

## ARTICLE 5. LICENSEES

### Rule 1. General Provisions

#### 71 IAC 5-1-1 Licenses required

Authority: IC 4-31-3-9; IC 4-31-6-2; IC 4-31-13-4

Affected: IC 4-31

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

(1) Racing participants and personnel (including owner, authorized agent, trainer, driver, assistant trainer, veterinary helper, farrier, stable employees, groom, pari-mutuel clerk, track employee, track security, vendor employee, starting gate crew, farrier's assistant, valet, track management, practicing or racing veterinarian, equine dentist, or other).

(2) Racing officials as listed in 71 IAC 3.

(3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.

(5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.

(6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Any person employed by an association solely to assist with the conduct of gambling games, or employed by a person or concern contracting with or approved by the association to provide a gambling game related service or commodity that requires their presence on association grounds, if in good standing and the holder of a current license issued by the gaming commission is considered a licensee of the commission, or must obtain a commission license if not in good standing and the holder of a current license issued by the gaming commission. Any licensee under this subsection is responsible for any and all obligations imposed upon a commission licensee under these rules and is subject to any sanctions, penalties, and/or fines for any violation of commission rules.

(d) Persons required to be separately licensed by the commission shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

(e) License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be refingerprinted or rephotographed periodically as determined by the commission.

(f) The determination whether to issue a license may be placed in a pending status awaiting information requested and deemed necessary by the commission or its designee. (*Indiana Horse Racing Commission; 71 IAC 5-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; 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; emergency rule filed Sep 16, 2010, 12:19 p.m.: 20100922-IR-071100607ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA*)

#### 71 IAC 5-1-2 Fingerprinting and licensing reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31-6-8

Sec. 2. (a) The commission may license persons holding valid permanent (not temporary) licenses issued by ARCI member racing jurisdictions in North America. Prior to being licensed, the person must:

(1) be in good standing;

(2) have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within

the previous five (5) years;

(3) file an application or affidavit as may be required by the commission; and

(4) pay the required applicable fees.

(b) The commission may recognize the issuance of racing licenses from ARCI member jurisdictions in North America or the National Racing Compact for purposes of issuance of licenses in this jurisdiction.

(c) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

(d) Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

(e) Provided the above requirements have been met, the commission may issue either a license or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another ARCI member jurisdiction. The validation sticker shall measure a maximum of one-half (½) inch vertically, be one and one-half (1½) inches horizontally, and shall contain:

(1) this jurisdiction's two (2) letter postal service abbreviation;

(2) the year of validation; and

(3) the audit trail code or serial number (where applicable).

The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that such license shall be valid in this jurisdiction.

(f) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office so that a commission representative may affix the proper validation sticker to the racing license badge.

(g) Notwithstanding a person's purported eligibility for fingerprint reciprocity, the commission or its designee may require the fingerprinting of any applicant or licensee. (*Indiana Horse Racing Commission; 71 IAC 5-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; 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 5-1-3 Multi-state licensing information**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. In lieu of a license application from this jurisdiction, the commission may accept an ARCI Multi-State License and Information Form and the National Racing Compact form and license. (*Indiana Horse Racing Commission; 71 IAC 5-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1913; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

#### **71 IAC 5-1-4 Age requirement**

Authority: IC 4-31-6-2

Affected: IC 4-31-6-5

Sec. 4. (a) Applicants for licensing shall be a minimum of sixteen (16) years of age unless otherwise specified in these rules. An applicant may be required to submit a certified copy of his or her birth certificate. Persons under the age of eighteen (18) may be required to show evidence of active participation in a certified educational program or have a high school diploma or equivalent.

(b) The commission may grant a license to a person less than sixteen (16) years of age who is working on the association grounds for a parent or legal guardian who is licensed by the commission. An application under this subsection must be signed by the applicant's parent or legal guardian in the presence of one (1) or more judges. (*Indiana Horse Racing Commission; 71 IAC 5-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; 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 5-1-5 Consent to investigation**

Authority: IC 4-31-6-2

Affected: IC 4-31-13-4

Sec. 5. The filing of an application for license or engaging in activities that require a license by the commission shall authorize the commission to do the following:

- (1) Investigate criminal and employment records.
- (2) Engage in interviews to determine the applicant's character and qualifications.
- (3) Verify information provided by the applicant.

*(Indiana Horse Racing Commission; 71 IAC 5-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; 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 5-1-6      Consent to search and seizure**

Authority: IC 4-31-6-2

Affected: IC 4-31-13-4

Sec. 6. By acceptance of a license or by engaging in activities that require a license by the commission, a licensee consents to search and inspection by the commission or its agents and to the seizure of any prohibited medication, controlled substances, paraphernalia, or devices in violation of state or federal law or these rules. Any seized drugs, medication, or other materials may be forwarded by the commission or its agents to the official chemist for analysis. The analysis of materials seized under the provisions of this section is not subject to 71 IAC 8-4. *(Indiana Horse Racing Commission; 71 IAC 5-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1497; 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 5-1-7      Approval or recommendations by judges**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 7. The commission may designate categories of licenses which shall require the prior approval or recommendation of the judges. *(Indiana Horse Racing Commission; 71 IAC 5-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; 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 5-1-8      Employer responsibility**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 8. (a) The employment or harboring of any unlicensed person at facilities under the jurisdiction of the commission is prohibited.

(b) Every employer shall report, within twenty-four (24) hours, the discharge of any licensed employee in writing to the commission or its designee, including the person's name, occupation, and reason for the discharge and shall surrender to the commission the employee's photo I.D. badge. *(Indiana Horse Racing Commission; 71 IAC 5-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; 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 5-1-9      Employer endorsement of license applications**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 9. (a) The license application of an employee shall be signed by the employer.

(b) Grooms coming in for a one-time stake race before the trainer arrives can file for a license without the trainer. However, when the trainer arrives, he or she must endorse or sign the groom's application. *(Indiana Horse Racing Commission; 71 IAC 5-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; 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 5-1-10 Workers' compensation**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 10. Licensed employers shall carry workers' compensation insurance covering their employees as required by Indiana statute. (*Indiana Horse Racing Commission; 71 IAC 5-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; 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 5-1-11 Financial responsibility**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 11. Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued. (*Indiana Horse Racing Commission; 71 IAC 5-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; 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 5-1-12 License refusal**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 12. The commission, the judges, or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI. If an applicant is refused, the applicant may reapply for a license. If an applicant contests a license refusal, the judges (or an administrative law judge if the judges are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the judges affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules. (*Indiana Horse Racing Commission; 71 IAC 5-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; 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*)

**71 IAC 5-1-13 License denial**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 13. The commission, the judges, or the executive director as the commission's designee may formally deny an application in accordance with these rules. If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, the judges (or an administrative law judge if the judges are unavailable) shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action. An application which is denied shall:

- (1) be reported in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and
- (2) be reported to the USTA and the ARCI, which shall then advise other racing jurisdictions.

(*Indiana Horse Racing Commission; 71 IAC 5-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; 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*)

**71 IAC 5-1-14 Grounds for sanctions**

Authority: IC 4-31-6-2; IC 4-31-13-1  
Affected: IC 4-31-6-6

Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, if:

(1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and

(2) any of the conditions listed in subsection (b) apply to the applicant or licensee or person.

(b) The conditions referred to in subsection (a) include, but are not limited to, the following:

(1) The person has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.

(2) The person has had a license of the legally constituted racing or gaming authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.

(3) The person is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.

(4) The person has violated or attempted to violate a provision of this article, these rules, or a law or rule with respect to horse racing in a jurisdiction.

(5) The person has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.

(6) The person has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.

(7) The applicant or licensee has made a material misrepresentation in an application for a license.

(8) The person has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.

(9) The person has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

(10) The person has engaged in conduct that is against the best interest of horse racing or compromises the integrity of operations at a track or satellite facility.

(11) The person has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.

(12) The person has failed to answer correctly under oath, to the best of the person's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.

(13) The person has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.

(14) The person has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.

(15) The person has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.

(16) The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's delinquent tax liability has not been satisfied.

(17) The person has pending criminal charges.

(18) The person has racing or gaming disciplinary charges pending in this state or other jurisdictions.

(19) The applicant or licensee is unqualified to perform the duties required.

(20) The person has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as an Indiana owned, Indiana bred or Indiana sired.

(21) The applicant or licensee is an illegal alien.

(c) A license suspension or revocation shall be reported in writing to the applicant, the USTA, and the ARCI, whereby other racing jurisdictions shall be advised. (*Indiana Horse Racing Commission; 71 IAC 5-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2847, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2074; emergency rule filed Feb 12, 1998, 4:15 p.m.: 21 IR 2396; 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 5-1-15 Reciprocity**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 15. If a person is suspended, expelled, or ruled off, or if his or her license is revoked or his or her application for a license has been denied, or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country or of the gaming commission, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority. *(Indiana Horse Racing Commission; 71 IAC 5-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; 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; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA)*

**71 IAC 5-1-16 License restrictions, limitations, and conditions**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 16. The commission or its designee, for cause, may restrict, limit, or place conditions on any license, including probationary status. *(Indiana Horse Racing Commission; 71 IAC 5-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; 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 5-1-17 Duration of license**

Authority: IC 4-31-6-2

Affected: IC 4-31-6-4

Sec. 17. (a) All licenses expire December 31 of each year.

(b) A license is valid only under the condition that the licensee remains eligible to hold such license. *(Indiana Horse Racing Commission; 71 IAC 5-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; 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 5-1-18 Changes in application information**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 18. During the period for which a license has been issued, the licensee shall report to the commission changes in information provided on the license application, including the following:

- (1) Current legal name.
- (2) Marital status.
- (3) Permanent address.
- (4) Pending criminal complaints.
- (5) Criminal convictions.
- (6) License suspensions of ten (10) days or more.
- (7) License revocations or fines of five hundred dollars (\$500) or more in other jurisdictions.
- (8) Racing related disciplinary charges pending in other jurisdictions.

Such information shall be upon the appropriate commission form, signed by the licensee, and filed at the commission offices. *(Indiana Horse Racing Commission; 71 IAC 5-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; 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 5-1-19 Temporary licenses (Repealed)**

Sec. 19. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA)*

**71 IAC 5-1-20 More than one license**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 20. More than one (1) license to participate in horse racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest. (*Indiana Horse Racing Commission; 71 IAC 5-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; 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 5-1-21 Conflict of interest**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission or judges find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary helper.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

(e) Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area. (*Indiana Horse Racing Commission; 71 IAC 5-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

**71 IAC 5-1-22 License presentation**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 22. (a) All licensees shall carry on their person at all times within the enclosure their assigned commission license (photo identification badge).

(b) A person shall present an appropriate license to enter a restricted area.

(c) The judges may require visible display of a license in a restricted area.

(d) A license may only be used by the person to whom it is issued. (*Indiana Horse Racing Commission; 71 IAC 5-1-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; 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 5-1-23 Visitor's pass**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 23. Track security may authorize unlicensed persons temporary access to restricted areas. Such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the commission or its designee within forty-eight (48) hours. Such authorization or credential may only be used by the person to whom it is issued. (*Indiana Horse Racing Commission; 71 IAC 5-1-23; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; 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 5-1-24    Credentials property of commission**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 24. Licensee credentials (photo identification badge) are the property of the commission and must be surrendered to the executive director, judges, commission director of security, or their designee upon request. (*Indiana Horse Racing Commission; 71 IAC 5-1-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; 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 5-1-25    Knowledge of rules**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 25. A licensee shall be knowledgeable of these rules and, by acceptance of the license, agrees to abide by these rules. (*Indiana Horse Racing Commission; 71 IAC 5-1-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; 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 5-1-26    Cooperation with investigations**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 26. (a) All licensees shall cooperate fully with all investigations and inquiries made by commission representatives or association security, or both.

(b) All licensees shall obey instructions from commission representatives or association security, or both. (*Indiana Horse Racing Commission; 71 IAC 5-1-26; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; 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 5-1-27    Reporting known or suspected irregularities and rule violations**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 27. All licensees shall report any known or suspected irregularities, any violation of the rules of the commission, or any wrong doings by any person immediately to the commission and cooperate in subsequent investigations. (*Indiana Horse Racing Commission; 71 IAC 5-1-27; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; 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 5-1-28    Review of horse transfers**

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 28. The executive director or the judges may refuse the license of an owner, declare the horse(s) at issue ineligible to race, require the horse(s) at issue to be stabled on the grounds of the association, and/or place a horse on the judge's list if the seller is suspended, barred, has had his or her license refused, or is otherwise unlicensable. In making such a determination, the executive director or judges may consider any information that they deem relevant including, but not limited to, the following:

(1) Whether the buyer is a spouse, member of the immediate family, assistant, employee, business associate, or member of



the seller's household.

(2) Whether the seller could have contact with or access to the horse(s) in question after transfer.

(3) Whether the sale occurred within the previous sixty (60) days.

*(Indiana Horse Racing Commission; 71 IAC 5-1-28; 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 5-1-29    Review of trainer transfers**

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 29. The executive director or the judges may refuse the license of a trainer, declare the horse(s) at issue ineligible to race, require the horse(s) at issue to be stabled on the grounds of the association, and/or place a horse on the judge's list if the prior trainer has been suspended, barred, has had his or her license refused, or is otherwise unlicensable. In making such a determination, the executive director or judges may consider any information that they deem relevant including, but not limited to, the following:

(1) Whether the trainer is a spouse, member of the immediate family, assistant, employee, or member of the prior trainer's household.

(2) Whether the prior trainer could have contact with or access to the horse(s) in question.

(3) Whether the trainer transfer occurred within the previous sixty (60) days.

*(Indiana Horse Racing Commission; 71 IAC 5-1-29; 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)*

## **Rule 2.    Owners**

### **71 IAC 5-2-1    Licensing requirements for owners**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse which is:

(1) eligible to race; and

(2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership of a horse registered with the racing secretary shall be approved by the judges. Each owner shall comply with all licensing requirements.

(f) Each licensed owner is responsible for disclosure to the commission or its designee of the identity of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the judges. Each trainer shall comply with all licensing requirements.

(g) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as an owner, unless there is a showing by clear and convincing evidence on the part of the applicant or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as an owner, any

horse whose ownership is in question may be placed on the judge's list. In such event, any horse whose bona fide ownership is at issue is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of 71 IAC 7-1-35. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

(h) Each person licensed as an owner consents to the release of records or information required by these rules relating to the medication, care, and/or treatment of a horse by a veterinarian. Additionally, each owner waives and releases any claim that he or she might have against any veterinarian resulting from or in any way relating to the release of records or information to the commission pertaining to the medication, care, and/or treatment of a horse. This provision also serves as and provides a corresponding consent and waiver by and on behalf of the trainer of each of the owner's horses. (*Indiana Horse Racing Commission; 71 IAC 5-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211; 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 5-2-2      Licensing requirements for multiple owners**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) If the legal owner of any horse is:

- (1) a partnership;
- (2) a corporation;
- (3) a syndicate; or
- (4) any other association or entity;

each shareholder or partner shall be licensed as required in section 1 of this rule.

(b) Each partnership, corporation, syndicate, or other association or entity shall disclose to the commission all owners holding a five percent (5%) or greater beneficial interest, unless otherwise required by the commission.

(c) Each partnership, corporation, syndicate, or other association or entity which includes an owner with less than a five percent (5%) ownership or beneficial interest shall file with the commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.

(d) To obtain an owner's license, an owner with less than a five percent (5%) ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the judges.

(e) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice, or order at such address shall constitute official notice to all persons involved in the ownership of such horse.

(f) The written appointment of a managing owner or authorized agent shall be filed with the commission. (*Indiana Horse Racing Commission; 71 IAC 5-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; 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 5-2-3      Lease agreements**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the commission is attached to the certificate of registration and on file with the commission. The lessor and lessee shall be licensed as horse owners. (*Indiana Horse Racing Commission; 71 IAC 5-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; 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 5-2-4     Stable name registration**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 4. (a) All current year registrations of stable names by the USTA shall be recognized in Indiana upon payment of the appropriate fees.

(b) Licensed owners and lessees may adopt a stable name subject to the approval of the USTA.

(c) The applicant shall identify all persons using the stable name. Changes shall be reported immediately to the commission.

(d) A person who has registered a stable name may cancel it upon written notice to the commission.

(e) The stable name and the name of the owner shall be published in the program.

(f) All persons using a stable name shall comply with all rules regarding licensing of owners.

(g) In the event one (1) of the owners or persons listed in a registered stable is suspended, all horses shall be included. (*Indiana Horse Racing Commission; 71 IAC 5-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; 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 5-2-5     Racing colors**

Authority: IC 4-31-6-2  
Affected: IC 4-31

Sec. 5. The racing colors to be worn by each driver in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race. (*Indiana Horse Racing Commission; 71 IAC 5-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; 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 5-2-6     Owner – positive tests**

Authority: IC 4-31-6-2; IC 4-31-13-1  
Affected: IC 4-31-6-6

Sec. 6. (a) Owner(s) of horses testing positive on more than one (1) occasion within the preceding five (5) years for a prohibited substance other than phenylbutazone, flunixin, or ketoprofen, may, at the discretion of the executive director or the judges, be required to stable all horses participating in a race meet upon the grounds of the association and/or be required to place all horses in the detention barn on the day before and/or the day of its scheduled race. A positive test under this section shall include violations in Indiana and in other jurisdictions.

(b) Special consideration shall be given to positive tests for Class 1, 2, or 3 drugs as listed in the Association of Racing Commissioners International's Uniform Classification Guidelines of Foreign Substances. Special consideration shall also be given to TC02 violations, blood gas violations, and to findings of any drug, medication, or foreign substance administered within twenty-four (24) hours of a horse's scheduled race. (*Indiana Horse Racing Commission; 71 IAC 5-2-6; 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*)

**Rule 3.     Trainers**

**71 IAC 5-3-1     Eligibility**

Authority: IC 4-31-6-2  
Affected: IC 4-31

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

(1) Be at least eighteen (18) years of age.

(2) Shall hold a currently valid trainer's license issued by the USTA or CTA. Applicants holding CTA licenses only must

provide a complete CTA ruling history from that organization to the Indiana horse racing commission judges prior to being licensed.

(3) Be qualified, as determined by the judges or other commission designee, by reason of experience, background, and knowledge of racing.

(b) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills administered by the USTA/CTA or their designee.

(c) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the judges. Each trainer shall comply with all licensing requirements.

(d) The commission or its designee may refuse, deny, suspend, or revoke a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.

(e) To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the judge's list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of 71 IAC 7-1-35. (*Indiana Horse Racing Commission; 71 IAC 5-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746; 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 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA*)

#### **71 IAC 5-3-2     Trainer responsibility**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The trainer is responsible for:

(1) the condition of horses he or she trains entered in an official workout or race;

(2) the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in horses he or she trains; and

regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) Ensuring that all persons employed by them are knowledgeable of and observe all commission rules and regulations.

(b) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(c) A trainer whose horse has been claimed remains responsible for the race in which the horse is claimed. (*Indiana Horse Racing Commission; 71 IAC 5-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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.]*)

#### **71 IAC 5-3-3     Other responsibilities**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

(1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.

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## LICENSEES

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- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:

- (A) name;
- (B) occupation;
- (C) Social Security number; and
- (D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge, including that outlined in 71 IAC 8.

- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.

- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.

- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.

- (9) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds. No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.

- (10) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility.

- (11) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel denerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.

- (12) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.

- (13) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the commission veterinarian and compliance with 71 IAC 8 governing postmortem examinations.

- (14) Maintaining a knowledge of the medication record and status of all horses in his or her care.

- (15) Immediately reporting to the judges and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

- (16) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

- (17) Horses entered as to eligibility.

- (18) Ensuring the fitness of a horse to perform creditably.

- (19) Ensuring that his or her horses are properly shod, bandaged, and equipped.

- (20) Equipment used on a horse shall not affect the placement of or obstruct the visibility of the head number or saddle pad.

- (21) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

- (22) Personally attending to his or her horses in the paddock or designating a licensee to attend to the horse in the paddock.

- (23) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.

- (24) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.

- (25) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on his or her horse indicating levels in violation of 71 IAC 8.

- (26) Notifying horse owners upon the revocation or suspension of his or her trainer's license.

- (27) Guard and protect all horses in his or her care.

- (28) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.

- (29) Determine the training regimen of all horses in his or her care.

- (30) Ensuring that electronic eligibility is registered with the USTA prior to entry in a race or qualifying race.

- (31) Immediately notifying the judges, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.

- (b) Upon application by the owner, the judges may approve the transfer of such horses to the care of another licensed trainer,

and, upon such approved transfer, such horses may be entered to race.

(c) No trainer shall assign any of his or her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his or her active care, custody, and supervision.

(e) No trainer shall practice his profession except under his or her own name. (*Indiana Horse Racing Commission; 71 IAC 5-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2535; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2212; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA)*)

#### **71 IAC 5-3-3.1 "In Today" responsibilities**

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

Affected: IC 4-31

Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.

(b) A horse may not be moved to any other stall after the association employee identifies the horse the morning of its scheduled race.

(c) After the association employee identifies a horse the morning of its scheduled race, the horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations. (*Indiana Horse Racing Commission; 71 IAC 5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA*)

#### **71 IAC 5-3-4 Restrictions on wagering**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A trainer shall only be allowed to wager on his or her horse or entries to win or finish first in combination with other horses. (*Indiana Horse Racing Commission; 71 IAC 5-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; 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 5-3-5 Assistant trainers**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the judges. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

(b) Qualifications for obtaining an assistant trainer's license shall be prescribed by the judges and the commission and may include those requirements prescribed in section 1 of this rule.

(c) An assistant trainer may substitute for and shall assume the same duties, responsibilities, and restrictions as imposed on

the licensed trainer. In which case, the trainer shall be jointly responsible for the assistant trainer's compliance with these rules. *(Indiana Horse Racing Commission; 71 IAC 5-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; 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 5-3-6      Substitute trainers**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) A trainer, absent for more than five (5) days from his or her responsibility as a licensed trainer, shall obtain another licensed trainer to substitute.

(b) A substitute trainer shall accept responsibility for the horses and be approved by the judges.

(c) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official race pursuant to this section. *(Indiana Horse Racing Commission; 71 IAC 5-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3126, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; 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 4.      Drivers**

**71 IAC 5-4-1      Drivers; licensing**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) A person who desires to drive harness horses in pari-mutuel races and/or qualifying races shall first apply for and obtain a license prior to driving in races and qualifying races at tracks licensed by the commission, along with the recommendation of the judges.

(b) Every applicant for a driver's license shall satisfy the judges in a manner prescribed by the judges, that he or she meets all of the following qualifications:

(1) Has had at least one (1) year's training experience and has demonstrated the ability to drive.

(2) Is physically and mentally competent to drive.

(3) Is knowledgeable of, and conversant in, the training and driving of harness horses.

(4) Is familiar with the rules of racing.

(5) Has a minimum of 20/40 corrected vision in both eyes or, if the individual is blind in one (1) eye, not less than 20/30 corrected vision in the other eye, as indicated on the USTA Drivers License Card.

(6) Is not less than sixteen (16) years of age.

(7) Is the holder of a currently valid "A" (full), "CD" (conditional/probationary), or "P" (provisional) license issued by the USTA, or comparable licensing issued by the CTA.

(c) Proper licensing notwithstanding, the judges at any race meeting may refuse to permit any driver to compete in a race if, in their judgment, he or she is unfit, unqualified, or too inexperienced to drive. Such driver may be required to submit to a physical examination under conditions specified by the judges.

(d) A person aspiring to become a driver may, after successfully completing a written examination administered by the USTA or CTA, apply for licensing to drive in qualifying races and non-betting races only. Persons granted "QF" (qualifying fair) licenses shall not be less than sixteen (16) years of age and have the approval of the judges. All such persons driving in such races shall do so under the scrutiny of the judges and, where instituted, a horsemen's advisory committee, which shall present its observations to the judges in writing. To aid in making a determination on the ability and qualification of the holder of a "QF" (qualifying fair) license, the judges may require the driver to go a rated mile, with the times for the mile and the quarters thereof to be declared beforehand by the driver.

(e) A driver holding a provisional license shall not be considered for advancement to a full license by the judges until he or she has qualified pursuant to one of the following provisions:

(1) Had at least one (1) year's driving experience while holding a "P" (provisional) license, plus twenty-five (25) satisfactory

pari-mutuel starts in the calendar year before application.

(2) Had at least one (1) year's driving experience while holding a "P" (provisional) license, but had not less than fifty (50) satisfactory pari-mutuel starts and the written approval from the judges at a recognized meeting.

(3) Made twenty-five (25) satisfactory starts at pari-mutuel or grand circuit meetings in the two (2) calendar years preceding the date of application if he or she has had not less than fifty (50) satisfactory fair starts.

(f) A driver who presently holds a license and wishes to obtain a license in a higher category and who has not previously submitted to a written test may be required to take a written test before becoming eligible to obtain a license in a higher category.

(g) Repeated rule violations shall be considered grounds for refusal to grant, or grounds for revocation of, any driver's license. *(Indiana Horse Racing Commission; 71 IAC 5-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; 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 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.]*

#### **71 IAC 5-4-2 Drivers; presence in paddock**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. Drivers leaving the paddock area for good cause prior to completing their drives must first obtain a signed and dated permit from the paddock judge or security designee. These permits must be returned to the paddock judge. Returning drivers must retest on the breathalyzer prior to driving. *(Indiana Horse Racing Commission; 71 IAC 5-4-2; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA)*

### **Rule 5. Owners' Authorized Agents**

#### **71 IAC 5-5-1 Licenses required**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An authorized agent shall obtain a license from the commission.

(b) Application for license shall be filed for each owner represented.

(c) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public if the owner is not present at the track when the license is applied for.

(d) If the written instrument is a power of attorney it shall be filed with the commission and attached to the regular application form.

(e) Any changes shall be made in writing and filed as provided in subsection (c).

(f) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the commission whereupon the license shall not be valid. *(Indiana Horse Racing Commission; 71 IAC 5-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; 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 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.]*

#### **71 IAC 5-5-2 Powers and duties**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A licensed authorized agent may perform on behalf of the licensed owner-principal all acts as relate to racing, as specified in the agency appointment, that could be performed by the principal if such principal were present.

(b) In executing any document on behalf of the principal, the authorized agent shall clearly identify the authorized agent and



the owner-principal.

(c) When an authorized agent enters a claim for the account of a principal, the name of the licensed owner for whom the claim is being made and the name of the authorized agent shall appear on the claim slip or card.

(d) Authorized agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the judges and reported to the USTA for recording. (*Indiana Horse Racing Commission; 71 IAC 5-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; 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. Horseshoers**

### **71 IAC 5-6-1 Eligibility**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as horseshoer shall:

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

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

(A) A written examination.

(B) An interview or oral examination.

(C) A demonstration of practical skills in horseshoeing.

(b) Applicants not previously licensed as a horseshoer shall be required to:

(1) pass a written or oral examination;

(2) demonstrate practical skills; and

(3) submit at least two (2) written statements as to the character and qualifications of the applicant.

(*Indiana Horse Racing Commission; 71 IAC 5-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, 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*)

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