

SENATE, No. 2290

STATE OF NEW JERSEY

INTRODUCED DECEMBER 1, 1997

By Senators PALAIA and CODEY

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.

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

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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 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. In addition, a trainer who otherwise
21 would be considered an employee of the owner pursuant to
22 R.S.34:15-1 et seq. is a horse racing industry employee for the
23 purposes of this act.

24 (cf: P.L.1995, c.329, s.3)

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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

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

Matter underlined thus is new matter.

1 to be paid and establish by regulation the method of assessing and
2 collecting these moneys. Owners and trainers shall be assessed
3 separately for the cost of insurance or self-insurance attributable to the
4 respective horse racing industry employees of owners and trainers.
5 Assessments to pay the cost of insurance or self-insurance attributable
6 to horse racing industry employees employed by owners shall include,
7 but shall not be limited to, deductions from gross overnight purses
8 paid to owners, so long as such deductions do not exceed 3% of such
9 purses, and additional assessments may be collected from horse
10 owners as needed. Track owners shall not be assessed for such costs.

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

20 (cf: P.L.1995, c.329, s.6)

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

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

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

44 c. With respect to horse racing industry employees, the
45 requirements of R.S.34:15-1 et seq. regarding the provision of
46 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 the
4 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 act
7 or any rule or regulation promulgated hereunder, then the board shall
8 be entitled to collect from that owner or trainer any assessment which
9 was not paid but which should have been paid by that owner or trainer
10 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.1995, c.329, s.7)

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19 4. This act shall take effect immediately.

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22 STATEMENT

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24 The New Jersey Horse Racing Injury Compensation Board was
25 established by P.L.1995, c.329 (C.34:15-129 et seq.) to provide
26 workers' compensation insurance coverage to certain racing industry
27 employees (jockeys, apprentice jockeys, exercise riders, drivers and
28 driver-trainers) employed by horse owners. The law addressed
29 difficulties which, due to the unique nature of the racing industry, had
30 arisen in regard to providing coverage to these employees.

31 This bill would extend the coverage provided through the board to
32 additional backstretch employees by requiring the board to also cover
33 an assistant trainer, stable employee, or any other person licensed by
34 the New Jersey Racing Commission, who is the employee of an owner
35 or a trainer and engaged in performing services in connection with the
36 exercising or racing of a horse in New Jersey. Owners and trainers
37 would be assessed separately for the cost of insurance or self-
38 insurance attributable to the respective employees of owners and
39 trainers. The thoroughbred and standardbred industries would
40 continue to be assessed separately.

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44 Extends workers' compensation coverage provided through the New
45 Jersey Horse Racing Injury Compensation Board to additional
46 backstretch employees.