ARTICLE 7. RULES OF THE RACE

Rule 1. Entries and Scratches

71 IAC 7-1-1 Taking entries and the draw

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

Sec. 1. (a) It is the trainer's responsibility to verify at the time of declaration to start if the information given by phone to the race office is correct. There shall be no redraw for incorrect declarations if by phone or filled out by the licensee.

(b) The racing secretary shall prepare the books or sheets of conditions for the races to be conducted during the meeting and he or she and his or her assistants shall take entries for all races. The racing secretary shall assign preference for each entry and prepare the races for the drawing of post positions. Post positions shall be drawn by lot by the judges or their designee. The number drawn shall be the post position for the race. *(Indiana Horse Racing Commission; 71 IAC 7-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-2 Entry licensing requirements

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

Sec. 2. No horse may be permitted to race in this state unless the owner, trainer, and driver have been granted a current license by the commission or have made application for a license accompanied by the proper fee as prescribed in these rules and which application has not been rejected. *(Indiana Horse Racing Commission; 71 IAC 7-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; 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 7-1-3 Entry void

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

Sec. 3. If a person is suspended, ruled off, expelled, or had his or her license revoked or denied, he or she shall not be qualified, as agent or otherwise, to declare for a race, to enter or to race any horse for himself or herself or anyone else, and no horse which he or she owns wholly or in part, or which is under his or her care, management, training, or supervision shall be qualified to race in any race. Such entry, if received, shall be void, and if an entry fee accompanies it, the fee shall be refunded. *(Indiana Horse Racing Commission; 71 IAC 7-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; 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 7-1-4 Entry in name of all owners and proof of ownership

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

Sec. 4. (a) Every entry must be in the name of a person having an ownership interest in the horse and must be made in writing by such owner, his or her trainer, or by the authorized agent of either. The full name of every person having any ownership in a horse or any interest in its winnings must be recorded with the racing secretary before the horse starts at any meeting.

(b) The judges may call upon any person making entry to prove the extent of his or her interest in the horse or its winnings or to give proof that the horse entered is not the property, wholly or in part, of any person who is disqualified. If unsatisfied with the proof tendered, the judges may declare the horse out of the race.

(c) The judges may penalize any failure to comply with this rule and may disqualify any horse which races after being entered in violation of this rule. *(Indiana Horse Racing Commission; 71 IAC 7-1-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; 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 7-1-5 No change permitted

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

Sec. 5. (a) The conditions for eligibility to a race may not be changed once entries are taken except that an error may be corrected with the consent of the judges.

(b) No change in trainers of a horse, entered and drawn to start, will be permitted. In the event of such change, the horse will be scratched and the parties responsible therefore shall be subject to fine or suspension. A change in ownership may be permitted with the approval of the judges.

(c) No owner shall list as the trainer of a horse a person who is not in fact the trainer of such horse, and no trainer shall allow his or her name to be shown on the declaration form nor the official program as trainer of a horse which he or she does not in fact have under his or her care and supervision as trainer of the horse. The judges may require proof that a person listed as the trainer of a horse is in fact the actual trainer of that horse. *(Indiana Horse Racing Commission; 71 IAC 7-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2077; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2006; 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 7-1-6 No entry fee

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

Sec. 6. Unless the conditions of the race so provide, there shall be no entry fee to any race. If the conditions require an entry fee, it shall accompany the entry unless otherwise specified. *(Indiana Horse Racing Commission; 71 IAC 7-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; 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 7-1-7 Entries refused

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

Sec. 7. The entries of any person or the transfer of any entry may be refused without notice by the judges with good cause. *(Indiana Horse Racing Commission; 71 IAC 7-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; 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 7-1-8 Approval of entries

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

Sec. 8. (a) No entry shall be accepted for any horse not stabled on the grounds of the permit holder unless its stabling elsewhere has been approved by the permit holder.

(b) Entries can be taken from tracks and private and public stabling facilities approved by the permit holder. *(Indiana Horse Racing Commission; 71 IAC 7-1-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; 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 7-1-9 Registration with USTA or CTA

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

Sec. 9. No horse may be started in any race or qualifying race unless it is registered with the USTA or Canadian Standardbred Horse Society. *(Indiana Horse Racing Commission; 71 IAC 7-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2104; 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 7-1-10 Identification of horse

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

Sec. 10. When a horse is entered, it must be clearly identified by statement of its:
(1) name;
(2) age;
(3) color;
(4) sex; and
(5) the names of its sire and dam.
(Indiana Horse Racing Commission; 71 IAC 7-1-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3128, 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 2105; 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 7-1-11 Proof of identity

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

Sec. 11. (a) No horse may start in any race unless it is fully identified. The burden of proving identity rests with the person or persons having charge of the horse at the meeting, and the judges may suspend and refer to the commission such persons in case of fraud or attempted fraud. The judges also may suspend and refer to the commission any other person who aids in any way in the perpetration of a fraud or who participates in any attempt at fraud.

(b) No horse shall be allowed to race in a race or in a qualifying race unless it has been lip-tattooed or freeze brand recognized by the USTA.

(c) No horse shall be allowed to race in a pari-mutuel event or a qualifying race unless its lip tattoo and/or freeze brand and markings are recognized and identified to the satisfaction of the Indiana horse racing commission licensed identifier. *(Indiana Horse Racing Commission; 71 IAC 7-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; 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 Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-12 Receive entry fees

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

Sec. 12. (a) The racing secretary shall receive all stakes, entrance money, and other monies that properly can come to his or her office. At his or her discretion the racing secretary may receive monies due other associations as fees or forfeits, forwarding them promptly to the association to which same is due.

(b) The racing secretary, or other designated association employee, shall maintain any audit trail of all monies received.

(c) Monies shall be used only for the intended purpose. *(Indiana Horse Racing Commission; 71 IAC 7-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2912; 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 7-1-13 Coupled entries

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

Sec. 13. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel entry and single betting interest if they are owned or leased in whole or in part by the same owner or are trained by a trainer who owns or leases any interest in any of the other horses in the race except entries may be uncoupled in stakes races and invitational races.

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race, except in races to be divided. Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one (1) of the horses must be made. *(Indiana Horse Racing Commission; 71 IAC 7-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)*

71 IAC 7-1-14 Eligibility of entries

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

Sec. 14. (a) In harness racing, a horse must be eligible to start at time of entry.

(b) If conditions published for early closing events allow transfer for change of gait, such transfer shall be to the slowest class of the adopted gait for which the horse is eligible. Eligibility shall be determined at the time of closing of entries. The race to which transfer may be made must be the one nearest the date of the event originally entered.

(c) Two (2) year olds, three (3) year olds, or four (4) year olds entered 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 originally entered. Entry fees may be adjusted. *(Indiana Horse Racing Commission; 71 IAC 7-1-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; 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 7-1-15 Horses ineligible to be entered

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

Sec. 15. (a) An owner or trainer shall not enter or start a horse that:

(1) has not been qualified or is on the judge's or vet's list;

(2) is wearing a trachea tube or has a hole in its throat for a trachea tube;

(3) has had any surgical neurectomy (been denerved) not in accordance with 71 IAC 5-3-3;

(4) has impaired eyesight in both eyes; or

(5) is fifteen (15) years of age or older.

(6) whose race date is within ten (10) days of having extracorporeal shock wave or radial pulse wave therapy.

(b) A horse drawn into a race that is on the judge's or vet's list shall be scratched.

(c) A horse shall not start at an Indiana pari-mutuel track in a wagering or nonwagering event having not raced in the last thirty (30) days, race date to race date. *(Indiana Horse Racing Commission; 71 IAC 7-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-16 Engagement passed to new owner

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

Sec. 16. (a) When a horse is sold, its engagements pass to the new owner unless otherwise specified in the terms of the sale. When a horse is claimed out of a claiming or optional claiming race, its engagements pass to the claimant. In no case, however, shall the engagements pass with the horse to a person not in good standing.

(b) No horse owned in whole or in part by a non-Indiana resident shall race in a restricted race as Indiana owned, regardless of its status at the time of registration, nomination, or entry.

(c) Except in cases of horses claimed out of claiming races, no sale of a horse by private agreement or public auction will be recognized if such sale is not evidenced by a bill of sale and not recorded by the United States Trotting Association. *(Indiana Horse Racing Commission; 71 IAC 7-1-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; 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 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-17 Ban on dealing in horses

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

Sec. 17. No commission employee or racing official or their assistants shall participate financially, directly or indirectly, in the purchase or sale of any horse which races at such meeting. Any person violating this section shall be suspended by the judges and the matter referred to the commission. *(Indiana Horse Racing Commission; 71 IAC 7-1-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1500; 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 7-1-18 Racing entries

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

Sec. 18. (a) The racing secretary shall receive entries and declarations for all races. In the absence of notice to the contrary, nominations to any stakes closing on the eve of or during a meeting shall be received by the racing secretary.

(b) All entries must:

(1) be made in writing;

(2) be signed by the owner or his or her authorized agent except as provided in section 29(f) of this rule;

(3) give the name and address of both the bona fide owner and agent or registered stable name or lessee;

(4) give the name, age, color, sex, sire, and dam of horse; and

(5) comply with the provisions of section 10 of this rule and, for claiming events, the current registration certificate must be on file with the racing secretary. A separate claiming authorization form, signed by the registered owner or owners indicating the minimum amount for which the horse may be entered to be claimed shall be filed with the racing secretary. *(Indiana Horse Racing Commission; 71 IAC 7-1-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2105; 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; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-19 Declarations

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

Sec. 19. Declarations shall be taken not more than four (4) days in advance for all races except those for which qualifying dashes are provided, unless otherwise approved by the judges. *(Indiana Horse Racing Commission; 71 IAC 7-1-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; 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 7-1-20 Elimination heats; divisions

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

Sec. 20. (a) A permit holder must specify how many entries are required for overnight events and, after the condition is fulfilled, the event must be contested except when declared off as provided under section 31 of this rule. Requirements to start a race shall be as follows:

(1) In early closing events or late closing events, if five (5) or more horses are declared in to start, the race must be contested unless otherwise specified in the race conditions of the early closing or late closing event.

(2) A permit holder may require five (5) betting interests to start. Stakes and futurities must be raced if one (1) or more horses are declared in to start.

(3) In an early closing event, if fewer horses are declared in than are required to start, and all declares are immediately so notified, the horse or horses declared in and ready to race shall be entitled to all the entrance money and any forfeits from each horse named.

(b) Requirements for elimination heats or two (2) divisions are at the racing secretary's discretion unless specified in the conditions. 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.

(c) Requirements for elimination plans shall be as follows:

(1) Whenever elimination heats are required, or specified in the published conditions, such race shall be raced in the following manner unless conducted under another section of this rule:

(A) The field shall be divided by lot, and the first division shall race a qualifying dash for thirty percent (30%) of the purse.

(B) The second division shall race a qualifying dash for thirty percent (30%) of the purse and the horses so qualified shall race in the main event for forty percent (40%) of the purse.

(C) The winner of the main event shall be the race winner.

(2) In the event there are more horses declared to start than can be accommodated by the two (2) elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into sixty (60). The main event will race for forty percent (40%) of the purse.

(3) Unless the conditions provide otherwise, if there are two (2) elimination dashes, the first four (4) finishers in each dash qualify for the final. If three (3) or more elimination dashes are required, not more than three (3) horses will qualify for the final from each qualifying dash.

(4) The judges shall draw positions in which the horses are to start in the main event to determine:

(A) which of the two (2) dash winners shall have the pole, and which the second position;

(B) which of the two (2) horses that have been second will start in third position; and

(C) which of the two (2) horses that have been third will start in fourth position;

and continue in this pattern until all horses have been drawn. All elimination dashes and the concluding heat must be programmed to be raced upon the same day or night, unless special provisions for earlier elimination dashes are set forth in the conditions.

(5) In the event there are three (3) separate heat or dash winners and they alone come back in order to determine the race winner according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.

(d) Where elimination races are provided in the conditions of an early closing event, stake, or futurity, such elimination race must be held not more than five (5) days prior to contesting the main event (excluding Sunday) and omitting the day of the race. *(Indiana Horse Racing Commission; 71 IAC 7-1-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3128, 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 2105; 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 7-1-21 Overnight list

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

Sec. 21. The racing secretary shall compile and distribute daily an overnight list which shall include, but not be limited to, the names of entries with their post positions. *(Indiana Horse Racing Commission; 71 IAC 7-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; 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 7-1-22 Must be starter (Repealed)

Sec. 22. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922)*

71 IAC 7-1-23 All monies must be paid (Repealed)

Sec. 23. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112)*

71 IAC 7-1-24 Not a claiming race

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

Sec. 24. Any race conditioned to preclude claim of any of the starters shall not be considered a claiming race even if won by a horse liable to claim under the conditions. *(Indiana Horse Racing Commission; 71 IAC 7-1-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; 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 7-1-25 Automatically out

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

Sec. 25. For stake races, if a horse is not named through the entry box at the designated time of closing, the horse is automatically out. *(Indiana Horse Racing Commission; 71 IAC 7-1-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; 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 7-1-26 Notice in writing

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

Sec. 26. (a) No horse shall be considered scratched from a race for a medical reason until the judges are notified by a scratch slip or fax from a veterinarian or, by phone from the trainer if an emergency traffic situation exists. Notification of scratches to anyone other than the judges will not be recognized. When scratching a horse, the following information must be given:

(1) name of the horse;
(2) date of the race;
(3) race number; and
(4) the reason for the scratch.

(b) Time of notification will be considered the date the horse was scratched in accordance with 71 IAC 8-9-1 (a) and (b) *[71 IAC 8-9-1(a) and 71 IAC 8-9-1(b)]*. If a horse is scratched on an off day, a fax must be sent to the licensing office and the date of the fax will be considered the scratch date.

(c) Any horse scratched and not reported before scratch time, depriving an also eligible horse from participating in the race at issue, may result in the sanctioning or penalization of that trainer/veterinarian. *(Indiana Horse Racing Commission; 71 IAC 7-1-26; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; 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; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-27 Scratch irrevocable

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

Sec. 27. A scratch of a horse out of a race is irrevocable. *(Indiana Horse Racing Commission; 71 IAC 7-1-27; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; 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 7-1-28 Qualifying races

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

Sec. 28. Declarations for qualifying races shall be governed by the following:

(1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
(2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
(3) Horses racing with or without pacing or trotting hopples for the first time must qualify.

(4) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.

(5) If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post-race tested (urine and blood).

(6) If a qualified horse is entered in a qualifier, that qualifier will not be considered if the horse fails to qualify. Only one (1) such failed qualifier will be permitted.

(7) In a qualifying race, if a horse has verifiable interference that results in a break or failure to go in qualifying time, the horse shall be qualified if it races within two (2) seconds of the allowable time.

(8) Under 71 IAC 7-1-28(7) *[subdivision (7)]*, no consideration will be given for drivers not finishing the qualifier in competitive fractions, carelessness, or for broken equipment.

(Indiana Horse Racing Commission; 71 IAC 7-1-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; 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 Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918; 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; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-1-29 Declaration to start and drawing horses

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

Sec. 29. (a) The permit holder shall provide a locked box with an aperture through which declarations shall be deposited. With the approval of the judges, the racing secretary or his designee may open the entry box. Upon opening the entry box, it must be declared empty by a race office official and judge or their designee prior to being relocked for the next race date entries. Race entries placed in the qualifying box in error shall not be considered as entered for pari-mutuel races.

(b) No owner, trainer, or agent for a horse with a declaration in the entry box shall be denied the privilege of being present when the box is open.

(c) The racing secretary responsibilities shall include:

(1) all entries shall be listed;

(2) the eligibility verified;

(3) preference ascertained; and

(4) starters selected.

(d) If it is necessary to reopen any race, public announcement shall be made at least twice.

(e) The judges shall conduct the draw for post positions along with a representative of the horsemen.

(f) Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone, and telegraph declarations must contain all information required by the racing secretary. It shall be the responsibility of the racing secretary to see that such entries are signed by the person receiving such entries.

(g) When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(h) After declarations to start have been made, no horse shall be withdrawn from the race except by permission of the judges. A fine or suspension, or both, shall be imposed for drawing a horse without permission, and the penalty shall apply to both the horse and the party who violates this rule.

(i) In all races, drawings shall be final unless there is conclusive evidence that an entry was timely received by the racing office and was omitted from the race through the error of the association, and is found prior to scratch time. Notwithstanding, any redraws must be preapproved by the judges.

(j) If a redraw is approved under subsection (i), and the race in question is two (2) or more divisions, the redraw will involve placing the horse in the division with fewer horses and redrawing, or drawing by lot the division to be redrawn. *(Indiana Horse*

Racing Commission; 71 IAC 7-1-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1156; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3129, 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 2106; 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 May 10, 2005, 3:20 p.m.: 28 IR 2748; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-1-30 Also eligible list

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

Sec. 30. (a) Not more than two (2) horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one (1) or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races, the also eligible horse shall take the place of the horse that it replaces in the event 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. In races with one (1) trailer, the trailing position shall be the fourth best post position. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list can only be withdrawn for good cause by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also eligible list and not moved in to race by the time prescribed by the judges on the day before the race shall be released.

(b) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and had been scratched is the date of the race from which he was scratched. Preference dates shall also be determined as follows:

(1) When a horse is racing for the first time in the current year, the date of that horse's first successful qualifying race shall be considered its last race date, and preference applied accordingly; provided however, that where an overnight race has been reopened because it did not fill, all eligible horses declared in to the race prior to the reopening shall receive preference over subsequently declared, irrespective of the actual preference date or being Indiana sired preferred.

(2) All horses granted stalls and eligible must be given the opportunity to compete at the meeting.

(Indiana Horse Racing Commission; 71 IAC 7-1-30; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2407; 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 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-1-31 Postponement; withdrawn

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

Sec. 31. (a) The judges may order a horse or horses withdrawn from any race after it or they have left the paddock and before the start has been effected. In such event, the permit holder shall make a refund of all wagers on the horse or horses withdrawn (except in the case of a horse which represents part of an entry or mutuel field of two (2) or more horses).

(b) In case of unfavorable weather or other unavoidable cause, the permit holder with the consent of the judges shall postpone races in the following manner:

(1) Early closing races, stakes, and futurities shall be postponed to a definite hour the next race day.

(2) Any late closing race, early closing, and stake or futurity, except as provided in subdivisions (4) and (5), that cannot be raced during the scheduled meeting shall be declared off and the entrance money and forfeits shall be divided equally among the nominators who have horses declared in and eligible to start.

(3) Any late closing race or early closing race that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to summary. In overnight events only, that portion of the purse as has been contested will be paid.

(4) Any stake or futurity that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to the summary.

(5) Unless otherwise provided in the conditions for racing, in order to transfer stakes and futurities to another meeting, unanimous consent must be obtained from the track and from all those having eligibles in the event.

(6) Overnight events may be postponed and carried over not to exceed three (3) racing days.

(Indiana Horse Racing Commission; 71 IAC 7-1-31; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; 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 7-1-32 Reporting to track

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

Sec. 32. (a) All horses shipping in to race must be at the track where they are to race at a time appointed by the commission. In the event of unavoidable delay, as determined by the judges, the judges may grant a reasonable grace period.

(b) When the association requires horses to be on track and in a secured area at a specified time for stake races or any other reason, it is the responsibility of the association to recommend to the judges whether any horse not meeting track requirements should be scratched. *(Indiana Horse Racing Commission; 71 IAC 7-1-32; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-33 Reporting to paddock

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

Sec. 33. The time that horses scheduled to race must report to the paddock shall be determined by the commission. *(Indiana Horse Racing Commission; 71 IAC 7-1-33; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; 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 7-1-34 Prohibition on leaving association grounds

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

Sec. 34. On any day a horse which is stabled on association grounds is scheduled to race, such horse shall not be permitted to leave the association grounds prior to the race without the permission of the judges. *(Indiana Horse Racing Commission; 71 IAC 7-1-34; emergency rule filed Aug 29, 1994, 2:15 p.m.: 18 IR 122; 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 7-1-35 Eligibility for racing and ownership status

Authority: IC 4-31-3-9; IC 4-31-11
Affected: IC 4-31

Sec. 35. (a) The commission, its executive secretary, the stewards, judges, and the commission's director of security (collectively, the "commission or the commission's designee"), shall have the right to require an entrant of a horse to verify information contained within the entry blank forms and declarations as well as other eligibility requirements for a particular race. In addition, the commission, or the commission's designee, shall have the right to make a determination of whether a certain horse is or was eligible to participate in a race. The burden of proving eligibility, by clear and convincing evidence, in such a situation, will be on the entrant.

(b) The commission, or the commission's designee, may require sufficient evidence from an entrant of ownership status, residency, or other information required for eligibility prior to allowing a horse to compete in a restricted race or in any race at the meet.

(c) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, conduct an inquiry and make a determination as to ownership status, residency, or other information required for eligibility of an entrant.

(d) In considering the matter of ownership status, the commission, or the commission's designee, may review any information which it deems relevant, including, but not limited to, the following:

(1) a bill of sale;

(2) a proof of funds transfer, including, but not limited to, a canceled check, a wire transfer, or other similar form of proof; and

(3) a completed ownership transfer on the USTA or Jockey Club registration certificate, whichever is applicable.

(e) An entry must be one hundred percent (100%) owned by an Indiana resident and/or residents to be entered in any Indiana owned race. Corporate or partnership ownership requires all shareholders or partners, respectively, to be residents to be entered in any Indiana owned race. If a lease is involved for a standardbred horse, all lessors and lessees must be Indiana residents.

(f) All Indiana owned standardbreds must be wholly owned by an Indiana resident(s) by January 1 (claimed and public sale horses excepted) and remain so through its participation in any Indiana owned race in any given year. The association or a breed development advisory committee may establish a date for a special race or series of races other than that established by the commission provided that such date is no later than that established by the commission and such date must be published on the nomination blank.

(g) All Indiana owned horses must be fully paid for by the Indiana owner(s) no later than the date established by the commission in subsection (f). The payment of the purchase price over time or through earnings beyond the date established in subsection (f) is prohibited and such horses shall be deemed ineligible to be nominated, entered, or raced as Indiana owned.

(h) In considering the matter of residency:

(1) "Residence", as the term is used in the context of this statement, means the place where an individual has their permanent home, at which that person remains when not called elsewhere for labor or other special or temporary purposes, and to which that person returns in seasons of repose. It is a place a person has voluntarily fixed as a permanent habitation with an intent to remain in such place for an indefinite period. A person at any one (1) time has but one (1) residence and a residence cannot be lost until another is gained.

(2) The commission, or the commission's designee, may review the information which is deemed relevant, including, but not limited to, the following:

(A) where the person lives and has been living;

(B) the location of the person's source(s) of income;

(C) the address used by the person for the payment of taxes, including federal, state, and property taxes;

(D) the state in which the person's personal automobiles are registered;

(E) the state issuing the person a driver's license;

(F) the state in which the person is registered to vote;

(G) ownership of property in Indiana and outside Indiana;

(H) the residence used for USTA membership and USTA or Jockey Club registration of a horse, whichever is applicable;

(I) the residence claimed by a person on a loan application or other similar document; or

(J) membership in civic, community, and other organizations in Indiana and elsewhere.

(3) None of these factors, when considered alone, shall be dispositive. Consideration of all of the factors together, as well as a person's expressed intention, shall be considered in arriving at a determination.

(4) Owners are required to meet the residence requirements as of January 1 for that year's racing season.

(i) Each owner and trainer, or the authorized agent of an owner or trainer, or the nominator (collectively, the "entrant"), is required to disclose the true and entire ownership and the true and bona fide trainer of each horse with the racing secretary, and to disclose any changes in the owners or trainer of each registered horse to both the racing secretary, the stewards, or judges. A licensee or racing official, including the racing secretary, shall immediately report any questions concerning the ownership status or the identity of the true and bona fide trainer of a horse to the stewards or judges, and the stewards or judges may place such a horse on the steward's or judge's list. A horse placed on the steward's or judge's list shall be ineligible to start in a race until questions concerning the ownership status or the identity of the true and bona fide trainer of the horse are answered to the satisfaction of the commission, or the commission's designee, and the horse is removed from the steward's or judge's list.

(j) If the commission, or the commission's designee, finds a lack of sufficient evidence of ownership status, residency, or other information required for eligibility, prior to a race, the commission, or the commission's designee, may order the entrant's horse scratched from the race or ineligible to participate.

(k) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, withhold purse money pending an inquiry of ownership status, residency, or other information required for eligibility. If the purse money is ultimately forfeited, because of a determination of the commission, or the commission's designee, the purse money shall be redistributed per order of the commission or the commission's designee.

(l) If the purse money has been paid prior to reasonable suspicion, the commission, or the commission's designee, may conduct an inquiry and make a determination. If the commission, or the commission's designee, determines there has been a violation of ownership status, residency, or other information required for eligibility, it shall order the purse money returned and redistributed per order of the commission or the commission's designee.

(m) Any entrant, which is found to have violated the qualification for a race, including knowingly providing false information or refusing to provide or concealing information, is also subject to sanctions by the commission. *(Indiana Horse Racing Commission; 71 IAC 7-1-35; emergency rule filed May 12, 1997, 3:15 p.m.: 20 IR 2822; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2407; errata filed Mar 5, 1998, 1:45 p.m.: 21 IR 2392; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-1-36 Current race lines

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

Sec. 36. (a) Current race lines, including last start, must be available at scratch time or the horse will be scratched.

(b) It shall be the trainer's responsibility to inform the racing office at entry time of a possible missing line. Also, the trainer shall be responsible to supply the same information to the judges at scratch time.

(c) Scratch time is established by the association.

(d) If, after scratch time, a horse drawn into race at an Indiana pari-mutuel track participates in any other race, that horse shall be scratched.

(e) No horse may start in any race or qualifier if it has not been issued an electronic eligibility by the USTA.

(f) Missing program lines may result in the horse or horses being scratched or the race being contested as a nonwagering event. *(Indiana Horse Racing Commission; 71 IAC 7-1-36; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, 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 2107; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-1-37 Nasal strips (Repealed)

Sec. 37. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2388)*

Rule 2. Starter and the Start of the Race

71 IAC 7-2-1 Sound of bugle (Repealed)

Sec. 1. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2112)*

71 IAC 7-2-2 In hands of starter
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) Horses shall be in the hands of the starter from the time they arrive on the track until the start is effected. All horses shall parade from the paddock to the starting post, and no driver shall dismount without the permission of the starter. Attendants may not care for horses during the parade except by permission of the starter.

(b) After entering the track, not more than twelve (12) minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. *(Indiana Horse Racing Commission; 71 IAC 7-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; 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 7-2-3 Fair start
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. The starter shall give such orders and take such measures that do not conflict with these rules as are necessary to secure a fair start. *(Indiana Horse Racing Commission; 71 IAC 7-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; 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 7-2-3.5 Fair start pole
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3.5. (a) There shall be a pole erected 330 feet in front of the starting pole.

(b) The pole must:

(1) have written on it "FAIR START POLE"; and

(2) be approved by the executive director or judges.

(c) If a horse does not reach the fair start pole before the field is released at the start, the judges shall display the "inquiry" sign immediately.

(d) Any horse not reaching the fair start pole before the starter releases the horses at the starting pole shall be declared a nonstarter for wagering purses. All monies wagered on that horse shall be refunded.

(e) All drivers must make a reasonable effort to reach the fair start pole.

(f) Any horse which fails to reach the fair start pole more than one (1) time in a calendar year may be placed on the

qualifying list. *(Indiana Horse Racing Commission; 71 IAC 7-2-3.5; emergency rule filed Jul 23, 2015, 3:19 p.m.: 20150729-IR-071150238ERA)*

71 IAC 7-2-4 Starter's duties

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

Sec. 4. The starter shall be in the starting gate fifteen (15) minutes before the post time of the first race. He or she shall have control over the horses and authority to recommend the assessment of fines or suspend drivers, or both for any violation of these rules from the formation of the parade until the word "go" is given. He or she may assist in placing the horses when requested by the judges to do so. His or her services shall be paid for by the permit holder employing him or her. An assistant starter may be employed when a permit holder deems it necessary. *(Indiana Horse Racing Commission; 71 IAC 7-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; 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 7-2-5 Starting

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

Sec. 5. (a) The starter shall have control of the horses from the formation of the parade until he or she gives the word "go". In starting the race, the starter shall take the following steps:

(1) After one (1) or two (2) preliminary warming-up scores, the starter shall notify the drivers to come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.

(2) The horses shall be brought to the starting gate as near one-fourth (1/4) of a mile before the start as the track will permit.

(3) Allowing sufficient time so that the speed of the gate can be increased gradually to facilitate a fair start.

(b) The starting point will be a point marked on the inside rail a distance of not less than two hundred (200) feet from the first turn. The starter shall give the word "go" at the starting point. When a speed has been reached in the course of a start, there shall be no decrease except in the case of a recall.

(c) For the purpose of declaring a horse a nonstarter, the judges shall consider the actual starting point on the track. *(Indiana Horse Racing Commission; 71 IAC 7-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; 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; 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 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-2-6 Recall rules

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

Sec. 6. (a) In the case of a recall, a light which is plainly visible to the drivers shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. At pari-mutuel tracks, in the case of a recall, wherever possible, the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his or her discretion to close the wings of the gate. There shall be no recall after the word "go" has been given unless there is a mechanical failure of the starting gate. Any horse, regardless of its position or an accident, shall be deemed a starter from the time it entered into to starter's control unless dismissed by the starter, or declared a nonstarter by the judges.

(b) In the event a horse causes two (2) recalls, it shall be an automatic ruling of the judges that the offending horse be scratched and a mutuel refund ordered.

(c) The starter may sound a recall only for the following reasons:
(1) A horse scores ahead of the gate.
(2) There is interference.
(3) A horse has broken equipment.
(4) A horse falls before the word "go" is given.
(5) A mechanical failure of the starting gate.
(6) The starter determines, in his or her discretion, that a horse has never been within a fair distance to the starting gate whether off stride or not.

(Indiana Horse Racing Commission; 71 IAC 7-2-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1500; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-2-7 Penalties; starter

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

Sec. 7. A fine or suspension, or both, may be applied to any driver by the judges for:
(1) Delaying the start.
(2) Failure to obey the starter's instructions.
(3) Rushing ahead of the inside or outside wing of the gate.
(4) Coming to the starting gate out of position.
(5) Crossing over before reaching the starting point.
(6) Interference with another driver during the start.
(7) Failure to come into and remain in position.

(Indiana Horse Racing Commission; 71 IAC 7-2-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2864, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-2-8 Riding in gate; equipment; two tiers

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

Sec. 8. (a) No persons shall be allowed to ride in the starting gate except the starter and his or her driver or operator and a patrol judge unless permission has been granted by the commission.

(b) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(c) In the event there are two (2) tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill the vacancy. Where a horse has drawn a post position in the second tier, the driver of such horse may elect to score out behind any horse in the first tier so long as he or she does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position. *(Indiana Horse Racing Commission; 71 IAC 7-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918; 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 7-2-9 Starting without gate

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

Sec. 9. (a) When horses are started without a gate, the starter shall have control of the horses from the formation of the parade until he gives the word "go". He shall be located at the wire or other point of start of the race at which point as nearly as possible the word "go" shall be given. No driver shall cause unnecessary delay after the horses are called. After two (2) preliminary warming-up scores, the starter shall notify the drivers to form in parade.

(b) The driver of any horse refusing or failing to follow the instructions of the starter as to the parade or scoring ahead of the pole horse may be:

(1) set down for the heat in which the offense occurs, or for such other periods the starter shall determine; and

(2) fined.

Whenever a driver is taken down, the substitute shall be permitted to score the horse once. A horse delaying the race may be started regardless of its position or gait and there shall not be a recall because of a bad actor. If the word "go" is not given, all the horses in the race shall immediately turn on signal and jog back to their parade positions for a fresh start. There shall be no recall after the starting word has been given. *(Indiana Horse Racing Commission; 71 IAC 7-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; 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 7-2-10 Starters; unmanageable and bad acting horses; post positions by heats

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

Sec. 10. (a) The horses shall be deemed to have started when the word "go" is given by the starter and all the horses must go the course except in case of an accident in which it is the opinion of the judges that it is impossible to go the course.

(b) If, in the opinion of the judges or starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who will in turn notify the public and refund all wagers on the horse.

(c) The arms of all starting gates shall be provided with a screen or shield in front of the position for each horse, and such arms shall be perpendicular to the rail.

(d) Every licensed starter is required to check his or her starting gate for malfunctions before commencing any meeting and to practice the procedure to be followed in the event of malfunction. Both the starter and the driver of the gate must know and practice emergency procedures, and the starter is responsible for the training of drivers in such procedures. *(Indiana Horse Racing Commission; 71 IAC 7-2-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; 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 7-2-11 Starter's list

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

Sec. 11. The starter or his or her assistants shall school such horses as may be necessary and shall prepare a list of horses not qualified to start, which shall be delivered to the judges and entered on the judge's list. The judge's list shall be posted in the racing secretary's office with the list of horses not qualified to start. *(Indiana Horse Racing Commission; 71 IAC 7-2-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; 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 7-2-12 Not permitted to receive gratuities

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

Sec. 12. No starter or assistant starter shall either directly or indirectly receive presents, gratuities, remuneration, or tips from any person or persons or have any interest in any horse under the penalties provided by these rules. *(Indiana Horse Racing Commission; 71 IAC 7-2-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; 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. Driving Rules and Violations

71 IAC 7-3-1 Physical examination

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

Sec. 1. (a) Drivers, when required by the judges, must provide a medical affidavit certifying that they:
(1) are physically and mentally capable of performing the activities and duties of a licensed driver;
(2) are free of any disabling defects or contagious disease; and
(3) are not a user of any illicit or prohibited drugs or narcotics.
(b) The judges may refuse to allow any driver to drive at a meeting until the required medical affidavit is presented to the judges. *(Indiana Horse Racing Commission; 71 IAC 7-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; 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 7-3-2 Restriction on financial interest

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

Sec. 2. No driver who has any financial interest in any race horse shall drive any other horse in the same race with his or her horse, except if a trainer, who is also a licensed driver, owns all or part of a horse in his coupled entry, he *[sic., or]* she is permitted to drive either horse. *(Indiana Horse Racing Commission; 71 IAC 7-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; 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)*

71 IAC 7-3-3 Wager restriction

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

Sec. 3. No driver, trainer, or owner shall wager on any horse other than his or her own horse in any race in which he or she participates or permit anyone to so wager for him or her. However, such licensee's wagers on his or her horse may include other horses in wagers as long as his or her horse is included in the wager to finish first in combination with the other horses. For any violation of this section, the driver, trainer, or owner may be subject to such penalties provided by these rules. *(Indiana Horse Racing Commission; 71 IAC 7-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1160; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2864, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-3-4 Shall not converse

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

Sec. 4. Drivers and grooms shall not converse or otherwise exchange information with anyone outside the paddock after they have entered therein, except on permission from the paddock judge, and they shall be disciplined for any breach of this section. *(Indiana Horse Racing Commission; 71 IAC 7-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; 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 7-3-5 Safety helmet

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

Sec. 5. No individual will be permitted to drive on a race track unless wearing a protective safety helmet of a type satisfactory to the commission with chin strap in place. As used in this section, "satisfactory" shall be deemed to require the safety helmet to meet safety standards approved by the commission. *(Indiana Horse Racing Commission; 71 IAC 7-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; 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 7-3-6 Attire

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

Sec. 6. (a) Drivers must wear distinguishing colors and clean white pants and shall not be allowed to start in a race or other public performance unless in the opinion of the judges:

(1) they are properly dressed;
(2) their driving outfits are clean; and
(3) they are well groomed.

During inclement weather conditions, drivers must wear rain suits matching their colors.

(b) Any driver wearing colors who appears at a betting window or at a bar or in a restaurant which dispenses alcoholic beverages shall be fined or suspended, or both.

(c) Corporate advertising or logos on driver's apparel shall not be permitted. *(Indiana Horse Racing Commission; 71 IAC 7-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2912; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205; 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 7-3-7 Driving rules

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

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

(1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
(2) Jostle, strike, hook wheels, or interfere with another horse or driver.
(3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
(4) Swerve in and out or pull up quickly.

(5) Crowd a horse or driver by putting a wheel under the horse or driver.

(6) Carry a horse out.

(7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.

(8) Let a horse pass inside or outside needlessly or otherwise help another horse to improve its position in the race.

(9) Commit any act which shall impede the progress of another horse or cause it to break.

(10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.

(11) Drive in a careless or reckless manner.

(12) Maintaining a position of half in and half out.

(13) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed when there is no strategic reason to do so.

(14) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

(15) Drivers must set and maintain a pace comparable to the class in which the driver is racing or the horse's abilities.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) In case of interference, collision, or violation of any of the restrictions in subsections (a) and (b), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined, suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. An interference that occurs to a horse(s) not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still be penalized.

(d) If there be any purse money for which horses have started but were unable to finish due to interference and/or an accident, all unoffending horses who did not finish will share equally in such purse money.

(e) A driver shall not:

(1) fail to display competitive urging or cease driving while in contention in the home stretch;

(2) race in an inconsistent manner;

(3) drive in an unsatisfactory manner due to lack of effort;

(4) drive in an unsatisfactory manner due to carelessness; or

(5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(f) If the judges determine that any of the above actions were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(g) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing. *(Indiana Horse Racing Commission; 71 IAC 7-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, 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 2108; 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 May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; 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 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA)

71 IAC 7-3-8 Foul driving; disqualification

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

Sec. 8. The judges shall take cognizance of foul driving, whether objection to foul driving is made or not. The judges shall determine the extent of disqualification in case of fouls occurring during the running of the race and may place an offending horse:

(1) just behind the horses, in their judgment, it interfered with; or

(2) last.

(Indiana Horse Racing Commission; 71 IAC 7-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; 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 7-3-9 List or replace driver

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

Sec. 9. (a) Every owner or trainer shall, if possible, upon making entry, furnish the name of the driver who will drive his or her horse, but, if this is not possible, the name must be furnished at a time designated by the judges.

(b) If an owner or trainer does not name a driver for its entered horse by the time designated by the judges, the judges shall select and name a competent driver to drive that horse.

(c) The judges may replace any driver with a driver of their selection for cause or on suspicion of fraudulent practices or attempts. Any such action shall be reported by the judges to the commission with reason therefore.

(d) A driver must fulfill his obligation to drive when programmed unless excused by the judges. *(Indiana Horse Racing Commission; 71 IAC 7-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3131, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.];readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; 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 7-3-10 Horse must finish

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

Sec. 10. If for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out. *(Indiana Horse Racing Commission; 71 IAC 7-3-10; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; 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 7-3-11 Improper conduct in race

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

Sec. 11. (a) Loud shouting or other improper conduct is forbidden in a race. Unless otherwise provided in this rule, drivers shall keep both feet in the stirrups at all times while on the track and during a race.

(b) Drivers are not allowed to lay back in the sulky, and handholds are to be adjusted accordingly.

(c) Drivers laying back in the sulky taking racing room away from a trailing horse may be considered an act of interference. *(Indiana Horse Racing Commission; 71 IAC 7-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918; 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 7-3-12 Feet in stirrups

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

Sec. 12. After the starting gate is in motion, both feet must be kept in the stirrups until after the finish of the race, except that a driver shall be allowed to remove a foot from the stirrups temporarily for the purpose of pulling ear plugs. *(Indiana Horse Racing Commission; 71 IAC 7-3-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; 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 7-3-13 Whip restriction

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

Sec. 13. (a) In all pari-mutuel and qualifying races drivers will be allowed whips not to exceed four (4) feet plus a snapper not longer than six (6) inches. Drivers must have control of their horses at all times and handholds must be adjusted so as to be taut with the elbows in front of the chest.

(b) Whipping action shall be limited to wrist action with minimal elbow movement.

(c) The whip may strike above and between the shafts only. Whipping below the shaft in the stifle area may result in disqualification.

(d) The following actions shall be considered as excessive and/or indiscriminate:

(1) Whipping of a horse during post parade or after the finish.

(2) Continuous use of the whip.

(3) Striking any part of the whip under the tail or between the legs.

(4) Whipping a horse not advancing through the field.

(5) Causing visible injury.

(6) The use of any sharp object or stimulating device.

(7) Any part of the whip may not be used for jabbing.

(e) Drivers shall keep a line in each hand from the start of the race until the finish of the race.

(f) Violation of any of these rules may result in a fine and/or suspension or commission referral. *(Indiana Horse Racing Commission; 71 IAC 7-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.:21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326- IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA)*

71 IAC 7-3-14 Brutal use of whip (Repealed)

Sec. 14. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2415)*

71 IAC 7-3-15 Hobbles; head pole, restrictions

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

Sec. 15. Any horse going on/off hobbles for the first time from the last start must requalify. Subsequent changes may be approved by the judges with good cause. No horse shall be permitted to wear a head pole protruding beyond its nose. *(Indiana Horse Racing Commission; 71 IAC 7-3-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; 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 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-3-16 Breaking

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

Sec. 16. (a) When any horse or horses break from their gait in trotting or pacing, their driver shall at once, where clearance exists, take such horse either to the inside or outside and pull it to its gait.

(b) The following shall be considered violations of subsection (a):

(1) Failure to properly attempt to pull a horse to its gait.

(2) Failure to take to the inside or outside where clearance exists.

(3) Failure to lose ground by the break.

(4) An extended break.

(c) If there has been no failure on the part of the driver in complying with subsection (a), the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one (1) or more places if in their judgment any violations as established in subsection (b) or (c) have been committed.

(e) Any horse making a break which causes interference with other contesting horses shall be placed behind all horses interfered with unless the judges determine that a driver of a trailing horse did not exercise reasonable alertness in avoiding the situation. *(Indiana Horse Racing Commission; 71 IAC 7-3-16; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; 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 7-3-17 Fraudulent break

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

Sec. 17. If, in the opinion of the judges, a driver allows his or her horse to break for the purpose of fraudulently losing a heat, he or she shall be subject to punishment by a fine, a suspension, or both. *(Indiana Horse Racing Commission; 71 IAC 7-3-17; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; 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 7-3-18 Time for lapped on breaks

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

Sec. 18. The leading horse shall be timed, and its time only shall be posted. No horse shall obtain a win race record by reason of the disqualification of another horse unless it complies with 71 IAC 3-9-5. *(Indiana Horse Racing Commission; 71 IAC 7-3-18; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; 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 7-3-19 Judges call breaks

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

Sec. 19. To assist in determining the charting of a race, it shall be the duty of one (1) of the judges to call out every break made, and the clerk of the course shall at once note the break and character of it in writing. *(Indiana Horse Racing Commission; 71 IAC 7-3-19; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; 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 7-3-20 Time between heats

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

Sec. 20. The time between separate heats of a single race shall be no less than forty (40) minutes. No heat shall be called after sunset where the track is not lighted for night racing. *(Indiana Horse Racing Commission; 71 IAC 7-3-20; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; 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 7-3-21 Accidents

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

Sec. 21. In the case of accidents, the judges shall allow only so much time as they deem necessary and proper before resuming the racing program. Drivers involved in accidents must be cleared by an emergency medical technician or paramedic before resuming driving engagements. *(Indiana Horse Racing Commission; 71 IAC 7-3-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; 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 7-3-22 Driver must be seated

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

Sec. 22. A driver must be seated in his or her sulky at the finish of the race or the horse will be placed as not finishing. *(Indiana Horse Racing Commission; 71 IAC 7-3-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; 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 7-3-23 Wheel disk; mud fenders

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

Sec. 23. It shall be the responsibility of the owner and trainer to provide every sulky used in a race with unicolored or colorless wheel disks on the inside and outside of the wheel of a type approved by the commission. In his or her discretion, the presiding judge may order the use of mud guards which shall be provided by the owners or trainers. *(Indiana Horse Racing Commission; 71 IAC 7-3-23; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; 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 7-3-24 Horse falls on track

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

Sec. 24. Should any horse in the current program fall or get loose on the track or be involved in an accident of any kind after starting to warm up, that horse will only be permitted to start after examination and approval by the racing veterinarian and judges. *(Indiana Horse Racing Commission; 71 IAC 7-3-24; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA)*

71 IAC 7-3-25 Disorderly conduct

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

Sec. 25. The following shall constitute disorderly conduct and be reason for any penalty of a licensee as provided by these rules:

(1) Failure to obey the judges' orders that are expressly authorized by these rules.
(2) Appearing in the paddock in an unfit condition.
(3) Fighting.
(4) Assaults.
(5) Offensive and profane language.
(6) Smoking on the track in silks during actual racing hours.
(7) Warming up a horse prior to racing without silks.
(8) Disturbing the peace.
(9) Refusal or failure to take a breath test when directed to do so under to 71 IAC 8-11-2.

(Indiana Horse Racing Commission; 71 IAC 7-3-25; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

71 IAC 7-3-26 Disorderly conduct; all licensees (Repealed)

Sec. 26. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2919)*

71 IAC 7-3-27 Suspensions for driver or trainer

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

Sec. 27. The judges may write suspensions in the following main categories:

(1) Limited suspensions shall be used to suspend drivers for minor driving or other violations under which they may not drive during the term of the suspension but may continue to train and enter horses trained by the drivers. This suspension shall be written to include the words "from driving only".

(2) Full suspension shall be used when the judges, in their determination, feel the violation so warrants. The driver or trainer under full suspension shall not be allowed to enter or start any horses trained by the person affected. Owners involved with a driver or trainer under full suspension may be allowed to transfer their horses to another driver or trainer to continue racing but only with the permission of the judges and for just cause.

(Indiana Horse Racing Commission; 71 IAC 7-3-27; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; 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 7-3-28 Effect of minor penalty on future engagements

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

Sec. 28. Where the penalty is for a driving violation and does not exceed in time a period of five (5) days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. During a suspension of five (5) days or less, suspended drivers may drive in stake, futurity, early closing, and feature races only, but the suspension will be extended one (1) day for each date they drive in such a race. *(Indiana Horse Racing Commission; 71 IAC 7-3-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; 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 7-3-29 Horse also suspended

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

Sec. 29. (a) If a person is suspended, ruled off, or expelled, every horse owned wholly or in part or leased or trained by that licensee may also be suspended, ruled off, or expelled for the same period of time as the owner or trainer.

(b) Under unusual circumstances or for justifiable reasons, the judges or commission may shorten the period of suspension time for a horse.

(c) With the approval of the judges, an owner whose horses are in the care of a suspended trainer may transfer such horses to another licensed trainer. Such horses may be required to stable and train on the track. *(Indiana Horse Racing Commission; 71 IAC 7-3-29; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751; 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 7-3-30 Return money; prizes

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

Sec. 30. If any person or persons is suspended, ruled off, or expelled for fraudulent practice in relation to a horse or horses, wholly or in part their property, he or she shall return all money and prizes which such horse or horses has fraudulently won. *(Indiana Horse Racing Commission; 71 IAC 7-3-30; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; 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 7-3-31 Fraudulent practices

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

Sec. 31. (a) No person shall do any of the following:

(1) Corruptly give or offer money or share in a bet or other benefit to any person having official duties in relation to a race or to any driver.

(2) Having official duties in relation to a race or any driver, corruptly accept or offer to accept money or share in a bet or any benefit.

(3) Willfully enter or cause to be entered or start in any race a horse which they know to be disqualified.

(4) Fraudulently offer or receive any amount of money for scratching a horse out of a race.

(5) Without making it known to the officials, be a part owner or act as a trainer of any horse in which a driver possesses any interest.

(6) Make any bet with or on behalf of a driver, unless the bet is on a horse the driver is driving.

(7) Offer or give, except through his or her employer of the owner or trainer of the horse driven, a driver any present, money, or other reward in connection with driving in any race.

(8) Accept a ticket or make a bet on any horse other than the one he or she drives.

(b) If any person is guilty of any corrupt or fraudulent practices, in this or any other jurisdiction, then such person or persons so offending shall be suspended and referred to the commission.

(c) No driver may accept payment of any kind, directly or indirectly, from any person other than the owner of the horse the driver drives for in a race.

(d) If any person is approached with:

(1) any offer or promise of a bribe or a wager;

(2) a request for suggestion for a bribe;

(3) a request or suggestion for any improper, corrupt, or fraudulent act in relation to racing; or

(4) a request that a race be conducted otherwise than fairly and honestly;

he or she shall report the details thereof immediately to the presiding judge. Persons failing to report such information to the judges shall be suspended and referred to the commission. *(Indiana Horse Racing Commission; 71 IAC 7-3-31; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; 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 7-3-32 Disqualification; purse redistribution

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

Sec. 32. (a) In the event any violation of these rules is determined after a race has been completed and the purse has been distributed, the following shall apply:

(1) The permit holder shall be required to redistribute purses out of purse account within ten (10) days after the redistribution is ordered.

(2) The purse shall be redistributed according to the final placings.

(3) In the event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse.

(4) If there are not enough nonoffending horses, the remaining part of the purse shall go to the declared winner.

(b) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner refusing to return the purse and the horse involved shall stand suspended until all purse monies, trophies, or awards have been returned to the permit holder who shall assume the responsibility for redistributing the purse.

(c) Nothing in this section shall be construed to require the permit holder to pay the purses or distribute the trophies or awards until they have been returned.

(d) Nothing in this section shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to these rules for such period of time the commission may determine.

(e) In the event any violation of these rules shall be determined after:

(1) a race has been completed;

(2) the purse has not been distributed; and

(3) an appeal has been filed staying the decision of the judges;

the judges shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof. *(Indiana Horse Racing Commission; 71 IAC 7-3-32; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-3-33 Standard saddle pad colors

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

Sec. 33. (a) The permit holder shall use the standard color format for saddle pad colors which correspond to the following post position in each race:

Post Position	Color
1	Red
2	Blue
3	White
4	Green
5	Black
6	Yellow
7	Pink
8	Gray
9	Purple
10	Blue and red
11	Light blue
12	Red and white

(b) All post position numbers shall be white with a black border except numbers 3 and 5 shall be black. *(Indiana Horse Racing Commission; 71 IAC 7-3-33; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; 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 7-3-34 Sulky standards

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

Sec. 34. The sulky performance standards recommended by the Industry Wide Sulky Committee, as adopted and approved and amended from time to time, by the USTA, are incorporated by reference herein. *(Indiana Horse Racing Commission; 71 IAC 7-3-34; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; 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 7-3-35 Bandages

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

Sec. 35. (a) The use of Gelocast and/or like materials as a racing bandage, or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(b) Any nontraditional material incorporated into a racing bandage must be approved by the official veterinarian, or his/her designee. *(Indiana Horse Racing Commission; 71 IAC 7-3-35; emergency rule filed Jun 22, 1998, 5:11 p.m.: 21 IR 4234; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-3-36 Equipment presentation

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

Sec. 36. Jog carts, sulkies, and other racing equipment must be clean and presentable when on the race track for a live racing program. *(Indiana Horse Racing Commission; 71 IAC 7-3-36; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751; 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 7-3-37 Passing lane

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

Sec. 37. (a) The passing lane of the racetrack shall be at least seven (7) feet wide and not more than ten (10) feet wide. The passing lane shall begin 1/8th of a mile before the finish.

(b) The passing lane may only be used during the final 1/8th of the race.

(c) Drivers must have full clearance of the pylons when entering the passing lane.

(d) Any horse and driver who goes inside of one (1) or more pylons at the start of the passing lane may be placed if the judges determine the move gave said horse an advantage over contending horses.

(e) Any horse which is driven into the passing lane but does not advance on contending horses may be placed if the judges determine that horse blocked the forward progress of a trailing horse which is also using the passing lane.

(f) The lead horse may not use the passing lane.

(g) Any horse other than the lead horse may be driven into the passing lane in an attempt to pass another horse. *(Indiana Horse Racing Commission; 71 IAC 7-3-37; emergency rule filed Nov 2, 2016, 3:27 p.m.: 20161109-IR-071160496ERA)*

Rule 4. Protests, Objections, and Inquiries

71 IAC 7-4-1 Judges to inquire

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

Sec. 1. The judges shall take cognizance of driving violations and, upon their own motion or that of any racing official or person empowered by these rules to object or complain, shall make diligent inquiry or investigation into such objection or complaint when properly received. *(Indiana Horse Racing Commission; 71 IAC 7-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; 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 7-4-2 Race objections

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

Sec. 2. (a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the judges or their designees by the owner, the authorized agent of the owner, the trainer, or the driver of a horse engaged in the same race. Any objection by a driver must be lodged with the starter in the starting gate immediately upon finishing the race while pulling up to return to the paddock.

(b) An objection following the running of any race must be filed before the race is declared official.

(c) The judges shall:

(1) make all findings of fact as to all matters occurring during and incident to the running of a race;

(2) determine all objections and inquiries; and

(3) determine the extent of disqualification, if any, of horses in the race.

Such findings of fact and determinations shall be final. *(Indiana Horse Racing Commission; 71 IAC 7-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

71 IAC 7-4-3 Prior objections

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

Sec. 3. (a) Objections to the participation of a horse entered in any race shall be made to the judges in writing, signed by the objector, and filed not later than one (1) hour prior to post time for the first race on the day which the questioned horse is entered. Any such objection shall set forth the specific reason or grounds for the objection in such detail so as to establish probable cause for the objection. The judges upon their own motion may consider an objection until such time as the horse becomes a starter.

(b) An objection to a horse which is entered in a race may be made on, but not limited to, the following grounds or reasons:

(1) A misstatement, error, or omission in the entry under which a horse is to participate.

(2) The horse which is entered to run is not the horse it is represented to be at the time of entry or the age was erroneously given.

(3) The horse is not qualified to enter under the conditions specified for the race.

(4) The horse is owned in whole or in part or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in these rules.

(5) The horse was entered without regard to a lien filed previously with the racing secretary.

(c) The judges may scratch from the race any horse which is the subject of an objection if they have reasonable cause to believe that the objection is valid. *(Indiana Horse Racing Commission; 71 IAC 7-4-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; 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 7-4-4 Protests

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

Sec. 4. (a) A protest against any horse which has started in a race shall be made to the judges in writing, signed by the protestor, within seventy-two (72) hours of the race exclusive of nonracing days. If the incident upon which the protest is based occurs within the last two (2) days of the meeting, such protest may be filed with the commission within seventy-two (72) hours exclusive of Saturdays, Sundays, or official holidays. Any such protest shall set forth the specific reason or reasons for the protest

in such detail as to establish probable cause for the protest.

(b) A protest may be made on any of the following grounds:

(1) Any grounds for objection as set forth in section 3 of this rule.

(2) A driver, owner, or lessor was ineligible to participate in racing as provided in this article.

(3) An unfair advantage was gained in violation of this article.

(c) Notwithstanding any other provision in this article, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged provided that the judges are satisfied that the allegations are bona fide and verifiable.

(d) No person shall file any objection or protest knowing the same to be inaccurate, false, untruthful, or frivolous.

(e) The judges shall exercise their sole discretion in making such investigation or inquiry that they deem to be appropriate relative to a timely filed protest. After the judges have gathered the information that they determine necessary in order to render a decision on the protest, they shall make a determination as soon as reasonably possible and communicate that determination to the person lodging the protest and any other persons that may be impacted by that decision. No person has a right to have a hearing conducted on the protest, and no appeal of the judges decision on the protest may be taken.

(f) The judges may order any purse, award, or prize for any race withheld from distribution pending the determination of any protest. In the event any purse, award, or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to such purse, award, or prize, the judges or the commission may order such purse, award, or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award, or prize erroneously distributed shall be subject to fines and suspension. *(Indiana Horse Racing Commission; 71 IAC 7-4-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

Rule 5. Violations and Fines

71 IAC 7-5-1 Disorderly conduct; all licensees

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

Sec. 1. The following shall constitute disorderly conduct and be reason for any penalty of any license as provided by these rules:

(1) Failure to obey the judges' orders.

(2) Fighting.

(3) Assaults.

(4) Offensive and profane language.

(5) Disturbing the peace.

(6) Carries or exhibits a deadly weapon.

(Indiana Horse Racing Commission; 71 IAC 7-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751; 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 7-5-2 Improper language

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

Sec. 2. If any licensed person:

(1) uses improper language to the racing officials or member of the racing commission or threatens such officials;

(2) uses profane or indecent language; or

(3) otherwise disturbs the peace of any race track enclosure;

he or she may be ejected, fined, suspended, or referred to the commission for any penalty provided by these rules. *(Indiana Horse Racing Commission; 71 IAC 7-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751; 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 7-5-3 Payment of fines

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

Sec. 3. All fines imposed by the judges or the commission shall be paid to the commission. Any person failing to pay a fine within seven (7) days may be summarily suspended pending the payment of the fine and may be excluded, their license may be revoked by the commission, or both, unless an appeal has been filed with the commission and is pending. However, when a fine and suspension is imposed by the judges or commission, the fine shall be due and payable at the time the suspension expires unless otherwise ordered. *(Indiana Horse Racing Commission; 71 IAC 7-5-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; 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 7-5-4 Must pay own fine

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

Sec. 4. No person shall pay the fine of another. *(Indiana Horse Racing Commission; 71 IAC 7-5-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; 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 7-5-5 Firearms

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

Sec. 5. No person, except commission security, track security, and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm within any race track property. *(Indiana Horse Racing Commission; 71 IAC 7-5-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; 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)*

*