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**TITLE 71 INDIANA HORSE RACING
COMMISSION**

LSA Document #02-96(E)

DIGEST

Amends 71 IAC 3-2-9 concerning a judge's list. Amends 71 IAC 3-10-1 concerning general authority for a patrol judge. Amends 71 IAC 5-3-3 concerning other responsibilities for licensees. Amends 71 IAC 6-1-2 concerning prohibitions on claims in claiming races. Amends 71 IAC 7-1-26 concerning notice in writing for entries and scratches. Amends 71 IAC 7-1-28 concerning qualifying races for entries and scratches. Amends 71 IAC 7-3-9 concerning rules of the race for listing or replacing a driver. Amends 71 IAC 7-3-13 concerning rules of the race for whip restriction. Amends 71 IAC 7-3-16 concerning rules of the race for breaking. Amends 71 IAC 7-3-25 concerning rules of the race for disorderly conduct. Amends 71 IAC 8-5-7 concerning prohibition of presence in paddock and barn area. Amends 71 IAC 8-11-3 concerning the prohibition of alcohol and penalties. Effective March 27, 2002.

71 IAC 3-2-9
71 IAC 3-10-1
71 IAC 5-3-3
71 IAC 6-1-2
71 IAC 7-1-26
71 IAC 7-1-28

71 IAC 7-3-9
71 IAC 7-3-13
71 IAC 7-3-16
71 IAC 7-3-25
71 IAC 8-5-7
71 IAC 8-11-3

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 which 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 unless finishing 1st, 2nd, or 3rd. Two (2) year old nonwagering 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 following a qualifying race.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Failing to go in qualifying time in two (2) consecutive starts.
- (6) Making breaks in two (2) consecutive starts unless finishing 1st, 2nd, or 3rd in one (1) of the two (2).
- (7) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- (8) Scratched sick or lame, having failed to go in qualifying time in a previous or subsequent start to that scratch.**
- (9) Scratched sick or lame in a race previous or subsequent to a break line.**
- ~~(8)~~ **(10) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing 1st, 2nd, or 3rd.**

(b) (1) A horse showing a satisfactory line in one (1) of its last two (2) starts or its last start at a pari-mutuel track prior to racing at a county fair track, the county fair lines will not be considered towards its eligibility to return to the pari-mutuel track. Notwithstanding the above satisfactory line, at the pari-mutuel track, must be within its last six (6)

programmed lines but within thirty (30) days of the pari-mutuel start (race date to race date).

(2) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set.

(c) The judges may place a horse on the judge's list when there exists a question as to the exact identification or ownership of a horse.

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

SECTION 2. 71 IAC 3-10-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-10-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The patrol judge ~~when utilized~~, is responsible for observing the race and reporting information concerning the race to the judges. ~~If the track's video replay system is deemed adequate by the commission, use of a patrol judge is optional.~~ (*Indiana Horse Racing Commission; 71 IAC 3-10-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; 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*)

SECTION 3. 71 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-3-3 Other responsibilities

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

- (1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.
- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:
 - (A) name;
 - (B) occupation;
 - (C) Social Security number; and
 - (D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate which shall be filed with the racing secretary.
- (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
- (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
- (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing

secretary, whose office shall note such alteration on the USTA electronic eligibility.

(13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.

(14) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.

(15) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the commission veterinarian and compliance with 71 IAC 8 governing postmortem examinations.

(16) Maintaining a knowledge of the medication record and status of all horses in his or her care.

(17) Immediately reporting to the judges and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

(18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(19) Horses entered as to eligibility.

(20) Ensuring the fitness of a horse to perform creditably.

(21) Ensuring that his or her horses are properly shod, bandaged, and equipped.

(22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

(23) Personally attending to his or her horses in the paddock ~~unless excused by the judges~~ **or designate** [*sic., designating*] **a licensee to attend to the horse in the paddock.**

(24) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.

(25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.

(26) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on his or her horse indicating levels in violation of 71 IAC 8.

(27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.

(28) Guard and protect all horses in his or her care.

(29) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.

(30) Determine the training regimen of all horses in his or her care.

(31) Reporting at time of entry if his or her horse will be racing with a nasal strip.

(32) Ensuring that electronic eligibility are [*sic., is*] registered with the USTA prior to entry in a race or qualifying race.

(b) Upon application by the owner, the judges may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

(c) No trainer shall assign any of his or her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his or her active care, custody, and supervision.

(e) No trainer shall practice his profession except under his or her own name. (*Indiana Horse Racing Commission; 71 IAC 5-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; 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 Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; 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 Mar 27, 2002, 10:25 a.m.: 25 IR 2535*)

SECTION 4. 71 IAC 6-1-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-1-2 Prohibitions on claims

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A person shall not:

- (1) claim, directly or indirectly, his or her own horse or a horse trained or driven by him or her; or
- (2) cause such horse to be claimed directly or indirectly for his or her own account.

(b) A person shall not directly or indirectly:

- (1) offer to claim or not to claim;
- (2) enter into an agreement to claim or not to claim; or
- (3) attempt to prevent another person from claiming; any horse in a claiming race.

(c) A person shall not have more than one (1) claim on any one (1) horse in any claiming race. **However, owners utilizing the same trainer may claim different horses from the same race.**

(d) A person shall not claim more than one (1) horse in a race. **However, owners utilizing the same trainer may claim different horses from the same race.**

(e) A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims, a procedure known as protection claims. (*Indiana Horse Racing Commission; 71 IAC 6-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536*)

SECTION 5. 71 IAC 7-1-26 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-26 Notice in writing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 26. No horse shall be considered scratched from a race for lameness or sickness until a scratch slip, signed by a veterinarian, is presented to the judges and approved. **Veterinarians shall report medical scratches to the judges immediately after diagnosis.** (*Indiana Horse Racing Commission; 71 IAC 7-1-26; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536*)

SECTION 6. 71 IAC 7-1-28 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-28 Qualifying races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 28. Declarations for qualifying races shall be governed by the following:

- (1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
- (2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
- (3) A horse that does not meet the time qualifying standards in one (1) of its last two (2) starts must qualify.
- (4) Horses racing with or without hobbles for the first time must qualify.
- (5) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.
- (6) If a horse takes a win record in a qualifying race, that record must be prefaced with ~~the letter a~~ "Q". The record will not be considered official unless the horse is post race tested (urine and blood).
- (7) The judges may permit free-for-all ~~preferred~~ or invitational class horses to go a timed workout consistent with the time it will race in competition in place of a qualifying race.

(*Indiana Horse Racing Commission; 71 IAC 7-1-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536*)

SECTION 7. 71 IAC 7-3-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-9 List or replace driver

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) Every owner or trainer shall, if possible, upon making entry, furnish the name of the driver who will drive his or her horse, but, if this is not possible, the name must be furnished at a time designated by the judges.

(b) If an owner or trainer does not name a driver for its entered horse by the time designated by the judges, the judges shall select and name a competent driver to drive that horse.

(c) The judges may replace any driver with a driver of their selection for cause or on suspicion of fraudulent practices or attempts. Any such action shall be reported by the judges to the commission with reason ~~therefor~~: **therefore**.

(d) A driver must fulfill his obligation to drive when programmed unless excused by the judges. (*Indiana Horse Racing Commission; 71 IAC 7-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3131, 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.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536*)

SECTION 8. 71 IAC 7-3-13 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-13 Whip restriction

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) Drivers will be allowed whips not to exceed three (3) feet, nine (9) inches, plus a snapper not longer than six (6) inches.

(b) The whip, including the snapper, may make contact only above and between the shafts.

(c) Provided, further, that the following actions may be considered as excessive or indiscriminate use of the whip:

(1) Causing visible injury, including bleeding **and/or welts**.

(2) Whipping a horse after a race.

(3) Whipping a horse that is exhausted or not in contention.

~~(4) Whipping under the arch and shaft.~~

~~(5) Any other act that the judges deem inhumane.~~

(4) Allowing the whip hand to pass behind the shoulder.

(5) Excessive use of the whip.

~~(b)~~ **(d)** Drivers shall keep a line in each hand from the start of the race until the top of the homestretch finishing the race. (*Indiana Horse Racing Commission; 71 IAC 7-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, 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.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537*)

SECTION 9. 71 IAC 7-3-16 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-16 Breaking

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. (a) When any horse or horses break from their gait in trotting or pacing, their driver shall at once, where clearance exists, take such horse either to the inside or outside and pull it to its gait.

(b) The following shall be considered violations of subsection (a):

- (1) Failure to properly attempt to pull a horse to its gait.
- (2) Failure to take to the inside or outside where clearance exists.
- (3) Failure to lose ground by the break.
- (4) An extended break.

(c) If there has been no failure on the part of the driver in complying with subsection (a), the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one (1) or more places if in their judgment any violations as established in subsections **subsection** (b) or (c) have been committed.

(e) Any horse making a break which causes interference with other contesting horses shall be placed behind all horses interfered with **unless the judges determine that a driver of a trailing horse did not exercise reasonable alertness in avoiding the situation.** (*Indiana Horse Racing Commission; 71 IAC 7-3-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537*)

SECTION 10. 71 IAC 7-3-25 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-25 Disorderly conduct

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 25. The following shall constitute disorderly conduct and be reason for any penalty of a driver or trainer as provided by these rules:

(1) Failure to obey the judges' orders that are expressly authorized by these rules.

~~(2) Failure to drive when programmed unless excused by the judges.~~

~~(3) (2) Appearing in the paddock in an unfit condition to drive.~~

~~(4) (3) Fighting.~~

~~(5) (4) Assaults.~~

~~(6) (5) Offensive and profane language.~~

~~(7) (6) Smoking on the track in silks during actual racing hours.~~

~~(8) (7) Warming up a horse prior to racing without silks.~~

~~(9) (8) Disturbing the peace.~~

~~(10) (9) Refusal or failure to take a breath test when directed to do so under to 71 IAC 8-11-12 [sic., 71 IAC 8-11-2].~~

(Indiana Horse Racing Commission; 71 IAC 7-3-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537)

SECTION 11. 71 IAC 8-5-7 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-5-7 Prohibition of presence in paddock and barn area

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. The commission or, upon delegation, the executive director, may establish a time on race days by which all practicing veterinarians must be out of the paddock and barn area. The executive director or the judges may make policies for exceptions to this provision for emergencies, ~~last~~ **salix** administration, and other appropriate reasons. (*Indiana Horse Racing Commission; 71 IAC 8-5-7; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2538*)

SECTION 12. 71 IAC 8-11-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-11-3 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood is subject to the following sanctions:

(1) A driver shall not be permitted to drive and shall be **summarily** suspended under the rules of the commission **and subject to**

(2) A judge, a starter, an assistant starter, or a driver of the starting gate shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.

(3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.

(4) any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The judges may relieve a licensee of any duties for that day should that person show a reading between one-hundredths of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the judges of any reading of one-hundredths [*sic.*, one-hundredth] of one percent (0.01%) or and [*sic.*] above. (*Indiana Horse Racing Commission; 71 IAC 8-11-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2538*)

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