ARTICLE 4.5. FLAT RACING; ASSOCIATIONS

Rule 1. Associations

71 IAC 4.5-1-1 Associations

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

Sec. 1. (a) An association, its officers, directors, officials, and employees shall abide by and enforce the Act, these rules, and the orders of the commission and stewards.

(b) An association may request an exemption from a requirement in this article to utilize new technology or innovative construction or design of the race track facilities. The commission may grant an exemption if the commission determines that:

(1) the association's proposal substantially satisfies the purpose of the requirement; and

(2) the exemption is in the best interests of the race horses, the racing industry, and the citizens of Indiana.

(Indiana Horse Racing Commission; 71 IAC 4.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, 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)

Rule 2. Financial Requirements

71 IAC 4.5-2-1 Insurer of the race meeting

Authority: IC 4-31-3-9
Affected: IC 4-31; IC 4-35-7-12

Sec. 1. (a) Approval of a race meeting by the commission does not establish the commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.

(b) An association shall agree to indemnify, save, and hold harmless the commission from any liability, if any, arising from unsafe conditions of association grounds and default in payment of purses.

(c) An association shall provide the commission with a certificate of liability insurance as required by the commission.

(d) An association shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Act and these rules.

(e) An association and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Act and these rules and not otherwise.

(f) An association and its officers shall ensure that all purse monies, disbursements, and appropriate nomination race monies are available to make timely distribution in accordance with the Act, IC 4-35-7-12, these rules, association rules, and race conditions. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, 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 Oct 29, 2009, 11:33 a.m.: 20091104-IR-071090870ERA, eff Oct 26, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-870(E) was filed with the Publisher October 29, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 4.5-2-2 Bond requirements

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

Sec. 2. (a) An association shall file with the commission a bond payable to the commission in an amount determined by the commission for pari-mutuel racing and in either case not more than the financial liability of the association license throughout the race meeting for which the association license is requested.

(b) The bond shall be:

(1) executed by the applicant and a surety company or companies authorized to do business in this jurisdiction; and

(2) conditioned upon the payment by the association of all taxes and all other monies due and payable:

(A) pursuant to statutory provisions;
(B) from horsemen's accounts; and
(C) from the presentation of winning tickets.

The association will distribute all sums due to the patrons of pari-mutuel pools.

(c) The financial liabilities incurred by the association in the form of real estate mortgages shall not be included in the determination of the bond amount. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, 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)*

71 IAC 4.5-2-3 Financial reports

Authority: IC 4-31-3-9
Affected: IC 4-31-13-6; IC 4-35-7-12

Sec. 3. (a) The commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, IC 4-35-7-12, these rules, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting.

(b) An association shall file the following:

(1) A copy of all tax returns.

(2) A balance sheet.

(3) A profit and loss statement.

(c) An association shall file with the commission an unaudited balance sheet and profit and loss statement as required by the commission. Those submissions must be in a format which conforms with the requirements set out in the permit.

(d) An association shall file an annual consolidated financial statement, audited by independent certified public accountants, for the track and simulcast operations, with the commission no later than March 31 after the close of its fiscal year, which reflects operations during the preceding calendar year. The audit must be in a format which conforms with the requirements set out in the permit application. The commission, upon good cause shown, may extend the time for filing.

(e) An association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Indiana department of revenue, or any other federal or state agency auditing the association. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2840, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; 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 Oct 29, 2009, 11:33 a.m.: 20091104-IR-071090870ERA, eff Oct 26, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-870(E) was filed with the Publisher October 29, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 4.5-2-4 Reimbursement of stewards' expenses

Authority: IC 4-31-3-9; IC 4-31-3-11.5
Affected: IC 4-31

Sec. 4. (a) An association shall reimburse the commission for the salaries and reasonable expenses of all stewards who serve at the association's track. The reimbursement shall include, but not be limited to, the following:

(1) All salaries, per diem, fringe benefits, and expenses, including, but not limited to, unemployment benefits.

(2) Travel expenses, including lodging for any premeet or postmeet duties as approved by the executive director.

(3) All expenses relating to the recruitment and interviewing of prospective stewards.

(4) Other expenses related to subdivisions (1) through (3) as determined by the executive director.

(b) In the event of a meeting of less than sixty (60) days in duration, the association shall provide and pay directly for the reasonable lodging of any steward whose residence is greater than fifty (50) miles from the association's track. The association shall also pay for the lodging and travel expenses of any substitute steward. The location of lodging shall be subject to the approval of the executive director.

(c) The payment or reimbursement of reasonable travel expenses of stewards shall be subject to the travel policies and

procedures of the state of Indiana established by the department of administration and approved by the budget agency. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 4.5-2-5 Reimbursement of test barn assistants' expenses

Authority: IC 4-31-3-9; IC 4-31-12-6
Affected: IC 4-31

Sec. 5. An association shall reimburse the commission for the salaries, wages, per diem, fringe benefits, and expenses (including, but not limited to, unemployment benefits) of all test barn assistants who serve at the association's track. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 4.5-2-6 Accounting, auditing, and internal control requirements

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

Sec. 6. An association, its officers, directors, officials and employees shall fully account for all receipts, disbursements, and balances of whatever kind and shall do the following:

(1) Issue a proper receipt to the payer for all monies received detailing:
  (A) the identity of the payer;
  (B) whether paid by cash or check;
  (C) the purpose of payment; and
  (D) the date and time received.

The receipts shall be serially numbered in at least duplicates and on a form approved by the commission. This subsection does not apply to the sale of pari-mutuel tickets and admission, parking, programs, racing forms, and tip sheets.

(2) Maintain a monthly reconcilement between association records and depository statements.

(3) Direct their depository to provide account balance confirmations to the commission upon request.

(4) File all required federal and state tax returns required on distributions, make required withholdings, and maintain a copy of the return on file for audit.

(5) File all required Internal Revenue Service reports of cash payments and maintain a copy of the report on file for audit.

(6) Make all distributions by check to the individual recipients. No distributions shall be made in cash unless the policy for such distribution has been approved by the executive director. This subsection does not apply to the payment of a pari-mutuel tickets.

(Indiana Horse Racing Commission; 71 IAC 4.5-2-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, 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)

71 IAC 4.5-2-7 Records of employees

Authority: IC 4-31-5-5
Affected: IC 4-31

Sec. 7. An association shall file with the commission on the first day of each month a listing of employees currently on its payroll. Such list shall be in a format and from a source approved by the commission and shall include the employee's:

(1) Social Security number;

(2) date of birth;

(3) date hired; and

(4) date terminated;

if any. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-7; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; 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)*

71 IAC 4.5-2-8 Purse monies

Authority: IC 4-31-3-9; IC 4-35-7-12
Affected: IC 4-31-5; IC 4-35

Sec. 8. (a) An association, its officers, director, officials, and employees shall ensure that distributions for purses mandated by IC 4-35, IC 4-31, 71 IAC Article 12 *[71 IAC 12]*, and contracts with any horsemen's association are made as provided for by statute. With the exception of purse money that it may owe as a result of the sale (export) of its simulcast signal, the association shall insure that any purse monies that it is obligated by statute regulation or contract to pay are deposited, before the fifteenth day of each month, based upon wagering from the previous month at the association's race tracks and/or off-track betting facilities, into the appropriate horse industry trust purse account as set forth herein. With respect to purse monies that an association is contractually obligated to pay as a result of a contract with a horsemen's association for the sale (export) of its simulcast signal, the association shall deposit those funds into the appropriate account as set forth herein within five (5) days of receipt or settlement by the association.

(b) An association is required to deposit and maintain the funds referenced in subsection (a) of this rule *[subsection (a)]* in separate horse industry trust purse accounts for each of the three (3) breeds racing at Indiana pari-mutuel facilities (standardbred, thoroughbred, and quarter horse). The funds deposited and maintained in those three (3) separate horse industry trust purse accounts shall be held and maintained separate from each other and separate from all other funds held and maintained by the association. The comingling *[sic]* of these funds with any other funds held or maintained by the association is strictly prohibited. This provision notwithstanding, an association may advance funds to a horse industry trust purse account from an operational account in order to make payment of purses that have been earned, and then receive reimbursement as soon as there are available funds in that horse industry trust purse account.

(c) The association shall issue a purse fund activity report (for each of the three (3) breeds racing in Indiana) no later than the fifteenth day of each month. Each report shall include a summary of both the prior month's activity as well as the year-to-date amounts deposited and dispersed from each horse industry trust purse account. The report shall include an itemized statement of receipts and expenditures for the prior month and shall be electronically delivered both to the horsemen's association representing the owners and trainers of a particular breed and to the commission. The format of the report is subject to the approval of the commission or its executive director.

(d) The association shall also provide no later than the fifteenth day of each month a copy of the bank statement for each horse industry trust purse account referenced herein to the commission and the horsemen's association representing the owners and trainers of the breed that benefits from the monies contained in that horse industry trust purse account.

(e) Any breach of the obligations or requirements of this section or the requirements set forth in IC 4-35-7-12, including any misuse, misdirection, or misappropriation of funds specifically referenced in IC 4-35-7-12, may be considered a violation of this article and may subject the association and its officers, directors, and employees to penalties that may include but are not limited to:

(1) the issuance of a warning to the association;

(2) the imposition of a civil penalty upon the association up to but not to exceed one million dollars ($1,000,000);

(3) the suspension of a permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana; or

(4) any other sanction that may be imposed by the commission.

(f) Subject to the review and approval of the commission, any association and any horsemen's association may contract for additional provisions governing a horse industry trust purse account specified in this section, but only to the extent that such contractual provisions are consistent with, and do not conflict with, the rules set forth in this section and 71 IAC 11-1-12.

(g) The association shall file an annual audit or review, prepared by an independent certified public accountant, for each horse industry trust purse account. The filing is due no later than March 31 after the close of the calendar year. The commission,

upon showing of good cause, may extend the time for filing. The audit or review in a format and according to the standards approved by the commission. The cost of the audit or review, absent exceptional circumstances, shall be borne by the purse trust accounts, and the cost shall be allocated thirty-three and one-third percent (33 1/3%) to standardbred, thirty-three and one-third percent (33 1/3%) to thoroughbred, and thirty-three and one-third percent (33 1/3%) to quarter horse up to a total cost (per association) of ten thousand dollars ($10,000) with any additional amounts to be paid by the association that is filing the audit or review.

(h) The effective date of this section will be November 15, 2009. To the extent that an unfunded liability of the association to the purse account of one (1) or more of the breeds identified in this section has accrued prior to the effective date, those monies are due to be paid by the association to a particular horse industry trust account on or before July 1, 2010. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-8; emergency rule filed Dec 10, 2010, 12:11 p.m.: 20101215-IR-071100742ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

Rule 3. Facilities and Equipment

71 IAC 4.5-3-1 Facilities for patrons and licensees

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

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate rest room facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide a first aid room equipped with appropriate equipment.

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for training or racing. If the ambulance is being used to transport an individual, the association may not conduct a race, or allow horses with riders on the racetrack, until the ambulance is replaced.

(g) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds.

(h) The ambulance must be positioned at a location approved by the commission.

(i) Any jockey that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The jockey shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

(j) An association shall provide adequate office space for the use of the stewards and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

(k) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

(l) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382; 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 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 4.5-3-2 Bulletin boards required

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

Sec. 2. The association shall erect and maintain glass enclosed bulletin boards close to the racing secretary's office, upon which all official notices of the commission shall be posted. The association shall also erect and maintain a glass enclosed bulletin board in the grandstand area where access is granted to all race day patrons, upon which all official notices of the commission may be posted. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, 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)*

71 IAC 4.5-3-3 Officials' stands

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

Sec. 3. An association shall provide adequate stands for officials to have a clear view of the race track. The location and design of the stands must be approved by the commission. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, 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)*

71 IAC 4.5-3-4 Audio and visual equipment

Authority: IC 4-31-3-9
Affected: IC 4-31-7; IC 4-31-8-2

Sec. 4. (a) An association shall provide and maintain in good working order a communication system between the:
(1) stewards stand;
(2) racing office;
(3) tote room;
(4) jockey's room;
(5) paddock;
(6) test barn;
(7) starting gate;
(8) video camera locations;
(9) clocker's stand;
(10) racing veterinarian;
(11) track announcer;
(12) location of the ambulances (equine and human); and
(13) other locations and persons designated by the commission.

(b) An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(c) An association shall provide an electronic photo finish device to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the commission before its first use in a race. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the association shall provide, without cost, a print from the negative of a photo finish to the commission. Photo finish negatives of each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

(d) An association shall provide a videotaping system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera

and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards stand. The location and construction of video towers must be approved by the commission.

(e) The stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during, or following a race.

(f) Races must be recorded by at least three (3) video cameras.

(g) An association shall, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(h) Videotapes recorded prior to, during, and following each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

(i) An association shall provide a viewing area in which, on approval by the stewards, an owner, trainer, jockey, or other interested individual may view a videotape recording of a race.

(j) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the stewards in making their decision. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, 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)*

71 IAC 4.5-3-5 Race track

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

Sec. 5. (a) The surface of a race track must be designed, constructed, and maintained to provide for the safety of the jockeys and horses.

(b) Prior to the first race meeting at an association race track, a licensed surveyor shall provide to the commission a certified report of the grade and measurement of the distances to be run.

(c) Distances to be run shall be measured from the starting line at a distance three (3) feet out from the inside rail or other markings as approved by the commission.

(d) The surveyor's report must be approved by the commission prior to the first race day of the meeting.

(e) An association shall provide an adequate drainage system for the race track.

(f) An association shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The association shall provide back-up equipment for maintaining the track surface. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2843, 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)*

71 IAC 4.5-3-6 Rails

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

Sec. 6. (a) Racetracks, including turf tracks, shall have an inside rail and an outside rail or barrier, including gap rails, designed, constructed, and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the commission prior to the first racing meeting at the track.

(b) The top of the rail must be at least thirty-eight (38) inches but no more than forty-two (42) inches above the top of the cushion. The inside rail shall have no less than a fifteen (15) inch overhang with a continuous smooth cover.

(c) All rails must be constructed of materials designed to withstand the impact of a horse running at a gallop. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2843, 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)*

71 IAC 4.5-3-7 Starting gates

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

Sec. 7. (a) During racing hours, an association shall provide at least two (2) operable padded starting gates, which have been approved by the commission.

(b) An association shall make at least one (1) starting gate and qualified starting gate personnel available for schooling during designated training hours.

(c) An association shall ensure that an adequate number of assistant starters is available for each race.

(d) If a race is started at a place other than in a chute, the association shall provide and maintain in good operating condition back-up equipment for moving the starting gate. The back-up equipment must be immediately available to replace the primary moving equipment in the event of failure. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2843, 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)*

71 IAC 4.5-3-8 Distance markers

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

Sec. 8. (a) An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the steward's stand.

(b) The starting point markers and distance poles must be marked as follows:

¼ poles	Red and white horizontal stripes
c poles	Green and white horizontal stripes
$^{1}/_{16}$ poles	Black and white horizontal stripes
220 yards	Green and white
250 yards	Blue
300 yards	Yellow
330 yards	Black and white
350 yards	Red
400 yards	Black
440 yards	Red and white
550 yards	Black and white horizontal stripes
660 yards	Green and white horizontal stripes
770 yards	Black and white horizontal stripes
870 yards	Blue and white horizontal stripes

(Indiana Horse Racing Commission; 71 IAC 4.5-3-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, 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)

71 IAC 4.5-3-9 Lighting

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

Sec. 9. (a) An association shall provide lighting for the race track and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees, and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment must be approved by the commission.

(b) An association shall provide adequate additional lighting in the stable area as required by the commission.

(c) If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

(d) If the track goes dark during the running of a race, the race may be ruled no contest if, in the stewards opinion, the contest or finish was compromised. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, eff Jul l, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; 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)*

71 IAC 4.5-3-10 Equine ambulance

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

Sec. 10. (a) An association shall provide an equine ambulance staffed by trained personnel on association grounds on each day that the race track is open for pari-mutuel and qualifying racing or training.

(b) The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use.

(c) The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be able to:

(1) navigate on the race track during all weather conditions; and

(2) transport a horse off the association grounds.

(d) The ambulance must be equipped with:

(1) large, portable screens to shield a horse from public view;

(2) ramps to facilitate loading a horse;

(3) adequate means of loading a horse that is down;

(4) a rear door and a door on each side;

(5) a padded interior;

(6) a movable partition to initially provide more room to load a horse and to later restrict a horse's movement;

(7) a shielded area for the person who is attending to the horse; and

(8) an adequate area for the storage of water and veterinary drugs and equipment.

(e) An association may not conduct a race unless an equine ambulance or an official veterinarian-approved substitute is readily available.

(f) The equine ambulance, its supplies and attendants, and the operating procedures for the equine ambulance must be approved by the official veterinarian. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, 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)*

71 IAC 4.5-3-11 Barns

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

Sec. 11. (a) An association shall provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The association's stable area configuration and facilities must be approved by the commission.

(b) An association shall ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must:

(1) have a hot and cold water supply available;

(2) be well-ventilated;

(3) have proper drainage; and

(4) be constructed to be reasonably comfortable in all seasons.

(c) An association shall ensure that each horse is stabled in an individual box stall with minimum dimensions of ten (10) feet by ten (10) feet.

(d) An association shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area promptly. The association shall ensure that refuse from the stalls and other refuse are kept separate. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2844, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; 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)*

71 IAC 4.5-3-12 Test barn

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

Sec. 12. (a) An association shall provide a test barn for taking specimens of urine, blood, or other bodily substances or tissues for testing.

(b) The test barn must be equipped with:

(1) a walk area that is large enough to accommodate four (4) horses;

(2) at least four (4) enclosed stalls that permit observation of the collection process and provide for the protection of collection personnel;

(3) facilities and equipment for the collection, identification, and storage of samples;

(4) a washrack or washstall that is large enough to accommodate two (2) horses at the same time;

(5) hot and cold running water;

(6) clean water buckets for each horse; and

(7) any other items requested by the commission or the executive director.

(c) An association shall limit access to the test barn to persons authorized by the official veterinarian. All entrances shall be locked or guarded at all times. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-12; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, 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)*

71 IAC 4.5-3-13 Isolation area

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

Sec. 13. (a) An association shall provide an isolation area for the care and treatment of a horse that is ordered isolated by the racing veterinarian or the official veterinarian.

(b) The isolation area must be approved by the official veterinarian. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-13; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, 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)*

Rule 4. Operations

71 IAC 4.5-4-1 Security

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

Sec. 1. (a) An association conducting a race meeting shall maintain security controls over its premises. Security controls are subject to the approval of the commission.

(b) An association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

(c) An association shall prevent access to and shall remove or cause to be removed from its restricted areas any person:

(1) who is unlicensed;

(2) who has not been issued a visitor's pass or other identifying credential; or

(3) whose presence in such restricted area is unauthorized.

(d) Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area during all times that horses are stabled on the grounds. An association shall require any person entering the stable area to display valid credentials issued by the commission or a visitor's pass issued by the association. An association shall provide security fencing around the stable area in a manner that is approved by the commission.

(e) On request by the commission, an association shall provide a list of the security personnel, including the following:

(1) Name.

(2) Qualifications.

(3) Training.

(4) Duties.

(5) Duty station.

(6) Area supervised.

(f) Each day, the chief of security for an association shall deliver a written report to the stewards and the commission's director of security regarding occurrences on association grounds on the previous day. Not later than twenty-four (24) hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the stewards a written report describing the incident. The report must include the following:

(1) The name of each individual involved in the incident.

(2) The circumstances of the incident.

(3) Any recommended charges against each individual involved.

(g) An association shall develop written security policies and procedures as requested by the commission. Within thirty (30) days after receipt of the request, the association shall file its proposed written security policies and procedures with the commission. Within fifteen (15) days of the filing, the executive director shall advise the association of suggested changes and modifications to the proposed security policies and procedures. Within seven (7) days after the receipt by the association of the comments of the executive director, the association shall file its final written security policies and procedures with the commission. The executive director may, at his discretion, and for good cause, alter the time line for the filing of the information as provided in this subsection. The final security policies and procedures shall be subject to the prior approval of the commission.

(h) In the absence of approved security policies and procedures, the executive director may determine track security policies and procedures. The association shall adhere to and enforce these policies and procedures.

(i) An association shall adhere to and enforce all security policies and procedures approved by the commission.

(j) Track security employees shall not wager directly or indirectly on live racing or any simulcast races received at an Indiana track or satellite facility at any time. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2845, 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 Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 4.5-4-2 Fire prevention

Authority: IC 4-31-3-9
Affected: IC 4-31-8-5

Sec. 2. (a) An association shall develop and implement a program for fire prevention on association grounds. An association shall instruct employees working on association grounds of the procedures for fire prevention.

(b) Not later than seven (7) days before the first day of the first race meeting of the year, an association shall deliver to the commission a copy of the state or local fire marshal's certification regarding the association's compliance with fire safety regulations or the fire marshal's plan of corrections. The certification or plan must be based on an inspection of the association grounds conducted by the fire marshal not more than thirty (30) days before the first day of the first race meeting of the year.

(c) No person shall:

(1) smoke in the paddock, any barn, or under any shed row;
(2) burn open fires or oil and gas lamps in the stable area;
(3) leave unattended any electrical appliance that is plugged in to an electrical outlet;
(4) permit horses to come within reach of electrical outlets or cords;
(5) store flammable materials, such as cleaning fluids, or solvents in the stable area; or
(6) lock a stall which is occupied by a horse.

(d) An association shall post a notice in the stable area which lists the prohibitions outlined in subsection (c). *(Indiana Horse Racing Commission; 71 IAC 4.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; 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)*

71 IAC 4.5-4-3 Insect and rodent control

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

Sec. 3. An association and the licensees occupying the association's barn area shall cooperate in procedures to control insects, rodents, or other hazards to horses or licensees. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, 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)*

71 IAC 4.5-4-4 Performances

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

Sec. 4. The hours of racing, the number of races per race day, and the post time for the first race of each race day are subject to the approval of the commission. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, 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)*

71 IAC 4.5-4-5 Complaints

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

Sec. 5. (a) An association shall designate a location and provide personnel who shall be readily available to the public to provide or receive information.

(b) An association shall promptly notify the commission of a complaint regarding:
(1) an alleged violation of the Act or these rules;
(2) an alleged violation of ordinances or statutes;
(3) accidents or injuries; or
(4) unsafe or unsanitary conditions for patrons, licensees, or horses.

(Indiana Horse Racing Commission; 71 IAC 4.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, 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)

71 IAC 4.5-4-6 Ejection and exclusion

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

Sec. 6. An association may eject or exclude a person, licensed or unlicensed, from association grounds solely of its own

volition and without any reason or excuse given therefor, provided, however, such ejection or exclusion shall not be founded on race, religion, or national origin. An association shall immediately notify the stewards and the commission in writing of any person ejected or excluded by the association and the reasons for the ejection or exclusion. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2846, 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)*

71 IAC 4.5-4-7 Report to file

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

Sec. 7. An association shall file with the commission, within seven (7) days of receipt, copies of the following:

(1) any Occupational Safety and Health Administration or state or county health reports or citations;

(2) fire inspections or citations;

(3) any other safety, health, security, or hazard report from any government agency; or

(4) the association's insurance company's inspection reports.

(Indiana Horse Racing Commission; 71 IAC 4.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2847, 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)

71 IAC 4.5-4-8 Track rules

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

Sec. 8. (a) The association shall have the authority to establish track rules provided such rules do not conflict with these rules.

(b) Proposed track rules shall be submitted in writing to the commission. Track rules shall be approved by the commission or the executive director.

(c) The commission or stewards may impose a fine, suspension, or both for a violation of an approved track rule.

(d) Track rules shall be prominently posted at appropriate locations within the enclosure.

(e) Each licensee is responsible to be knowledgeable of track rules and agrees to abide by those rules. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2847, 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)*

71 IAC 4.5-4-9 Alcohol testing

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

Sec. 9. An association shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. The qualifications of individuals operating breath testing devices and the policies and procedures of the breath testing program are subject to the approval of the executive director or the commission's director of security. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-9; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2891; 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)*

71 IAC 4.5-4-10 "In Today" program

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4
Affected: IC 4-31

Sec. 10. (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse on the day of the scheduled race.

(b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033; 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; 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)*

71 IAC 4.5-4-11 Escort of practicing veterinarians

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4
Affected: IC 4-31

Sec. 11. (a) The association shall be responsible for providing an employee to escort each practicing veterinarian while in the stable area during the time period race day furosemide is administered.

(b) The association shall be responsible for the filing of any forms and reports regarding compliance or noncompliance with these rules as directed by the commission or its executive director.

(c) Practicing veterinarians and/or their licensed helpers shall cooperate fully with their designated association escort at all times. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

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