

TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule

LSA Document #18 - ____ (E)

DIGEST

Amends 71 IAC 3-2-9 regarding the judges' list. Amends 71 IAC 4-3-15 regarding pylons. Amends 71 IAC 6-1-3 regarding the claiming procedure. Amends 71 IAC 6.5-1-4 regarding prohibitions (claiming). Amends 71 IAC 7-2-3.5 regarding the fair start pole. Amends 71 IAC 7-3-4 regarding the prohibition against conversing. Amends 71 IAC 8-2-6 regarding penalties. Amends 71 IAC 14.5-5-1 regarding Indiana bred or foaled preference. Effective upon filing with the Publisher.

SECTION 1. 71 IAC 3-2-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-2-9 Judge's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) The judges shall maintain a judge's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race, if on the list for breaks, unless finishing first, second, or third. Two (2) year old non-wagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- (6) Being scratched sick or lame in two (2) consecutive programmings.
- (7) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (8) Poor performance while competing in a race followed by a break later in that race.

(b) Horses racing at all county fair race tracks that return to pari-mutuel race tracks to compete ~~shall be bound by the same qualifying and judge's list standards as horses racing at the Indiana pari-mutuel tracks~~ **must have a clean charted line in qualifying time within thirty (30) days or they must requalify.** Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track, except as indicated in the conditions of the Indiana sires stakes.

(c) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race track may be allowed to compete in "paid in events" if they have a clean line in qualifying time in the last thirty (30) days (race date to race date) unless declared ineligible under subsection (f) or (g).

(d) The judges may place a horse on the judge's list when there exists a question as to the exact

identification, ownership, or trainer of a horse.

(e) A horse may not be released from the judge's list without permission of the judges.

(f) Qualifying standards shall not be waived for non-Indiana late closers, Indiana sire stakes finals, late closer finals, and all "paid in events" if there exists a compromise with the health and safety of the participants in those races.

(g) Horses that are placed on the vet's or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the vet or starter, shall not be eligible to race under subsection (c). (*Indiana Horse Racing Commission; 71 IAC 3-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; emergency rule filed Jun 10, 2016, 11:11 a.m.: 20160615-IR-071160257ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA)*)

SECTION 2. 71 IAC 4-3-15 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4-3-15 Pylons

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) If, at a race track which has pylon demarcations, a horse or the horse's sulky leaves the course by brushing, running over, and/or going inside of the pylons, that horse may be penalized by a ~~disqualification~~ **a placing, if in the opinion of the judges:**

- (1) it gave the horse an unfair advantage over other horses in the race;
 - (2) it helped the horse improve its position in the race; or
 - (3) the driver goes inside the pylons and does not immediately correct position.
- (b) Horses using the inside to pass must have complete clearance of the pylons.

(c) Drivers striking pylons but not gaining an unfair advantage may be fined.

(d) When an act of interference causes a horse or part of the horse's sulky to be in violation of these rules and the horse is disqualified, the offending horse shall be placed behind the horse with which it interfered.

(e) Pylons shall be spaced consistently and shall be:

(1) Thirty (30) inches above ground level;

(2) At a thirty (30) degree angle, facing inward to the track surface on the turns;

(3) Forty (40) feet apart on the turns; and

(4) Sixty (60) feet apart on the straightaway. *(Indiana Horse Racing Commission; 71 IAC 4-3-15; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1912; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

SECTION 3. 71 IAC 6-1-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-1-3 Claiming procedure

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant or his authorized agent prior to placing it and the necessary transfer fees in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

(f) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(g) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

(1) a photostatic copy of the check presented;

(2) written detailed information to include:

(A) the name of the claimant;

- (B) the bank;
- (C) the branch;
- (D) the account number; and
- (E) the drawer of any checks; or
- (3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(h) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(i) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges or their designee, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

- (j) Upon determining that a claim is valid, the judges shall notify the paddock judge of:
- (1) the name of the horse claimed;
 - (2) the name of the claimant; and
 - (3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race. A horse entered in a claiming race cannot be sold or transferred until the completion of the race.

(l) A horse entered in a claiming race cannot be scratched from a claiming race for the purpose of being sold privately.

(m) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hobbles or any other equipment he deems necessary.

(n) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

(o) A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
- (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
- (3) be sold or transferred to anyone;

for a period of sixty (60) days unless reclaimed out of another claiming race.

(p) The claiming price shall be paid to the owner at the time of entry for the race from which the horse was claimed only when the successful claimant is not in pending status by the USTA, the judges are satisfied that the claim is valid, and the successful claimant is recognized as the owner of record.

(q) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(r) Mares and fillies that are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(s) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(t) If the post-race serum or plasma sample of the horse contains cobalt in excess of the threshold established in 71 IAC 8-1-9, the claimant will be notified of the test result and he or she may, within forty-eight (48) hours of notification, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(u) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
- (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
- (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

~~(v) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier of:~~

- ~~(1) a period of sixty (60) days; or~~
- ~~(2) the conclusion of the last standardbred race meet under the jurisdiction of the Indiana horse racing commission in that year.~~

~~(w)~~ Notwithstanding the provisions of subsection (u), a claimed horse shall be allowed to compete out of state while on the sixty (60) day hold period in any stake, or early and late closer, it is listed as being paid prior to the claim. (*Indiana Horse Racing Commission; 71 IAC 6-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon*

filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014)

SECTION 4. 71 IAC 6.5-1-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6.5-1-4 Prohibitions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(e) A person shall not file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed.

(g) For a period of thirty (30) days after a claim, a horse shall not start in a race in which the determining eligibility price is less than the price at which it was claimed. The day claimed shall not count for purposes of counting the applicable thirty (30) day period, and for this purpose the immediate following calendar day after the day claimed shall be the first day. The horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim for any claiming price.

~~(h) No horse claimed out of a claiming race shall race outside of the state of Indiana for a period of sixty (60) days without the permission of the stewards and racing secretary, or until the conclusion of the race meet. (Indiana Horse Racing Commission; 71 IAC 6.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Apr 30, 2010, 1:34 p.m.: 20100505-IR-071100256ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-~~

071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA)

SECTION 5. 71 IAC 7-2-3.5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-2-3.5 Fair start pole

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3.5. (a) There shall be a pole erected ~~330~~ **280** feet in front of the starting pole.

(b) The pole must:

(1) have written on it "FAIR START POLE"; and

(2) be approved by the executive director or judges.

(c) If a horse does not reach the fair start pole before the field is released at the start, the judges shall display the "inquiry" sign immediately.

(d) Any horse not reaching the fair start pole before the starter releases the horses at the starting pole shall be declared a nonstarter for wagering purses. All monies wagered on that horse shall be refunded.

(e) All drivers must make a reasonable effort to reach the fair start pole.

(f) Any horse which fails to reach the fair start pole more than one (1) time in a calendar year may be placed on the qualifying list. (*Indiana Horse Racing Commission; 71 IAC 7-2-3.5; emergency rule filed Jul 23, 2015, 3:19 p.m.: 20150729-IR-071150238ERA*)

SECTION 6. 71 IAC 7-3-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-4 Shall not converse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) Drivers and grooms shall not converse or otherwise exchange information with anyone outside the paddock after they have entered therein, except on permission from the paddock judge, and they shall be disciplined for any breach of this section.

(b) After leaving the paddock for the post parade, drivers shall not converse with anyone while on the track. This shall apply until the race is finished and horses and drivers return to the paddock. (*Indiana Horse Racing Commission; 71 IAC 7-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

SECTION 7. 71 IAC 8-2-6 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-2-6 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. ~~(a) The trainer or responsible party shall receive a warning for the first violation of this rule. No ruling shall be issued for the first violation of this rule.~~

~~(b)~~ The judges shall consider 71 IAC 2-11-1 when determining the penalty for a licensee who commits a ~~second or subsequent~~ violation of this rule or a comparable rule in another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 8-2-6; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503;*

emergency rule filed Apr 17, 1995, 4:15 p.m.: 18 IR 2278; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

SECTION 8. 71 IAC 14.5-5-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 14.5-5-1 Indiana bred or foaled preference

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A registered Indiana bred or foaled that receives a R-date or an E-date will receive starter preference over a non-Indiana bred or foaled with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred or foaled stake races excepted. Indiana bred or foaled will not receive starter preference over non-Indiana bred or foaled with better R-dates, E-dates, or zero-dates.

~~(b) A registered Indiana bred that enters or races in an open race will retain their previous Indiana bred preference date when returning to a restricted Indiana bred race. Such a horse, when entering in consecutive open races, shall retain the preference date of its most recent open race. (Indiana Horse Racing Commission; 71 IAC 14.5-5-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3035; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed May 16, 2012, 2:15 p.m.: 20120523-IR-071120267ERA)~~