

ARTICLE 3. OFFICIALS

Rule 1. General Provisions

71 IAC 3-1-1 Racing officials

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Officials at a race meeting include the following:

- (1) Judges.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Clerk of the course.
- (6) Official starter.
- (7) Official charter.
- (8) Official timer.
- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Program director.
- (12) Official veterinarian.
- (13) Racing veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, 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 Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA)

71 IAC 3-1-2 Eligibility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. To qualify as a racing official or a designated association employee as listed in this article, the appointee must be licensed by the commission after a determination that he or she:

- (1) is of good moral character and reputation;
- (2) is experienced in or knowledgeable in racing;
- (3) is familiar with the duties to which he or she is appointed and with the commission's rules of harness racing;
- (4) possesses the mental and physical capacity to perform his or her duties;
- (5) is not under suspension or ejection by the USTA, the CTA, or any racing jurisdiction; and
- (6) meets the licensing criteria pursuant to 71 IAC 5-1-14.

(Indiana Horse Racing Commission; 71 IAC 3-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2903; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3-1-2.1 Approval of racing officials and designated association employees

Authority: IC 4-31-3-9

Affected: IC 4-31-5-5; IC 4-31-6

Sec. 2.1. (a) Each association shall submit to the commission for its approval or disapproval the names of all persons who the association has selected as racing officials. In addition to racing officials, this section shall apply to the association's mutuel manager, director of security, and facility managers at satellite facilities. This section shall also apply to the assistant mutuel manager, the assistant director of security, and assistant facility managers at satellite facilities.

(b) The association shall submit to the commission, in writing, a list of all racing officials and applicable employees at least sixty (60) days prior to the opening of a race meeting. The list shall:

- (1) indicate whether the nominee has been previously licensed by the commission and, if so, in what capacity; and

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- (2) be accompanied by the filing of the following information on all individuals not previously licensed by the commission:
- (A) A resume detailing experience and qualifications.
 - (B) A completed application on forms furnished by the commission and accompanied by the required fee pursuant to 71 IAC 5-1-1.
 - (C) A completed fingerprint card.

(c) Notwithstanding the time period required by subsection (b), the association shall submit to the commission at the earliest possible time the information required by this section on those racing officials and applicable employees whose duties commence substantially before the start of the race meeting. (*Indiana Horse Racing Commission; 71 IAC 3-1-2.1; emergency rule filed May 16, 1994, 4:30 p.m.: 17 IR 2370; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2070; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-1-3 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31-13-7

Sec. 3. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.
 - (2) Sell or solicit horse insurance on any horse racing at the meeting.
 - (3) Be licensed in any other capacity without permission of the commission.
 - (4) Directly or indirectly wager on the outcome of any live or simulcast race.
 - (5) Directly or indirectly wager on any gambling game located on association grounds.
 - (6) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.
- (b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants, and subdivision (1) of subsection (a) [subsubsection (a)(1)] shall also apply to the dependent children of the racing official and the racing official's assistants. (*Indiana Horse Racing Commission; 71 IAC 3-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA*)

71 IAC 3-1-4 Report of violations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. All licensees, including racing officials and their assistants, shall report immediately to the judges every observed violation of these rules and of the laws of this jurisdiction governing racing. (*Indiana Horse Racing Commission; 71 IAC 3-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-1-5 Complaints against officials

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. Any complaint against a racing official other than a judge shall be made to the judges in writing and signed by the complainant. All such complaints shall be reported to the commission by the judges, together with a report of the action taken or the recommendation of the judges. Complaints against any judge shall be made in writing to the commission and signed by the complainant. (*Indiana Horse Racing Commission; 71 IAC 3-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-1-6 Appointment

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. A person shall not be appointed to more than one (1) racing official position at a meeting unless specifically approved by the commission. (*Indiana Horse Racing Commission; 71 IAC 3-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-1-7 Appointment of substitute officials

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. Where a vacancy exists among the association's racing officials, the association shall fill the vacancy immediately. Such appointment shall be effective until the vacancy is filled in accordance with this article. In addition, the executive director or the judges have the authority to approve temporary, emergency appointments. (*Indiana Horse Racing Commission; 71 IAC 3-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-1-8 Appointment of substitute judge

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. Should any judge be absent at race time, the remaining judges shall appoint a deputy for the absent judge. If a deputy judge is appointed, the commission shall be notified immediately by the judges. (*Indiana Horse Racing Commission; 71 IAC 3-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-1-9 Racing Officials Accreditation Program judges accreditation

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. The commission shall appoint judges, all of whom shall be employees of the commission. To qualify for appointment as a judge, the appointee shall be accredited as a racing official by the Racing Officials Accreditation Program administered by the Universities of Arizona and Louisville or, in the case of harness racing, be licensed as a judge by the United States Trotting Association. Exceptions for emergencies may be permitted. (*Indiana Horse Racing Commission; 71 IAC 3-1-9; 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.]*)

Rule 2. Judges

71 IAC 3-2-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The judges for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.

(b) The judges shall enforce these rules and the racing laws of this jurisdiction.

(c) The authority of the judges includes supervision of all:

- (1) racing officials;
- (2) track management;
- (3) licensed personnel;

- (4) other persons responsible for the conduct of racing; and
- (5) patrons;

as necessary to ensure compliance with these rules.

(d) The judges shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The judges have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. (*Indiana Horse Racing Commission; 71 IAC 3-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-2-2 Period of authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The period of authority of the judges shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. (*Indiana Horse Racing Commission; 71 IAC 3-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1127; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-2-3 Disciplinary action

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) The judges shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The judges shall have authority to do the following:

- (1) Charge any licensee for a violation of these rules.
- (2) Conduct hearings.
- (3) Impose disciplinary action in accordance with these rules.

(c) The judges may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The judges may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The judges have the power to administer oaths and examine witnesses.

(f) The judges shall submit a written report to the commission of every inquiry and hearing.

(g) The judges may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:

- (1) Issue a reprimand.
- (2) Assess a fine.
- (3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
- (4) Place a licensee on probation.
- (5) Suspend a license or racing privileges.
- (6) Exclude from grounds under the jurisdiction of the commission.
- (7) Any relief deemed appropriate.
- (h) The judges may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.
- (i) The judges may:
 - (1) suspend a license for not more than sixty (60) days per violation;
 - (2) impose a fine not to exceed one thousand dollars (\$1,000) for each violation;
 - (3) suspend and fine; or
 - (4) order that a person be ineligible for licensing.
- (j) A ruling of the judges shall not prevent the commission from imposing a more severe penalty.
- (k) The judges may refer any matter to the commission and may include recommendations for disposition. The absence of a judges' referral shall not preclude commission action in any matter.

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(l) Purses, prizes, awards, and trophies shall be redistributed if the judges or commission order a change in the official order of finish.

(m) All fines imposed by the judges shall be paid to the commission in accordance with 71 IAC 7-5. (*Indiana Horse Racing Commission; 71 IAC 3-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-2-4 Protests, objections, and complaints

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The judges shall investigate promptly and render a decision in every protest, objection, and complaint made to them. They shall maintain a record of all protests, objections, and complaints. The judges shall file daily with the commission a copy of each protest, objection, or complaint and any related ruling. (*Indiana Horse Racing Commission; 71 IAC 3-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-2-5 Presence of judges

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. Three (3) judges shall be present in the judge's stand during the contesting of each race. (*Indiana Horse Racing Commission; 71 IAC 3-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-2-6 Order of finish for pari-mutuel wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) The judges shall determine the official order of finish for each race in accordance with 71 IAC 7.

(b) The decision of the judges as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the contesting of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.

(c) No protest may be made relating to the decision of the judges as to the official order of finish, and no appeal is available to challenge such a determination. (*Indiana Horse Racing Commission; 71 IAC 3-2-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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*)

71 IAC 3-2-7 Cancel wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. The judges have the authority to:

(1) cancel wagering and order refunds where applicable on an individual betting interest or on an entire race; and

(2) cancel a pari-mutuel pool for a race or races;

if such action is necessary to protect the integrity of pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 3-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1128; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-2-8 Records and reports

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) The judges shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the following:

- (1) The name of the race track.
- (2) The date.
- (3) The weather and track conditions.
- (4) Claims, inquiries, and objections.
- (5) Any unusual circumstances or conditions.

The report shall be signed by each judge and be filed with the commission not later than twenty-four (24) hours after the end of each race day.

(b) The presiding judge shall maintain a detailed log of the official activities of the judges. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the judges and all interviews, investigations, and rulings made by the judges. The log shall be available at all times for inspection by the commission or its designee.

(c) Not later than seven (7) days after the last day of a race meeting, the presiding judge shall submit to the commission a written report regarding the race meeting. The report shall contain:

- (1) The observations and comments of the judges regarding the conduct of the race meeting, and the overall conditions of the association grounds during the race meeting.
- (2) Any recommendations for improvement by the association or action by the commission.

(Indiana Horse Racing Commission; 71 IAC 3-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

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.
- (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 or scratched sick or lame from a race following a qualifying race.
- (7) Scratched sick/lame in a race previous or subsequent to a break line.
- (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (9) Poor performance while competing in a race followed by a break later in that race.

(b) Horses racing at all county fair tracks that return to pari-mutuel race tracks to compete shall be bound by the same qualifying and judge's list standards as horses racing at the Indiana pari-mutuel tracks. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track.

(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 tracks 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 due 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 must requalify.

(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 marquee races, 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 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 waived to race under rule 71 IAC 3-2-9(c) [*subsection (c)*]. This may include horses that are required to qualify before racing by the starter. (*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)*)

Rule 3. Racing Secretary

71 IAC 3-3-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The racing secretary is responsible for the following:

- (1) Setting the conditions for each race of the race meeting.
- (2) Regulating the nomination of entries.
- (3) Determining the amounts of purses and to whom they are due.

(*Indiana Horse Racing Commission; 71 IAC 3-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-3-2 Eligibility certificates (Repealed)

Sec. 2. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112*)

71 IAC 3-3-3 Race information

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. The racing secretary shall be familiar with the age, class, and competitive ability of all horses racing at the meeting.

(*Indiana Horse Racing Commission; 71 IAC 3-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-3-4 Classifications

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The racing secretary shall classify horses in accordance with these rules and list horses in the categories in which they qualify. (*Indiana Horse Racing Commission; 71 IAC 3-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted*

filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3-3-5 Listing of horses

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. The racing secretary shall:

- (1) examine all entry blank forms and declarations to verify information as set forth therein;
- (2) select the horses to start and the horses which are also eligible horses from the declarations in accordance with these rules; and
- (3) provide the listing of horses in the daily program.

(Indiana Horse Racing Commission; 71 IAC 3-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3-3-6 Nominations and declarations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. The racing secretary shall examine nominations and declarations and early closing events, late closing events, and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication. *(Indiana Horse Racing Commission; 71 IAC 3-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3-3-7 Conditions

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published for owners, trainers, and the commission and to be posted in the racing secretary's office. *(Indiana Horse Racing Commission; 71 IAC 3-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3-3-8 Posting of entries

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his or her office and make the list available to the media. *(Indiana Horse Racing Commission; 71 IAC 3-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3-3-9 Stakes and entrance money records

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting. *(Indiana Horse Racing Commission; 71 IAC 3-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3-3-10 Winnings

Authority: IC 4-31-3-9
 Affected: IC 4-31

Sec. 10. (a) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race, unless races establishing conditions for winnings as of a certain date may be permitted if approved by the commission or judges.

(b) Winnings during the year shall be calculated by the racing secretary from the preceding January 1. (*Indiana Horse Racing Commission; 71 IAC 3-3-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

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 racing of horses, the judges shall ask for a vote from the drivers participating in the races in question and the majority shall rule. If more than fifty percent (50%) vote against racing, the card will be cancelled. If more than fifty percent (50%) vote to race, trainers will be allowed to withdraw horses, and drivers will be allowed to refuse to drive without penalty. This subsection [*sic, section*] does not prevent the association management from canceling races due to track or weather conditions or other unavoidable causes without consultation with the judges and the horsemen's representative. (*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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA*)

Rule 4. Paddock Judge

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; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA*)

71 IAC 3-4-2 Report to the judges

Authority: IC 4-31-3-9
 Affected: IC 4-31

Sec. 2. The paddock judge shall:

- (1) notify the judges of anything that could in any way change, delay, or otherwise affect the racing program;
- (2) report to the judges any observed cruelty to a horse; and

(3) report any other violation of these rules.

(Indiana Horse Racing Commission; 71 IAC 3-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

Rule 5. Horse Identifier

71 IAC 3-5-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 1. The horse identifier shall be present for each race. He or she shall inspect each horse prior to its departure from the paddock to the post to confirm the horse's proper identity by checking the horse's:

(1) lip tattoo number or freeze brand; and

(2) color; and

(3) markings.

(Indiana Horse Racing Commission; 71 IAC 3-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; 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 Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA)

71 IAC 3-5-2 Report violations

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 2. The horse identifier shall report to the judges any horse not properly identified in conformity with these rules. *(Indiana Horse Racing Commission; 71 IAC 3-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 6. Clerk of the Course

71 IAC 3-6-1 Clerk of the course

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The clerk of the course shall be responsible for recording and informing the USTA via computer and the Internet all required information, including:

(1) names and addresses of owners;

(2) the standard symbols for medications, where applicable;

(3) notations of placings, disqualifications, and claimed horses;

(4) notations of scratched or ruled out horses; and

(5) maintaining the judge's list.

(Indiana Horse Racing Commission; 71 IAC 3-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

Rule 7. Official Starter

71 IAC 3-7-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official starter is responsible to provide a fair start for each race. *(Indiana Horse Racing Commission; 71 IAC 3-7-*

1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3-7-2 Report violations

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The official starter shall report violations of these rules occurring at the start of a race to the judges. *(Indiana Horse Racing Commission; 71 IAC 3-7-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3-7-3 Recommend disciplinary action (Repealed)

Sec. 3. *(Repealed by Indiana Horse Racing Commission; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751)*

Rule 8. Official Charter

71 IAC 3-8-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The official charter is responsible for providing a complete and accurate chart of each race. An accurate chart shall include the following:

- (1) Horse's name.
- (2) Driver's name.
- (3) Date and place of the race.
- (4) Track size, if other than a half-mile track.
- (5) Track condition and temperature.
- (6) Type of race (trot or pace).
- (7) Classification of race.
- (8) Distance.
- (9) Fractional times of the leading horse, including the race time.
- (10) Post position, position at the quarter mile, the half mile, and the three-quarter mile poles, and at the head of the stretch with lengths behind the leader, and finish position with lengths behind the winner.
- (11) Official order of finish.
- (12) Individual time of each horse.
- (13) Closing dollar odds (with the favorite designated by an asterisk).
- (14) The standard symbols for breaks, park outs, and free legged pacers, where applicable.
- (15) The standard symbols for medications, where applicable.
- (16) In claiming races, the price for which the horse is entered to be claimed, less allowances for age and sex.
- (17) Names of the horses placed first, second, and third by the judges.
- (18) Notations of placings, disqualifications, and claimed horses.

(Indiana Horse Racing Commission; 71 IAC 3-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

Rule 9. Official Timer

71 IAC 3-9-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

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Sec. 1. The official timer shall accurately record the time elapsed between the start and finish of each race. (*Indiana Horse Racing Commission; 71 IAC 3-9-1; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-9-2 Timing procedure

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The time of race shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line. (*Indiana Horse Racing Commission; 71 IAC 3-9-2; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-9-3 Timing races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In every race, the time of each heat shall be accurately recorded by two (2) timers or an approved electrical timing device, in which case, there shall be one (1) timer.

(b) Times of heats shall be recorded in minutes, seconds, and fifths of a second.

(c) Immediately following each heat, the elapsed time of the heat shall be publicly announced or posted on the totalizator board.

(d) No unofficial timing shall be announced, posted, or entered into the official record. (*Indiana Horse Racing Commission; 71 IAC 3-9-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; 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*)

71 IAC 3-9-4 Error in reported time

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. In circumstances involving a malfunction of the electronic timer, no time shall be recorded for a race unless the judges can verify the correct time with the aid of the official timer and/or track video equipment. (*Indiana Horse Racing Commission; 71 IAC 3-9-4; 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 Jan 21, 2004, 2:30 p.m.: 27 IR 1912; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

71 IAC 3-9-5 Win race record

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. A horse placed first by the judges following an inquiry immediately after a race shall receive a win race record if that horse's time can be determined by photo finish and electronic timer. The above will not be applied to horses placed first due to a post race protest, appeal, or positive test. Although, that horse will be credited with the win for the purpose of entering conditioned races. That win will be credited after the final ruling of the case. (*Indiana Horse Racing Commission; 71 IAC 3-9-5; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3124, 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]*)

Rule 10. Patrol Judge

71 IAC 3-10-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The patrol judge is responsible for observing the race and reporting information concerning the race to the judges. (*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; readopted filed Mar 20, 2008, 2:32 p.m.: 20080416-IR-071080063RFA*)

Rule 11. Program Director**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 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; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA*)

Rule 12. Official Veterinarian**71 IAC 3-12-1 General authority**

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The official veterinarian (equine medical director) shall:

- (1) be employed by the commission;
 - (2) be a graduate veterinarian and be licensed to practice in Indiana;
 - (3) recommend to the judges:
 - (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
 - (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
 - (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
 - (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
 - (7) have authority and jurisdiction over the racing veterinarian and the practicing veterinarians within the enclosure for the purpose of these rules;
 - (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
 - (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
 - (10) review and make recommendations regarding commission license applications of practicing veterinarians;
 - (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer; and *[sic]*
- (b) The official veterinarian or the executive director may delegate or assign duties to the racing veterinarian.
- (c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board

of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations. (*Indiana Horse Racing Commission; 71 IAC 3-12-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2904; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA*)

Rule 13. Racing Veterinarian

71 IAC 3-13-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, except that any certified veterinary technician assigned to act as official veterinarian pursuant to 71 IAC 3-12-1(c) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the judges if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the judges and the official veterinarian;
- (7) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (8) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;
- (9) with the approval of the official veterinarian, place horses on the bleeder list; and
- (10) any other duties assigned by the official veterinarian.

(*Indiana Horse Racing Commission; 71 IAC 3-13-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, 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 Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA*)

Rule 14. Any Other Person Designated by the Commission

71 IAC 3-14-1 Any other person designated by the commission

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The commission may create additional racing official positions as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in 71 IAC 3-1. (*Indiana Horse Racing Commission; 71 IAC 3-14-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1133; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

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