ARTICLE 6. TYPES OF RACES

Rule 1. Claiming Races

71 IAC 6-1-1 General provisions

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

Sec. 1. (a) A registration certificate of current ownership, together with the application for transfer thereon duly endorsed by all registered owners, must be filed in the office of the racing secretary for all horses claimed within a reasonable time after the race from which the horse was claimed.

(b) The price allowances that govern for claiming races must be approved by the commission. Claiming prices recorded on past performance lines in the daily race program shall not include allowances.

(c) The claiming price, including any allowances, of each horse shall be printed on the official program adjacent to the horse's program number and claims shall be for the amount designated, subject to correction if printed in error.

(d) In handicap claiming races, in the event of an also eligible horse moving into the race, the also eligible horse shall take the place of the horse that it replaces provided that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the also eligible horse shall take the trailing position, regardless of its handicap. In handicap claiming races with one (1) trailer, the trailer shall be determined as the fourth best post position.

(e) To be eligible to be claimed, a horse must start in the event in which it has been declared to race. For the purposes of this rule, a horse shall be deemed to have started if it is behind the gate when the field is released at the starting point by the starter. The racing secretary or his designee is responsible to process claims within three (3) business days from the date of which the claim occurred.

(f) Any:

(1) licensed owner;

(2) authorized agent of a licensed owner who holds a current valid commission license; or

(3) person who has properly applied for and been granted a claiming certificate;

shall be permitted to claim any horse. Any person or authorized agent eligible to claim a horse shall be allowed access to the grounds of the association, excluding the paddock, in order to effect a claim at the designated place of making claims and to take possession of the horse claimed.

(g) Claiming certificates are valid on the day of issue and expire at the end of the race meeting for which they are granted. These certificates may be applied for at the commission's licensing office no later than thirty (30) minutes prior to post time for the first race on any day of racing. To be eligible for a claiming certificate, a person must complete the licensing process as an owner under 71 IAC 5-2 and pay the appropriate fees. The photo identification badge shall be withheld until the person becomes a successful claimant.

(h) A person not previously licensed by the commission within the last two (2) years must apply for a claiming certificate in person. *(Indiana Horse Racing Commission; 71 IAC 6-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; 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; 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 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA)*

71 IAC 6-1-2 Prohibitions on claims

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

Sec. 2. (a) A person shall not:

(1) claim, directly or indirectly, his or her own horse or a horse trained or driven by him or her; or
(2) cause such horse to be claimed directly or indirectly for his or her own account.
(b) A person shall not directly or indirectly:
(1) offer to claim or not to claim;
(2) enter into an agreement to claim or not to claim;
(3) attempt to prevent another person from claiming; any horse in a claiming race;
(4) claim a horse for an unlicensed and/or ineligible person; or
(5) claim a horse with funds loaned by an individual without prior approval of the judges.
(c) A person shall not have more than one (1) claim on any one (1) horse in any claiming race. However, owners utilizing the same trainer may claim different horses from the same race.
(d) A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims, a procedure known as protection claims. *(Indiana Horse Racing Commission; 71 IAC 6-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Mar 20, 2008, 2:32 p.m.: 20080416-IR-071080063RFA; 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.]; readopted filed Nov 24, 2015, 1:30 p.m.: 20151223-IR-071150081RFA)*

71 IAC 6-1-3 Claiming procedure
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper at the time the completed claim form is deposited.
(b) The claimant shall provide all information required on the claim form provided by the association.
(c) The claim form shall be completed and signed by the claimant or his authorized agent prior to placing it and the necessary transfer fees in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.
(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.
(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.
(f) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.
(g) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:
(1) a photostatic copy of the check presented;
(2) written detailed information to include:
(A) the name of the claimant;
(B) the bank;
(C) the branch;
(D) the account number; and
(E) the drawer of any checks; or
(3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(h) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(i) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges or their designee, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(j) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

(1) the name of the horse claimed;

(2) the name of the claimant; and

(3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race. A horse entered in a claiming race cannot be sold or transferred until the completion of the race.

(l) A horse entered in a claiming race cannot be scratched from a claiming race for the purpose of being sold privately.

(m) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The successful claimant/trainer shall have the right to measure the horse's hopples and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hopples or any other equipment he deems necessary.

(n) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

(o) A claimed horse shall not:

(1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;

(2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or

(3) be sold or transferred to anyone;

for a period of sixty (60) days unless reclaimed out of another claiming race.

(p) The claiming price shall be paid to the owner at the time of entry for the race from which the horse was claimed only when the successful claimant is not in pending status by the USTA, the judges are satisfied that the claim is valid, and the successful claimant is recognized as the owner of record.

(q) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(r) Mares and fillies that are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(s) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(t) If the post-race serum or plasma sample of the horse contains cobalt in excess of the threshold established in 71 IAC 8-1-9, the claimant will be notified of the test result and he or she may, within forty-eight (48) hours of notification, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(u) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

(1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;

(2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall

be the property of the claimant; and

(3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

(v) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier of:

(1) a period of sixty (60) days; or

(2) the conclusion of the last standardbred race meet under the jurisdiction of the Indiana horse racing commission in that year.

(w) Notwithstanding the provisions of subsection (u), a claimed horse shall be allowed to compete out of state while on the sixty (60) day hold period in any stake, or early and late closer, it is listed as being paid prior to the claim. *(Indiana Horse Racing Commission; 71 IAC 6-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; 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 Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; 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 Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014)*

71 IAC 6-1-4 Excusing claimed horse

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

Sec. 4. (a) If a horse in a claiming race is scratched by the judges for any reason, including being declared a non-starter, any claims on the said horse are void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched from. The rule shall apply from the date of the scratch or declaration of a nonstarter until the last day of the final harness meet licensed by the commission that year. This rule shall not include horses scratched due to entry error or ineligibility, which is verified by the race office in writing.

(b) Any horse scratched from a claiming race and taken out of state to race shall upon its return to Indiana be bound by subsection (a) of this rule within the same year. *(Indiana Horse Racing Commission; 71 IAC 6-1-4; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217; 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.]; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Nov 21, 2014, 2:25 p.m.: 20141217-IR-071140403RFA)*

Rule 2. Types of Races Permitted

71 IAC 6-2-1 Types of races permitted

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

Sec. 1. In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

(1) Overnight events which include:

(A) conditioned races;

(B) claiming races;

(C) preferred, invitational, handicap, open, or free-for-all races;
(D) schooling races; and
(E) matinee races.
(2) Added money events which include:
(A) stakes;
(B) futurities;
(C) early closing events; and
(D) late closing events.
(3) Match races.
(4) Qualifying races.
(Indiana Horse Racing Commission; 71 IAC 6-2-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2908; 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 3. Overnight Events

71 IAC 6-3-1 General provisions
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) For the purpose of this rule, overnight events shall include:
(1) conditioned;
(2) claiming;
(3) preferred;
(4) invitational;
(5) handicap;
(6) open;
(7) free-for-all;
(8) schooling; or
(9) matinee races;
or a combination thereof.

(b) At extended meetings, condition sheets must be available to participants at least twenty-four (24) hours prior to closing declarations to any race program contained therein. At other meetings, conditions must be posted and available to participants at least eighteen (18) hours prior to closing declarations.

(c) A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race.

(d) Substitute races may be provided for each race program and shall be so designated in condition books sheets. A substitute race may be used when a regularly scheduled race fails to fill.

(e) Regularly scheduled races or substitute races may be divided where necessary to fill a program of racing or may be divided and carried over to a subsequent racing program subject to the following:
(1) No such divisions shall be used in the place of regularly scheduled races which fill.
(2) Where races are divided in order to fill a program, starters for each division must be determined by lot after preference has been applied unless the conditions provide for divisions based upon age, performance, earnings, or sex.
(3) Where necessary to fill a card, not more than one (1) race per day may be divided into not more than two (2) divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division must be by lot unless the conditions provide for a division based on performance, earnings, or sex.

(f) Amateur races shall not be used as pari-mutuel betting events. *(Indiana Horse Racing Commission; 71 IAC 6-3-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2908; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917; readopted filed Nov 29, 2011, 12:52 p.m.: 20111228-IR-071100776RFA)*

71 IAC 6-3-2 Conditions

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

Sec. 2. (a) Conditions may be based only on any one (1) or more combinations of the following qualifications:

(1) A horse's money winnings in a specified number of previous races or during a specified previous time.

(2) A horse's finishing position in a specified number of previous races or during a specified period of time.

(3) Age.

(4) Sex.

(5) The number of starts during a specified period of time.

(6) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.

(7) The exclusion of schooling races.

(b) With the exception of Indiana Sired, Indiana Sired and Bred, and Indiana Sired preferred, conditions shall not be written in such a way that any horse is deprived of an opportunity to race in a normal preference cycle. Where the word preference is used in a condition, it shall not supersede date preference as provided in these rules. Not more than three (3) also eligible conditions shall be used in writing the conditions for overnight events.

(c) The commission may, upon application from the racing secretary, approve conditions other than those listed in this section for special events.

(d) In the event there are conflicting published conditions and neither one nor the other is withdrawn by the association, the one more favorable to the declarer shall govern.

(e) For the purpose of eligibility, a racing season or racing year shall be the calendar year. All races based on winnings will be programmed nonwinners of a specified dollar amount or winners over a specified dollar amount. Additional conditions may be added. When recording winnings, gross winnings shall be used and cents shall be disregarded.

(f) Records and time bars shall not be used as a condition of eligibility.

(g) Horses must be eligible when declarations close subject to the following provisions:

(1) Wins and winnings on or after the closing date of declarations shall not be considered.

(2) Age allowances shall be given according to the age of the horse on the date the race is contested.

(3) In mixed races, trotting, and pacing, a horse must be eligible under the conditions for the gait at which it is stated in the declaration the horse will perform.

(h) When conditions refer to previous performances, those performances shall only include those in a purse race. Each dash or heat shall be considered as a separate performance for the purpose of condition races.

(i) No more than four (4) trailers shall be permitted, regardless of the size of the track, except with the approval of the commission. At least eight (8) feet per horse must be provided the starters in the front tier.

(j) The racing secretary may reject the declaration to an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses declared to that particular event. *(Indiana Horse Racing Commission; 71 IAC 6-3-2; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2909; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1669, eff Feb 24, 2000; errata filed Mar 2, 2000, 4:06 p.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Sep 21, 2016, 11:02 a.m.: 20161019-IR-071160203RFA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA)*

Rule 4. Added Money Events

71 IAC 6-4-1 General provisions

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

Sec. 1. (a) For the purpose of this rule, added money events include stakes, futurities, early closing events, and late closing events.

(b) All sponsors and presenters of added money events must comply with these rules and must submit to the commission the conditions and other information pertaining to such events.

(c) Any conditions contrary to the provisions of any of these rules are prohibited. *(Indiana Horse Racing Commission; 71 IAC 6-4-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; 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 6-4-2 Conditions

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

Sec. 2. Conditions for added money events must specify the following:

(1) Which horses are eligible to be nominated.

(2) The amount to be added to the purse by the sponsor or presenter, should the amount be known at the time.

(3) The dates and amounts of nomination, sustaining, and starting payments.

(4) Whether the event will be raced in divisions or conducted in elimination heats.

(5) The distribution of the purse, in percent, to the money winners in each heat or dash, and the distribution should the number of starters be less than the number of premiums advertised.

(6) Whether also eligible horses may be carded prior to the running heats or legs of added money events.

(Indiana Horse Racing Commission; 71 IAC 6-4-2; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; 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 6-4-3 Requirements of sponsors and presenters

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

Sec. 3. (a) Sponsors or presenters of stakes, futurities, or early closing events shall provide a list of nominations to each nominator or owner and to the associations concerned within sixty (60) days after the date on which nominations close, other than for nominations payable prior to January 1 of a horse's two (2) year-old year.

(b) In the case of nominations for futurities payable during the foaling year, such lists must be forwarded out prior to October 15 of that year and, in the case of nominations payable in the yearling year, such lists must be forwarded out not later than September 1 of that year.

(c) Sponsors or presenters of stakes, futurities, or early closing events shall also provide a list of horses remaining eligible to each owner of an eligible within forty-five (45) days after the date on which sustaining payments are payable. All lists shall include a resume of the current financial status of the event.

(d) The commission may require the sponsor or presenter to file with the commission a surety bond in the amount of the fund to ensure faithful performance of the conditions, including a guarantee that the event will be raced as advertised, all funds will be segregated, and all premiums paid. Commission consent must be obtained to transfer or change the date of the event or to alter the conditions. In any instance where a sponsor or presenter furnishes the commission with substantial evidence of financial responsibility satisfactory to the commission, such evidence may be accepted in lieu of a surety bond. *(Indiana Horse Racing Commission; 71 IAC 6-4-3; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; 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 6-4-4 Nominations, fees, and purses

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

Sec. 4. (a) All nominations to added money events must be made in accordance with the conditions.

(b) Dates for added money event nominations payment are as follows:

(1) For stakes, the date for closing of nominations on yearlings shall be May 15. The date for closing of nominations to all other stakes shall fall on the fifteenth day of a month.

(2) For futurities, the date for closing of nominations shall be July 15 of the year of foaling.

(3) For early closing events, the date for closing of nominations shall fall on the first or fifteenth day of a month. Nominations on two (2) year-olds shall not be taken prior to February 15.

(4) For late closing events, the date for closing of nominations shall be at the discretion of the sponsor or presenter.

(c) Dates for added money event sustaining payments are as follows:

(1) For stakes and futurities, sustaining payments shall fall on the fifteenth day of a month. No stake or futurity sustaining fee shall become due prior to March 15 of the year in which the horses nominated become two (2) years of age.

(2) For early and late closing events, sustaining payments shall fall on the first or fifteenth day of a month.

(d) The starting fee shall become due when a horse is properly declared to start and shall be payable in accordance with the conditions of the added money event. Once a horse has been properly declared to start, the starting fee shall be forfeited, whether or not the horse starts. Should payment not be made thirty (30) minutes before the post time of the event, the horse may be scratched and the payment shall become a liability of the owner who shall, together with the horse or horses, be suspended until payment is made in full, provided the association notifies the commission within thirty (30) days after the starting date.

(e) Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.

(f) Conditions that will eliminate horses nominated to an event, or add horses that have not been nominated to an event by reason of performance of such horses at an earlier meeting, are invalid. Early and late closing events shall have not more than two (2) also eligible conditions.

(g) The date and place where early and late closing events will be raced must be announced before nominations are taken. The date and place where stakes and futurities will be raced must be announced as soon as determined but, in any event, such announcement must be made no later than March 30 of the year in which the event is to be raced.

(h) Deductions may not be made from nomination, sustaining, and starting payments or from the advertised purse for clerical or any other expenses.

(i) Every nomination shall constitute an agreement by the person making the nomination and the horse shall be subject to these rules. All disputes and questions arising out of such nomination shall be submitted to the commission, whose decision shall be final.

(j) Nominations and sustaining payments must be received by the sponsor or presenter not later than the hour of closing, except those made by mail must bear a postmark placed thereon not later than the hour of closing. In the event the hour of closing falls on a Saturday, Sunday, or legal holiday, the hour of closing shall be extended to the same hour of the next business day. The hour of closing shall be midnight of the due date.

(k) If conditions require a minimum number of nominations and the event does not fill, the commission and each nominator shall be notified within twenty (20) days of the closing of nominations and a refund of nomination fees shall accompany such notice to nominators.

(l) If conditions for early or late closing events allow transfer for change of gait, such transfer shall be to the lowest class the horse is eligible to at the adopted gait, eligibility to be determined at the time of closing nominations. The race to which the transfer may be made must be the one nearest the date of the event originally nominated to. Two (2) year-olds, three (3) year-olds, or four (4) year-olds, nominated in classes for their age, may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event they were originally nominated to, and entry fees to be adjusted.

(m) A nominator is required to guarantee the identity and eligibility of nominations, and, if this information is given incorrectly, he or she may be fined, suspended, or expelled and the horse declared ineligible. If any purse money was obtained by an ineligible horse, the monies shall be forfeited and redistributed among those justly entitled to the same.

(n) Early or late closing finals must be contested if five (5) or more horses are declared to start unless otherwise specified in the race conditions of the early closing or late closing event. If fewer horses are declared to start than required, the race may be declared off, in which case the total of nominations, sustaining, and starting payments received shall be divided equally to the horses declared to start. Such distribution shall not be credited as purse winnings.

(o) Stakes or futurities must be contested if one (1) or more horses are declared to start. In the event only one (1) horse or

only horses in the same interest start, it constitutes a walk-over. In the event no declarations are made, the total of nomination and sustaining payments shall be divided equally to the horses remaining eligible after payment to the last sustaining payment, but such distribution shall not be credited as purse winnings.

(p) Associations shall provide stable space for each horse declared on the day before, the day of, and the day following the race.

(q) In the event more horses are declared to start than allowed in one (1) field, the race will be conducted in divisions or eliminations, as specified in the conditions.

(r) In early closing races, late closing races, and overnight races requiring entry fees, all monies paid in by the nominators in excess of eighty-five percent (85%) of the advertised purse shall be added to the advertised purse and the total shall then be considered to be the minimum purse. If the race is split and raced in divisions, the provisions of subsection (s) shall apply. Where overnight races are split and raced in eliminations rather than divisions, all starting fees payable under the provisions of this rule shall be added to the advertised purse.

(s) Where a race other than a stake or futurity is divided, each division must race for at least seventy-five percent (75%) of the advertised purse.

(t) In added money events conducted in eliminations, starters shall be divided by lot. Unless conditions provide otherwise, sixty percent (60%) of the total purse will be divided equally among the elimination heats. The final heat will be contested for forty percent (40%) of the total purse. Unless the conditions provide otherwise, all elimination heats and the final heat must be raced on the same day. If the conditions provide otherwise, elimination heats must be contested no more than six (6) days, excluding Sundays, prior to the date of the final heat. The winner of the final heat shall be the winner of the race.

(u) The number of horses allowed to qualify for the final heat of an event conducted in elimination heats shall not exceed the maximum number permitted to start in accordance with these rules.

(v) The judges' decisions in arriving at the official order of finish of elimination heats on the same program shall be final and irrevocable and not subject to appeal or protest. *(Indiana Horse Racing Commission; 71 IAC 6-4-4; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2910; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 13, 1998,10:00 a.m.: 21 IR 2402; 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 2103; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

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