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TITLE 71 INDIANA HORSE RACING COMMISSION

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Emergency Rule  
LSA Document #16-257(E)

## DIGEST

Amends [71 IAC 3-2-9](#) regarding the judge's list. Amends [71 IAC 5.5-4-2](#) regarding apprentice jockeys. Amends [71 IAC 6.5-1-2](#) and [71 IAC 6.5-1-3](#) regarding claiming certificates. Amends [71 IAC 7.5-6-3](#) regarding jockey rules. Effective June 10, 2016.

[71 IAC 3-2-9](#); [71 IAC 5.5-4-2](#); [71 IAC 6.5-1-2](#); [71 IAC 6.5-1-3](#); [71 IAC 7.5-6-3](#)

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 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 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) Scratched sick/lame in a race previous or subsequent to a break line.~~
- ~~(8)~~ (7) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- ~~(9)~~ (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-mutual *[sic]* tracks. 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 [71 IAC 3-2-9\(g\)](#) or [71 IAC 3-2-9\(h\)](#) *[subsections (g) and (h)]*.

(d) Horses allowed to race in a "paid in event" under [71 IAC 3-2-9\(c\)](#) *[subsection (c)]* that fail to show a clean line or go in qualifying time in that event shall be placed on the judge's list and show a successful qualifying race prior to competing in another "paid in event".

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

(g) 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 exist *[sic, exists]* a compromise with the health and safety of the participants in those races.

(h) 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 rule [71 IAC 3-2-9\(c\)](#) [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](#))

SECTION 2. [71 IAC 5.5-4-2](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 5.5-4-2](#) Apprentice jockeys**

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

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

Sec. 2. (a) An applicant may be prohibited from riding until the stewards or the commission have [sic, has] sufficient opportunity to verify the applicant's previous riding experience.

(b) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performance in quarter horse racing ~~de~~ **does** not apply to the conditions of an apprentice jockey license.

(c) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(d) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one (1) apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(e) ~~An apprentice jockey shall ride with a five (5) pound weight allowance beginning with the apprentice jockey's first mount and for one (1) full year from the date of the apprentice jockey's fifth winning mount. If after riding one (1) year from the date of the apprentice jockey's fifth winning mount, the apprentice jockey has failed to ride a total of forty (40) winners from the date of the apprentice jockey's first winning mount, the apprentice jockey shall continue to ride with a five (5) pound weight allowance for one (1) more year from the date of the apprentice jockey's fifth winning mount or until the apprentice jockey has ridden forty (40) winners, whichever comes first. An apprentice jockey shall ride with a ten (10) pound weight allowance beginning with the apprentice jockey's first mount until the apprentice wins five (5) races. Once the apprentice jockey wins his or her fifth race, he or she shall ride with a seven (7) pound weight allowance for a period of one (1) year from the date of his or her fifth win. During the course of this year, if the apprentice jockey wins a total of forty (40) races, he or she will ride with a five (5) pound allowance until such time as that year is up. If apprentice does not win forty (40) races within the year, he or she shall retain their apprenticeship for additional year or until the fortieth win. After that time if apprentice does not win forty (40) races the second year, they will no longer be considered an apprentice jockey; they will become a journeyman jockey.~~

(f) If an apprentice jockey is unable to ride for a period of seven (7) consecutive days or more after the date of

the apprentice jockey's fifth winning mount because of service in national armed forces, enrollment in an institution of secondary or higher education, or because of physical disablement, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride. The apprentice jockey extension form approved by the commission shall be completed and provided to the commission. The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced on the approved form documentation verifying time lost as defined by this regulation. An apprentice may petition one (1) of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(g) The conditions set forth in section 1 of this rule shall also apply.

*(Indiana Horse Racing Commission; [71 IAC 5.5-4-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:09 p.m.: 21 IR 4233; 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; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Jun 10, 2016, 11:11 a.m.: [20160615-IR-071160257ERA](#))*

SECTION 3. [71 IAC 6.5-1-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 6.5-1-2](#) Claiming of horses**

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

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

Sec. 2. (a) Any horse starting in a claiming race is subject to be claimed for its entered price by any:

- (1) licensed owner; or
- (2) holder of a valid ~~claim~~ **open claiming** certificate; or
- (3) licensed authorized agent acting on behalf of an eligible claimant.

(b) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant at the time the horse leaves the starting gate. The successful claimant shall become the owner of the horse, regardless of whether it is alive or dead, sound or unsound, or injured prior to, during, or after the race.

*(Indiana Horse Racing Commission; [71 IAC 6.5-1-2](#); 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; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Jun 10, 2016, 11:11 a.m.: [20160615-IR-071160257ERA](#))*

SECTION 4. [71 IAC 6.5-1-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 6.5-1-3](#) Claim certificate**

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

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

Sec. 3. (a) ~~An applicant for a claim certificate shall submit to the commission:~~

- ~~(1) an application for an owner's license and the required fee; and~~
- ~~(2) the name of a licensed trainer, or person eligible to be a licensed trainer, who will assume the care and responsibility for any horse claimed.~~

~~(b) The stewards shall issue a claim certificate upon satisfactory evidence that the applicant is eligible for an owner's license.~~

~~(c) The claim certificate shall expire thirty (30) days after the date of issuance, or upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.~~

~~(d) A claim certificate may be renewed by the stewards during the same year.~~

**(a) Any owner may claim any horse subject to be claimed in flat racing in Indiana provided the owner:**  
**(1) has foal papers on file in the Indiana Grand racing office and has started a horse at the current race meeting; or**  
**(2) has been issued an open claiming certificate by the stewards.**

**(b) The stewards shall issue an open claiming certificate to any person who:**

**(1) makes application for an owners license;**

**(2) meets all requirements for the issuance of an owner's license;**

**(3) does not own, nor has a spouse who:**

**(A) owns a horse who is eligible and able to race at Indiana Grand; or**

**(B) has foal papers on file in the Indiana Grand racing office with respect to a horse eligible to race at Indiana Grand;**

**(4) has an agreement with a trainer licensed in Indiana to take charge of, care for, and train any horse claimed by the holder of the open claiming certificate; and**

**(5) has at a minimum, the amount of the claim and applicable taxes on deposit with the horsemen's bookkeeper.**

**(c) An open claiming certificate may not be issued to any person licensed as a trainer in any jurisdiction unless the trainer is a member of a partnership, limited liability company, corporation, or other entity that would otherwise be eligible for an open claiming certificate, and the claim is being made by that entity.**

**(d) The open claiming certificate shall be valid for the calendar year in which it is issued or until the person to whom the open claiming certificate is issued executes a claim and becomes an owner of a horse through the use of the open claiming certificate, whichever period is shorter.**

**(e) An open claiming certificate shall not be effective until the next racing day following the date of approval by the stewards.**

**(f) The open claiming certificate shall be enclosed in the envelope provided for the purpose of claiming by the racing office.**

*(Indiana Horse Racing Commission; [71 IAC 6.5-1-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, 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](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Jun 10, 2016, 11:11 a.m.: [20160615-IR-071160257ERA](#))*

SECTION 5. [71 IAC 7.5-6-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 7.5-6-3](#) Jockey requirements**

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

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

Sec. 3. (a) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and weight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled, except as approved by the stewards.

(b) A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys' quarters, must first receive the permission of the stewards and must be accompanied by an association security guard.

(c) While in the jockeys' quarters, jockeys shall have no contact or communication with any person outside the jockeys' quarters other than:

- (1) commission personnel and officials;
- (2) an owner or trainer for whom the jockey is riding;
- (3) the jockey's agent; or
- (4) a representative of the regular news media;

except with the permission of the stewards. Any communication permitted by the stewards may be conducted only in the presence of the clerk of scales or other person designated by the stewards. Such communication may include the use of personal cell phones in a restricted area approved by the commission or its designee.

(d) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than thirty (30) minutes before post time for each race.

(e) Only valets employed by the association shall assist jockeys in weighing out.

(f) A jockey must wear a safety vest when riding in any official race. The safety vest shall meet one (1) of the standards for safety vests outlined in [71 IAC 5.5-1-26](#).

(g) Weighing out:

- (1) A jockey's weight shall include his/her clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, goggles, number cloth, and safety equipment including helmet, vest, over-girth, reins, and breast collar.
- (2) Upon steward's approval, jockeys may be allowed up to three (3) pounds more than published weights to account for inclement weather, clothing, and equipment.

(h) Seven (7) pounds is the limit of overweight any horse is permitted to carry. **If a jockey is more than two (2) pounds overweight, an owner or trainer may replace said jockey without penalty.**

(i) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the stewards.

*(Indiana Horse Racing Commission; [71 IAC 7.5-6-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 206; emergency rule filed Feb 17, 2005, 11:48 a.m.: 28 IR 2154; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; 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](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Jun 10, 2016, 11:11 a.m.: [20160615-IR-071160257ERA](#))*

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