
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #10-480(E)

DIGEST

Amends [71 IAC 2-1-1](#) concerning purpose. Amends [71 IAC 5.5-1-26](#) concerning safety vests. Amends [71 IAC 9-4-7](#) concerning pick (n) pools. Amends [71 IAC 13.5-2-3](#) concerning stallion registration. Amends [71 IAC 13.5-3-2](#) concerning breeder's awards. Amends [71 IAC 13.5-3-4](#) concerning stallion owner's awards. Adds [71 IAC 13.5-3-5](#) concerning purse supplement in open races. Amends [71 IAC 13.5-5-1](#) concerning Indiana bred preference. Amends [71 IAC 14.5-2-3](#) concerning stallion registration. Repeals [71 IAC 13.5-3-1](#). Effective July 19, 2010.

[71 IAC 2-1-1](#); [71 IAC 5.5-1-26](#); [71 IAC 9-4-7](#); [71 IAC 13.5-2-3](#); [71 IAC 13.5-3-1](#); [71 IAC 13.5-3-2](#); [71 IAC 13.5-3-4](#); [71 IAC 13.5-3-5](#); [71 IAC 13.5-5-1](#); [71 IAC 14.5-2-3](#)

SECTION 1. [71 IAC 2-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 2-1-1](#) Purpose

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-3](#)

Sec. 1. (a) The commission, created by [IC 4-31-3](#), is charged with implementing, administering, and enforcing the Act. It is the intent of the commission these rules be interpreted in the best interests of the public and the state of Indiana.

(b) Through these rules, the commission intends to encourage:

- (1) agriculture;
- (2) the horse breeding industry;
- (3) the horse training industry;
- (4) the breeding and racing of quality horses;**
- ~~(4)~~ **(5)** tourism; and
- ~~(5)~~ **(6)** employment opportunities;

in the state of Indiana related to horse racing and to control and regulate pari-mutuel wagering in connection with that horse racing to ensure that pari-mutuel wagering on horse races in Indiana will be conducted with the highest of standards and the greatest level of integrity.

(Indiana Horse Racing Commission; [71 IAC 2-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 2. [71 IAC 5.5-1-26](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-26](#) Safety vest

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 26. **Effective July 26, 2010**, any person mounted on a horse or stable pony on the association's racing surface, **all assistant starters, and anyone handling a horse in a starting gate** must wear a safety vest at all times. The safety vest shall have a rating of a least five ~~(5)~~ as defined by the British Equestrian Trade Association (BETA). **must comply with or exceed one (1) of the following minimum standards:**

- (1) British Equestrian Trade Association (BETA): 2000 Level 1.**
- (2) Euro Norm (EN) 12158: 2000 Level 1.**
- (3) American Society for Testing and Materials (ASTM) F2681-08.**
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 2.**
- (5) Australian Racing Board (ARM) Standard 1. 1998.**

(Indiana Horse Racing Commission; [71 IAC 5.5-1-26](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 3. [71 IAC 9-4-7](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 9-4-7](#) Pick (n) pools

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 7. (a) The pick (n) requires selection of the first place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the following:

- (1) The scheduling of pick (n) contests.
- (2) The designation of one (1) of the methods prescribed in subsection (b).
- (3) The amount of any cap to be set on the carryover.

Any changes to the approved pick (n) format require prior approval from the commission.

(b) The pick (n) pool shall be apportioned under one (1) of the following methods:

(1) For pick (n) with carryover, the net pick (n) pool and land carryover, if any, shall be distributed as a single price pool to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. The remainder shall be added to the carryover.

(2) For pick (n) with minor pool and carryover, the major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher of all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. The major share shall be added to the carryover.

(3) For pick (n) with no minor pool and no carryover, the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) For pick (n) with minor pool and no carryover, the major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If the greatest number of first place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) For pick (n) with minor pool and no carryover, the major share of net pick (n) pool shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in all pick (n) contests, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in each of the pick (n) contests. If there are no winning wagers, the pool is refunded.

(6) For pick (n) with minor pool and carryover with a unique wager, the entire net pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest

number of pick (n) contests, and the major shall be added to the carryover.

(c) If there is a dead heat for first in any of the pick (n) contests involving:

- (1) contestants representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred; or
- (2) contestants representing two (2) or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(d) Should a betting interest in any of the pick (n) contests, **without a unique wager**, be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination. **Should a betting interest in any pick (n) contest with a unique wager be scratched, all tickets sold containing the scratched horse shall be refunded. The money thus refunded will be deducted from the gross pool.**

(e) The pick (n) pool shall be canceled and all pick (n) wagers for the individual performance shall be refunded if:

- (1) at least two (2) contests included as part of a pick 3 are canceled or declared no contest;
- (2) at least three (3) contests included as part of a pick 4, pick 5, or pick 6 are canceled or declared no contest;
- (3) at least four (4) contests included as part of a pick 7, pick 8, or pick 9 are canceled or declared no contest; or
- (4) at least five (5) contests included as part of a pick 10 are canceled or declared no contest.

(f) If at least one (1) contest included as part of a pick (n) is canceled or declared no contest, but not more than the number specified in subsection (e), the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.

(g) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under this rule. After the pick (n) carryover is frozen, one hundred percent (100%) of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) contests for that performance.

(h) A written request for permission to distribute the pick (n) carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

(i) Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place finisher in each of the pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests. The pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (h).
- (2) Upon written approval from the commission when:
 - (A) there is a change in the carryover cap;
 - (B) there is a change from one (1) type of pick (n) wagering to another; or
 - (C) the pick (n) is discontinued.
- (3) On the closing performance of the meet or split meet.

(j) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a

subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and performance so designated by the commission.

(k) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(l) Providing information to any person regarding:

- (1) covered combinations;
- (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of live tickets remaining;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(m) The association may suspend previously approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific performances.

(Indiana Horse Racing Commission; [71 IAC 9-4-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1188; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 4. [71 IAC 13.5-2-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-2-3](#) Stallion registration

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 3. (a) In order to register a stallion with the commission, a completed application must be:

- (1) filed with the commission on or before ~~February 4~~ **October 15** of each year; and
- (2) a current copy of the front and back of the stallion's Jockey Club papers along with lease agreements are to be included with the registration.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1). **A stallion may arrive in Indiana after the February 1 deadline, but may only be registered if the stallion has not covered any mares during the same year. The stallion must remain in Indiana for the remainder of the breeding season.**

(c) An application must be filed every year.

(d) There will be a ~~one two~~ **two hundred fifty** dollar ~~(\$100)~~ **(\$250)** late fee for all applications filed after the deadline. **The late fee will be waived for new stallions which are standing for the first time in Indiana.**

(e) Stallions registering after the October 15 deadline must be registered prior to covering any mares for that year.

~~(e)~~ **(f)** Only those stallions standing in Indiana and properly registered with the Indiana horse racing commission are eligible for stallion breed development awards.

~~(f)~~ **(g)** A mare's bred report must be on file with the commission by August 1 of each year.

(Indiana Horse Racing Commission; [71 IAC 13.5-2-3](#); emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

[20070404-IR-071070030RFA](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 5. [71 IAC 13.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-3-2](#) Breeder's awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) A breeder award means the award is paid to the breeder of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana.

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the foal application. It is the responsibility of the designated recipient to distribute monies to the remaining breeders.

(c) The amount of the award in ~~restricted~~ races at a licensed pari-mutuel track in Indiana is twenty percent (20%) of the gross purse for all stake, allowance (including Maiden Special Weight), and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(d) ~~The amount of the award for any race other than restricted races at a licensed pari-mutuel track in Indiana is twenty five (25%) of the winner's share of the purse for all allowance (including Maiden Special Weights), stakes, and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).~~ The amount of the award shall not exceed fifteen thousand dollars (\$15,000). **The purse supplement earned shall be included in calculating breeder's awards.**

(e) Awards will be paid by the commission.

(Indiana Horse Racing Commission; [71 IAC 13.5-3-2](#); 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 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 6. [71 IAC 13.5-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-3-4](#) Stallion owner's awards

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 4. (a) A stallion owner award is the award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race at a licensed pari-mutuel track located in Indiana.

(b) In the event of multiple stallion owners, the award will be paid to the individual designated as the recipient on the stallion application. It is the responsibility of the designated recipient to distribute monies to the remaining stallion owners.

(c) The amount of the award in ~~restricted~~ races at a licensed pari-mutuel track in Indiana is ten percent (10%) of the gross purse for all stake, allowance, and claiming races when entered for a claiming price of greater than or

equal to ten thousand dollars (\$10,000).

(d) ~~The amount of the award for any race other than restricted races at a licensed pari-mutuel track in Indiana is twelve and one-half percent (12.5%) of the winner's share of the purse for all allowance (including Maiden Special Weights), stakes, and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000). The amount of the award shall not exceed seven thousand dollars (\$7,500) [sic]. The purse supplement earned shall be included in calculating stallion owner's awards.~~

(e) Awards will be paid by the commission.

(f) The award will be paid to the owner or lessee of the registered stallion at time of conception. The stallion must have been registered at time of conception.

(Indiana Horse Racing Commission; [71 IAC 13.5-3-4](#); 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 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 7. [71 IAC 13.5-3-5](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 13.5-3-5](#) Purse supplement in open races

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 5. (a) A purse supplement is to be paid to the owner of an Indiana bred that places first, second, or third in all allowance (including maiden special weights), stakes, and claiming races when entered for a claiming price of greater than or equal to then [sic] thousand dollars (\$10,000).

(b) The award shall be 40% of the purse earned and paid by the association (race track) with track purse funds generated from pari-mutuel handle. The association may, with the approval of the commission, elect to increase the purse supplement.

(Indiana Horse Racing Commission; [71 IAC 13.5-3-5](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 8. [71 IAC 13.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 13.5-5-1](#) Indiana bred preference

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A registered Indiana bred that receives a [sic., an] R-date or an E-date will receive starter preference over a non-Indiana bred with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana breeds, stake races excepted. Indiana breeds will not receive starter preference over non-Indiana breeds 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 preference date when returning to a restricted Indiana bred race.

(Indiana Horse Racing Commission; [71 IAC 13.5-5-1](#); 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; readopted filed Mar 20, 2008, 2:33 p.m.:)

SECTION 9. [71 IAC 14.5-2-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-2-3](#) Stallion registration

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 3. (a) In order to be eligible to register a stallion with the commission, a completed application must be on file with the commission on or before ~~February 4~~ **November 1** of each year.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1).

(c) New stallions arriving late cannot have covered any mares in another state during the same year.

(d) Quarter horse stallions may breed both quarter horse and thoroughbred mares.

(e) Thoroughbred stallions may breed quarter horse mares. Thoroughbred stallions breeding quarter horse mares must be registered in the quarter horse registry.

(f) A stallion must be registered with the commission the year of the foal's conception to be eligible for sire races and stallion awards.

(g) Stallions must be registered each year. Any living or deceased stallion having sired foals while standing in the state of Indiana prior to the year 2001 must have on file with the commission an application covering the years it stood in the state to be eligible for sire races and stallion awards.

(h) Mare's bred reports must be on file with the commission by December 1 of each year.

(i) A copy of lease agreements must accompany the application.

(j) There will be a one hundred dollar (\$100) late fee for all applications filed after the deadline.

(k) This rule in no way restricts the shipment and use of cooled semen.

(l) Only those stallions standing in Indiana and properly registered with the Indiana horse racing commission are eligible for stallion breed development awards.

(Indiana Horse Racing Commission; [71 IAC 14.5-2-3](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 24, 2008, 10:58 a.m.: [20080206-IR-071080056ERA](#), eff Jan 23, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#))

SECTION 10. [71 IAC 13.5-3-1](#) IS REPEALED.

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