

**TITLE 3: TAXATION**  
**CHAPTER 2: GROSS RECEIPTS TAXES**  
**PART 128: EXEMPTION - GROSS RECEIPTS TAX - PURSES AND JOCKEY REMUNERATION**  
**AT NEW MEXICO RACETRACKS - RECEIPTS FROM GROSS AMOUNTS WAGERED**

**3.2.128.1 ISSUING AGENCY:** Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630  
[11/15/96; 3.2.128.1 NMAC - Rn, 3 NMAC 2.40.1, 5/15/01]

**3.2.128.2 SCOPE:** This part applies to horsemen, jockeys, trainers of horses and racetracks.  
[11/15/96; 3.2.128.2 NMAC - Rn, 3 NMAC 2.40.2, 5/15/01]

**3.2.128.3 STATUTORY AUTHORITY:** Section 9-11-6.2 NMSA 1978.  
[11/15/96; 3.2.128.3 NMAC - Rn, 3 NMAC 2.40.3, 5/15/01]

**3.2.128.4 DURATION:** Permanent.  
[11/15/96; 3.2.128.4 NMAC - Rn, 3 NMAC 2.40.4, 5/15/01]

**3.2.128.5 EFFECTIVE DATE:** 11/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.  
[11/15/96; 3.2.128.5 NMAC - Rn, 3 NMAC 2.40.5 & A, 5/15/01]

**3.2.128.6 OBJECTIVE:** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Gross Receipts and Compensating Tax Act.  
[11/15/96; 3.2.128.6 NMAC - Rn, 3 NMAC 2.40.6, 5/15/01]

**3.2.128.7 HORSEMEN DEFINED:** The term “horsemen” as used in Section 7-9-40 NMSA 1978 means the owners of race horses that win purse money in races held at New Mexico horse racetracks.  
[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96; 3.2.128.7 NMAC - Rn, 3 NMAC 2.40.7 & A, 5/15/01]

**HISTORY OF 3.2.128 NMAC:**

Pre-NMAC History:

BOR 67-2, NM Gross Receipts and Compensating Tax Regulations, September 1967, filed 9/29/67.

BOR 69-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12-5-69, filed 12/5/69.

BOR 72-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 3/9/72, filed 3/9/72.

BOR 74-2, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12/15/73, filed 3/20/74.

BOR 76-1, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 7/26/76, filed 7/26/76.

R.D.79-1, Gross Receipts and Compensating Tax Act Regulations, filed 6/18/79.

R.D. Rule No. 82, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/7/82.

R.D. Rule No. 84, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 5/4/84.

TRD Rule No. 9-86, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/2/86.

TRD Rule GR-90, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 11/26/90.

History of Repealed Material: [RESERVED]

NMAC History:

3 NMAC 2.40, Exemption - Gross Receipts Tax - Purses and Jockey Remuneration at New Mexico Racetracks - Receipts from Gross Amounts Wagered, filed 11/4/96.

3.2.128 NMAC, Exemption - Gross Receipts Tax - Purses and Jockey Remuneration at New Mexico Racetracks - Receipts from Gross Amounts Wagered, filed 4/30/2001.