

## ARTICLE 6.5. FLAT RACING; CLAIMING RACES

### Rule 1. Claiming Races

#### 71 IAC 6.5-1-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A person entering a horse in a claiming race warrants that the title to the horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering the horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for the horse.

(b) Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the starting gate and is declared an official starter. The successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured at any time, during the race or after. However, the successful claimant may request on the claim blank at the time the successful claimant makes the claim that the horse be tested for the presence of equine infectious anemia via a Coggins test, or other test as approved by the official veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test shall be the responsibility of the successful claimant, unless the test proves positive, wherein the owner or owners of the horse at the time of entry shall be responsible.

(c) An in-foal filly or mare shall be eligible to be entered into a claiming race only if all of the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing secretary's office.

(2) The stallion service certificate has been deposited with the racing secretary's office.

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

(d) The stewards may set aside and order rescission of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 4 of this rule, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules. Should the stewards order a rescission of a claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

#### 71 IAC 6.5-1-2 Claiming of horses

Authority: IC 4-31-3-9

Affected: IC 4-31

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

(1) licensed owner; or

(2) holder of a valid claim certificate; or

(3) licensed authorized agent acting on behalf of an eligible claimant.

(b) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant at the time the horse leaves the starting gate. The successful claimant shall become the owner of the horse, regardless of whether it is alive or dead, sound or unsound, or injured prior to, during, or after the race. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

**71 IAC 6.5-1-3 Claim certificate**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

(1) an application for an owner's license and the required fee; and

(2) the name of a licensed trainer, or person eligible to be a licensed trainer, who will assume the care and responsibility for any horse claimed.

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

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

(d) A claim certificate may be renewed by the stewards during the same year. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

**71 IAC 6.5-1-4 Prohibitions**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(e) A person shall not file a claim more than one (1) horse in a race or file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

(g) A horse claimed in this jurisdiction shall not race outside Indiana until after the conclusion of the race meet without the permission of the stewards.

(h) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55*)

**71 IAC 6.5-1-5 Procedures for claiming**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) To make a valid claim for a horse, an eligible person shall:

(1) have on deposit with the horsemen's bookkeeper, prior to filing the claim, an amount equal to the amount of the claim, plus all transfer fees and applicable taxes;

(2) complete a written claim on a form furnished by the association and approved by the commission;

(3) identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;

(4) place the completed claim form inside a sealed envelope furnished by the association and approved by the commission;

(5) have the time of day that the claim is entered recorded on the envelope; and

(6) have the envelope deposited in the claim box no later than fifteen (15) minutes prior to post time of the race for which the claim is entered.

(b) After a claim has been deposited in the claim box, it is irrevocable by the claimant and shall not be withdrawn from the claim box until the time designated by the stewards.

(c) Officials and employees of the association shall not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim.

(d) If more than one (1) claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

(e) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff. Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

**71 IAC 6.5-1-6 Transfer of claimed horse**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon successful claim, the stewards shall issue, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price, applicable taxes, and transfer fees. No claimed horse shall be delivered by the original owner to the successful claimant until authorized by the stewards.

(b) A person shall not refuse to deliver a properly claimed horse to the successful claimant.

(c) Transfer of possession of a claimed horse shall take place immediately after the race has been run. If the horse is required to be taken to the detention barn for post-race testing, the successful claimant or the successful claimant's representative shall maintain physical custody of the claimed horse. However, the original trainer or the original trainer's representative shall accompany the horse, observe the testing procedure, and sign the test sample tag.

(d) When a horse is claimed out of a claiming race, the horse's engagements are transferred with the horse to the claimant.

(e) Ownership interest in any horse claimed from a race shall not be resold or transferred back to the original owner for thirty (30) days after such horse was claimed, except by claim from a subsequent race.

(f) A claimed horse shall not remain in the same stable or under the control or management of its former owner. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff. Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899*)

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