trainer whose stable employees receive  
40 workers' compensation coverage through the policy secured by the  
41 board shall ascertain and comply with the workers' compensation  
42 requirements of any other state to which that thoroughbred trainer is  
43 subject to jurisdiction. In such cases when a state other than New  
44 Jersey requires a thoroughbred trainer to obtain workers'  
45 compensation insurance coverage pursuant to the terms and  
46 conditions of its laws, any workers' compensation coverage  
47 provided through the policy secured by the board shall be secondary

1 to the coverage required by the other state.

2 (cf: P.L.1999, c.378, s.2)

3

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

6 7. a. For the purposes of this act and R.S.34:15-36, a horse  
7 racing industry employee shall be deemed to be in the employment  
8 of the New Jersey Horse Racing Injury Compensation Board and in  
9 the employment of all standardbred owners, thoroughbred owners,  
10 or thoroughbred trainers, as the case may be, who are licensed or  
11 are required to be licensed by the commission and whose horses are  
12 stabled at a permitted New Jersey racetrack at the time of any  
13 occurrence for which workers' compensation benefits are payable  
14 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
15 solely in the employment of a particular owner. A horse racing  
16 industry employee shall not be deemed to be in the employment of  
17 the New Jersey Horse Racing Injury Compensation Board for any  
18 other purpose.

19 b. For the purposes of this act and R.S.34:15-36, the New  
20 Jersey Horse Racing Injury Compensation Board and all  
21 standardbred owners, thoroughbred owners, or thoroughbred  
22 trainers who are licensed or are required to be licensed by the  
23 commission and whose horses are stabled at a permitted New Jersey  
24 racetrack shall be deemed the employer of a horse racing industry  
25 employee at the time of any event for which workers' compensation  
26 benefits are payable pursuant to R.S.34:15-1 et seq., as  
27 supplemented by this act. The New Jersey Racing Injury  
28 Compensation Board shall not be deemed the employer of a horse  
29 racing industry employee for any other purpose.

30 c. With respect to horse racing industry employees, the  
31 requirements of R.S.34:15-1 et seq. regarding the provision of  
32 workers' compensation insurance by employers are satisfied in full  
33 by compliance with the requirements imposed upon standardbred  
34 owners, thoroughbred owners, and thoroughbred trainers by this act  
35 and any rules or regulations promulgated hereunder. If the  
36 responsible owner or trainer fails to comply with the requirements  
37 of this act or any rules or regulations promulgated hereunder and if  
38 the board is still required to pay the award on behalf of that owner  
39 or trainer who has been found to have violated this act or any rule  
40 or regulation promulgated hereunder, then the board shall be  
41 entitled to collect from that owner or trainer any assessment which  
42 was not paid but which should have been paid by that owner or  
43 trainer as provided by this act.

44 d. The provisions of this act shall not apply to employees of an  
45 owner or trainer who are not horse racing industry employees. [To  
46 the extent that a horse racing industry employee is also covered by  
47 duplicate coverage procured pursuant to another policy of workers'

1 compensation insurance, the coverage procured by the board  
2 pursuant to this act shall be considered primary.】

3 (cf: P.L.1999, c.378, s.4)

4

5 6. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill amends the "New Jersey Horse Racing Injury  
11 Compensation Board Act," P.L.1995, c.329 (C.34:15-129), to  
12 expand the workers' compensation insurance coverage provided by  
13 the board to certain additional horse racing industry employees, and  
14 to clarify which employees are eligible for coverage secured by the  
15 board and the circumstances that must exist for that coverage to be  
16 applicable.

17 This bill continues the coverage currently available under the  
18 board's policy for standardbred drivers, thoroughbred jockeys,  
19 jockey apprentices and exercise riders, and expands that coverage to  
20 the stable employees of a thoroughbred trainer, which include  
21 assistant trainers, grooms and hot walkers, if and when the trainer's  
22 horses subject to the stable employees' care are stabled at a  
23 permitted New Jersey racetrack.

24 Under the bill, the board's coverage applies to these employees  
25 when they are engaged in performing the functions for which they  
26 are or are required to be licensed by the commission at a permitted  
27 New Jersey racetrack. However, the board's coverage for the  
28 thoroughbred trainer's stable employees also applies when the  
29 stable employees must travel with the stabled horses to perform  
30 their functions in connection with a race at an out-of-State  
31 racetrack. These stable employees would remain covered for that  
32 period of time in which the out-of State racetrack requires the  
33 horses to be present prior to the race, during the race, and up to 48  
34 hours after the race, as long as the horses are returned to their  
35 permanent stabling location at the permitted New Jersey racetrack  
36 within a maximum of 48 hours after the out-of-state race.

37 This bill also clarifies that coverage under the board's policy is  
38 not available to horse owners or trainers themselves in either the  
39 standardbred or thoroughbred industries, or to the employees of a  
40 standardbred trainer. In addition, the bill clarifies that all  
41 standardbred trainers must secure private workers' compensation  
42 insurance for their employees regardless of where their horses are  
43 stabled, and that thoroughbred trainers must also do so when their  
44 horses are not stabled at a permitted New Jersey racetrack or when  
45 required to do so by an out-of-State racetrack.

46 This bill also increases the maximum amount that may be taken  
47 by the board from thoroughbred purses, from 3% to 4%, to fund the

**A2251 STENDER, BURZICHELLI**

8

- 1 cost of providing workers' compensation coverage to covered
- 2 thoroughbred horse racing industry employees.

# ASSEMBLY TOURISM AND GAMING COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2251**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 25, 2008

The Assembly Tourism and Gaming Committee reports favorably and with committee amendments Assembly Bill No. 2251.

As amended by the committee, this bill expands the workers' compensation insurance coverage provided under the "New Jersey Horse Racing Injury Compensation Board Act," P.L.1995, c.329 (C.34:15-129), to certain additional horse racing industry employees, and clarifies which employees are eligible for coverage secured by the board and the circumstances that must exist for that coverage to be applicable.

This bill continues the coverage currently available under the board's policy for standardbred drivers, thoroughbred jockeys, jockey apprentices and exercise riders, and expands that coverage to the stable employees of a thoroughbred trainer, which include assistant trainers, grooms and hot walkers, if and when the trainer's horses subject to the stable employees' care are stabled at a permitted New Jersey racetrack.

Under the bill, the board's coverage applies to these employees when they are engaged in performing the functions for which they are or are required to be licensed by the commission at a permitted New Jersey racetrack. However, the board's coverage for the thoroughbred trainer's stable employees also applies when the stable employees must travel with the stabled horses to perform their functions in connection with a race at an out-of-State racetrack. These stable employees would remain covered for that period of time in which the out-of State racetrack requires the horses to be present prior to the race, during the race, and up to 48 hours after the race, as long as the horses are returned to their permanent stabling location at the permitted New Jersey racetrack within a maximum of 48 hours after the out-of-state race.

This bill also clarifies that coverage under the board's policy is not available to horse owners or trainers themselves in either the standardbred or thoroughbred industries, or to the employees of a standardbred trainer. In addition, the bill clarifies that all standardbred trainers must secure private workers' compensation insurance for their employees regardless of where their horses are stabled, and that thoroughbred trainers must also do so when their horses are not stabled

at a permitted New Jersey racetrack or when required to do so by an out-of-State racetrack.

This bill also increases the maximum amount that may be taken by the board from thoroughbred purses, from 3% to 4%, to fund the cost of providing workers' compensation coverage to covered thoroughbred horse racing industry employees.

#### COMMITTEE AMENDMENTS

The committee amended the bill to require thoroughbred trainers to document and maintain complete and accurate records of all wages paid to stable employees and exercise riders who receive workers' compensation coverage through the policy secured by the board. Under the amendments, a thoroughbred trainer is required to produce these records within five days when directed to do so by the board or a designated agent of the board. The board is authorized to impose a penalty of up to \$1,000 per violation on any trainer who fails to produce complete and accurate records within the five day time period.

The amendments also require the appropriate horsemen's bookkeeper to document and maintain complete and accurate records of all wages paid to a jockey, jockey apprentice, or driver who receives workers' compensation coverage through the policy secured by the board.

Additionally, the amendments provide that the board may impose a penalty of up to \$10,000 per violation on an owner or trainer who fails to comply with the requirements of the act or any rules or regulations that are promulgated under the act if the board is still required to pay the award on behalf of the owner or trainer.