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**TITLE 71 INDIANA HORSE RACING
COMMISSION**

LSA Document #05-115(E)

DIGEST

Amends 71 IAC 3-2-9 concerning the judge's list. Amends 71 IAC 3-3-11 concerning cancellation of a race. Amends 71 IAC 3-4-1 concerning general authority. Amends 71 IAC 3-11-1 concerning general authority. Amends 71 IAC 5-3-1 concerning eligibility. Amends 71 IAC 6-1-3 concerning claiming procedure. Adds 71 IAC 6-1-4 concerning excusing claimed horse. Amends 71 IAC 7-1-29 concerning declaration to start and drawing horses. Amends 71 IAC 7-3-7 concerning driving rules. Amends 71 IAC 7-3-13 concerning whip restriction. Amends 71 IAC 7-3-18 concerning time for lapped on breaks. Amends 71 IAC 7-3-29 concerning horse also suspended. Adds 71 IAC 7-3-36 concerning equipment presentation. Amends 71 IAC 7-5-1 concerning disorderly conduct; all licensees. Amends 71 IAC 7-5-2 concerning improper language. Amends 71 IAC 13.5-3-3 concerning out-of-state breeder's awards. Repeals 71 IAC 3-7-3 concerning recommend disciplinary action. Effective May 10, 2005.

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|----------------------|------------------------|
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| 71 IAC 3-3-11 | 71 IAC 7-3-13 |
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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 unless finishing first, second, or third. 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) Failure to go in qualifying time in two (2) consecutive starts.
- (6) Failure to go in qualifying time previous or subsequent to a break line.
- (7) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- (8) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- (9) Scratched sick or lame, having failed to go in qualifying time in a previous or subsequent start to that scratch.
- (10) Scratched sick/lame in a race previous or subsequent to a break line.
- (11) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.

(b) 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 an Indiana county fair half-mile track, the aforementioned 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).

(c) 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 within the last thirty (30) days (race date to race date).

(d) 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.

(e) 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.

(f) A horse that has been the subject of a finding by a commission-approved laboratory that the antibody of erythropoietin or darbepoietin was present in the sample taken from the horse shall be placed on the judge's list. Such horse shall not be released from the judge's list unless and until it has tested negative by a commission-approved laboratory for the antibody of erythropoietin or darbepoietin.

(g) 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; 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)*

SECTION 2. 71 IAC 3-3-11 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-3-11 Cancellation of a race

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. If track conditions are questionable for the warming up or racing of horses, the judges shall convene a meeting with representatives of the drivers and trainers and a representative of association management. If required by the judges, the representatives of the drivers and trainers shall conduct a secret ballot of ask for a vote from the drivers and trainers of horses participating in that program of racing to determine whether racing should be conducted. ~~the races in question and the majority shall rule. If the vote of the drivers and trainers determines that more than fifty percent (50%) vote against racing, the card shall be cancelled. If more than fifty percent (50%) and less than seventy-five percent (75%) vote to race, trainers will be allowed to withdraw horses, and drivers will be allowed to refuse to drive without penalty. If more than seventy-five percent (75%) vote to race, the regular rules of withdrawal and scratching of horses will apply.~~ This subsection *[sic., section]* does not prevent the association management from cancelling the canceling races due to track or weather conditions or other unavoidable causes without consultation with the judges and the horsemen's representative. **Furthermore, the races may not be delayed longer than forty-five (45) minutes from the scheduled time.** *(Indiana Horse Racing Commission; 71 IAC 3-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746)*

SECTION 3. 71 IAC 3-4-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-4-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The paddock judge shall be responsible for the following:

- (1) Ensuring that the horses are on the race track for post parades in accordance with the schedule issued by the judges.
- (2) Inspection of horses for changes of equipment, broken or faulty equipment, and head numbers.

- (3) Supervision of paddock gate operators.
- (4) Proper check-in and check-out of horses and drivers.
- (5) Direction of the activities of the paddock horseshoer.
- (6) Ensuring that only sulkies **and equipment** approved by the commission are allowed on the track during warm-ups and racing. *(Indiana Horse Racing Commission; 71 IAC 3-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; 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 May 10, 2005, 3:20 p.m.: 28 IR 2746)*

SECTION 4. 71 IAC 3-11-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-11-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The track shall insure that the proof provided by its program director is responsible for furnishing the public and sent to outside sources for the purpose of printing its program for live racing contains only the information sent by the program director in a complete and accurate form. The past performance lines and information contained in the simulcast program shall be identical to that in the live racing program. If inaccuracies occur, the judges and/or executive director may scratch the horse in question or have that race contested as a nonwagering event. *(Indiana Horse Racing Commission; 71 IAC 3-11-1; 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 May 10, 2005, 3:20 p.m.: 28 IR 2746)*

SECTION 5. 71 IAC 5-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-3-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

(1) be at least eighteen (18) years of age;

(2) shall hold a currently valid trainer's license issued by the USTA or CTA;

~~(2) (3) be qualified, as determined by the judges or other commission designee, by reason of experience, background, and knowledge of racing. A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:~~

~~(A) A written examination.~~

~~(B) An interview or oral examination.~~

~~(C) A demonstration of practical skills in a barn test.~~

(b) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills administered by the ~~USTA, prior to being licensed as a trainer.~~ **USTA/CTA or their designee.** *(Indiana Horse Racing Commission; 71 IAC 5-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746)*

SECTION 6. 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 ~~or clerk of course~~ 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. ~~No official~~ **The judges shall give any 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 filed until made on a horse during the post parade. The successful claimant will be announced after the completion of the race.**

~~(f) It shall be the responsibility of the association to ensure that all such claim envelopes are delivered unopened or otherwise undisturbed to the judges prior to the race from which the claim is being made. The association shall provide for an agent who shall, immediately after closing, deliver the claim box to the judges' stand.~~

~~(g)~~ (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.

~~(h)~~ (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.

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

~~(j)~~ (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.

~~(k)~~ (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.

~~(l)~~ (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.

~~(m)~~ (l) 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)~~ **(m)** 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)~~ **(n)** 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 thirty (30) days unless reclaimed out of another claiming race.

~~(p)~~ **(o)** The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration has been received by the racing secretary for transfer to the new owner.

~~(q)~~ **(p)** 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)~~ **(q)** Mares and fillies who 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)~~ **(r)** 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)~~ **(s)** 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.

~~(u)~~ **(t)** No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:

- (1) a period of thirty (30) days; or
- (2) the conclusion of the race meeting from which it was claimed;

without the permission of the judges. (*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*)

SECTION 7. 71 IAC 6-1-4 IS ADDED TO READ AS FOLLOWS:

71 IAC 6-1-4 Excusing claimed horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. If a horse in a claiming race is scratched by the judges for any reason, including being declared a non-starter, any claims on the said horse is *[sic., are]* void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched from. The rule shall apply for a period of thirty (30) days from the date of the race in which the horse was scratched or declared a nonstarter or the end of the meet. This rule shall not include horses scratched due to entry error or ineligibility, which is verified by the race office. (*Indiana Horse Racing Commission; 71 IAC 6-1-4; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748*)

SECTION 8. 71 IAC 7-1-29 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-29 Declaration to start and drawing horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 29. (a) The permit holder shall provide a locked box with an aperture through which declarations shall be deposited. With the approval of the judges, the racing secretary or his designee may open the entry box.

(b) No owner, trainer, or agent for a horse with a declaration in the entry box shall be denied the privilege of being present when the box is open.

(c) The racing secretary responsibilities shall include:

- (1) all entries shall be listed;
- (2) the eligibility verified;
- (3) preference ascertained; and
- (4) starters selected.

(d) If it is necessary to reopen any race, public announcement shall be made at least twice.

(e) The judges shall conduct the draw for post positions along with a representative of the horsemen.

(f) Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone, and telegraph declarations must contain all information required by the racing secretary. It shall be the responsibility of the racing secretary to see that such entries are signed by the person receiving such entries.

(g) When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(h) After declarations to start have been made, no horse shall be withdrawn from the race except by permission of the judges. A fine or suspension, or both, shall be imposed for drawing a horse without permission, and the penalty shall apply to both the horse and the party who violates this rule.

(i) In all races, drawings shall be final unless there is conclusive evidence that an entry was timely received by the racing office and was omitted from the race through the error of the association, the commission, or its agents or employees in which event the race shall be redrawn, provided the error is discovered prior to scratch time.

~~(j) Declarations shall state who shall drive the horse. Drivers may be changed until scratch time.~~ *(Indiana Horse Racing Commission; 71 IAC 7-1-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1156; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3129, 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 2106; 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 May 10, 2005, 3:20 p.m.: 28 IR 2748)*

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

71 IAC 7-3-7 Driving rules

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse

behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.

- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act which shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- (12) Whip under the arch of the sulky.
- (13) Kick the horse or brush hindquarters or legs with the foot.
- (14) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed.
- (15) Cross the inside limits of the course.
- (16) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) In case of interference, collision, or violation of any of the restrictions in subsections (a) and (b), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined, suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered.

(d) If there be any purse money for which horses have started but were unable to finish due to interference and/or an accident, all unoffending horses who did not finish will share equally in such purse money.

(e) Every heat in a race must be contested by every horse in the race, and every horse must be driven to the finish. If the judges believe that a horse:

- (1) is being driven or has been driven with intent to prevent winning a heat or dash which the horse was evidently able to win; or
 - (2) is being raced in an inconsistent manner or to perpetrate or to aid a fraud;
- the judges shall consider it a violation and the driver, and anyone acting in concert with the driver to so affect the outcome of the race or races, may be suspended or referred to the commission. The judges may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.

(f) The judges may impose a penalty not to exceed a suspension of sixty (60) days or a fine of one thousand dollars (\$1,000), or both, or refer the matter to the commission if a driver commits any of the following violations:

- (1) In the event a drive is unsatisfactory due to lack of effort or carelessness despite the judges' belief that there is no fraud, gross carelessness, or a deliberate inconsistent drive.
- (2) In the event the driver shall rein in before crossing the finish line or shall fail to use his or her utmost exertion to obtain a winning performance from the horse driven by him or her.
- (3) In the event a driver shall fail to set or maintain a pace or trot comparable to the class in which he or she is racing. In the event a penalty is placed on a driver under this subsection, the horse may be placed on the judges' list and may not be removed therefrom until it goes in a qualifying race and qualifies in a time comparable to the class of the horse.

(4) Drive a horse in such a manner as to have it remain classified or eligible to the same or easier condition.

(Indiana Horse Racing Commission; 71 IAC 7-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed

Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, 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 2108; 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 May 10, 2005, 3:20 p.m.: 28 IR 2749)

SECTION 10. 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) The whip hand shall not pass behind the shoulder.

(d) Drivers are not allowed to lay back in the sulky to gain more leverage with the whip.

(e) 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) Excessive use of the whip.

(f) Drivers shall keep a line in each hand from the start of the race until the top of the homestretch finishing the race.

(g) Sticking any part of the whip including the butt end under the tail or between the legs is prohibited. *(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; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750)*

SECTION 11. 71 IAC 7-3-18 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-18 Time for lapped on breaks

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 18. The leading horse shall be timed, and its time only shall be ~~announced~~ **posted**. No horse shall obtain a win race record by reason of the disqualification of another horse unless ~~a horse is declared a winner by reason of the disqualification of a breaking horse on which it was lapped; it complies with 71 IAC 3-9-5.~~ *(Indiana Horse Racing Commission; 71 IAC 7-3-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750)*

SECTION 12. 71 IAC 7-3-29 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-29 Horse also suspended

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 29. (a) If a person is suspended, ruled off, or expelled, every horse owned wholly or in part or leased or trained by that licensee may also be suspended, ruled off, or expelled for the same period of time as the owner or trainer.

(b) Under unusual circumstances or for justifiable reasons, the judges or commission may shorten the period of suspension time for a horse.

(c) With the approval of the judges, an owner whose horses are in the care of a suspended trainer may transfer such horses to another licensed trainer. **Such horses may be required to stable and train on the track.** (*Indiana Horse Racing Commission; 71 IAC 7-3-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751*)

SECTION 13. 71 IAC 7-3-36 IS ADDED TO READ AS FOLLOWS:

71 IAC 7-3-36 Equipment presentation

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 36. Jog carts, sulkies, and other racing equipment must be clean and presentable when on the race track for a live racing program. (*Indiana Horse Racing Commission; 71 IAC 7-3-36; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751*)

SECTION 14. 71 IAC 7-5-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-5-1 Disorderly conduct; all licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The following shall constitute disorderly conduct and be reason for any penalty of any license as provided by these rules:

- (1) Failure to obey the judges' orders.
- (2) Fighting.
- (3) Assaults.
- (4) Offensive and profane language.
- (5) Disturbing the peace.

(6) Carries or exhibits a deadly weapon.

(*Indiana Horse Racing Commission; 71 IAC 7-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751*)

SECTION 15. 71 IAC 7-5-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-5-2 Improper language

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. If any licensed person:

- (1) uses improper language to the racing officials or member of the racing commission or threatens such officials;
- (2) uses profane or indecent language; **or**
- ~~(3) carries or exhibits a deadly weapon; or~~
- ~~(4)~~ **(3)** otherwise disturbs the peace of any race track enclosure;

he or she may be ejected, fined, suspended, or referred to the commission for any penalty provided by these rules. (*Indiana Horse Racing Commission; 71 IAC 7-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751*)

SECTION 16. 71 IAC 13.5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 13.5-3-3 Out-of-state breeder's awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An out-of-state breeder's award is the award paid to the breeder of a registered Indiana bred which wins a race in another

state or Canada. The amount of the award is ten percent (10%) of the winner's share of the purse for any race when entered for a claiming price of greater than seven thousand five hundred dollars (\$7,500). This award is applicable only when there is no live thoroughbred race meet in progress in Indiana (except for stake races **and for two-year-olds winning out-of-state prior to July 1**). Awards will be paid by the commission. Out-of-state breeder's awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 13.5-3-3; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 28, 2003, 2:20 p.m.: 26 IR 1952; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751*)

SECTION 17. 71 IAC 3-7-3 IS REPEALED.

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