

## **IC 4-31-5**

### Chapter 5. Permits to Conduct Recognized Meetings

#### **IC 4-31-5-1**

##### **Recognized meeting permit; issuance limitations**

Sec. 1. (a) A person may not conduct, assist, or aid or abet in conducting a horse racing meeting in which the pari-mutuel system of wagering is permitted unless that person secures a recognized meeting permit under this chapter.

(b) The commission may not issue a recognized meeting permit for:

- (1) an activity other than horse racing meetings; or
- (2) horse racing meetings conducted at:
  - (A) the state fairgrounds during a state fair; or
  - (B) a county fairgrounds.

However, subdivision (2) does not prohibit the commission from issuing a recognized meeting permit for races to be conducted at the state fairgrounds at times when a fair is not in session.

(c) The commission may not issue more than two (2) recognized meeting permits under this chapter.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.8; P.L.233-2007, SEC.5.*

#### **IC 4-31-5-2**

##### **Application for permit**

Sec. 2. (a) An application for renewal of an existing recognized meeting permit must be filed with the commission no later than November 1 of the year preceding the year in which the horse racing meeting is to be conducted. The timing for filing an initial application for a recognized meeting permit shall be established by the rules of the commission.

(b) The commission shall prescribe the forms to be used in making an application under this section. The application must include the following:

- (1) The full name of the person making the application.
- (2) If the applicant is an association, the names and addresses of the members of the association.
- (3) If the applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors and stockholders.
- (4) If the applicant is a trust, the location of its principal place of business and the names and addresses of its trustees and beneficiaries.
- (5) If the applicant is a partnership, the names and addresses of the partners.
- (6) If the applicant is a limited partnership, the names, addresses, and percentages of ownership of each general partner and each limited partner.
- (7) If the applicant is a limited liability company, the name of

the state where it is organized, the location of its principal place of business, and the names and addresses of the managers and members.

(8) The dates on which the applicant intends to conduct horse racing meetings, which must be successive days (including Sundays) unless otherwise authorized by the commission. The applicant may submit a written statement setting forth the reasons certain dates are sought.

(9) The proposed hours of each racing day.

(10) The location of the place, track, or enclosure where the applicant proposes to conduct horse racing meetings.

(11) A statement of whether the racing plant is owned or leased by the applicant.

(12) A statement of whether the racing plant will include a facility, either physically connected to the clubhouse or in close proximity, that will:

(A) display for public inspection trophies, memorabilia, and instructional material depicting the history of horse racing; and

(B) be made available as a repository for the collections of the Indiana Harness Horse Hall of Fame.

(13) Any other information that the commission requires.

(c) An application under this section must be signed and verified as follows:

(1) An application by an individual must be signed and verified under oath by that individual.

(2) An application by two (2) or more individuals or by a partnership must be signed and verified under oath by one (1) of those individuals or by a member of the partnership.

(3) An application by an association, a trust, or a corporation must be:

(A) signed by its president and vice president;

(B) attested by its secretary; and

(C) verified under oath.

(4) An application by a limited liability company, must be signed and verified under oath by two (2) managers or members of the limited liability company.

(d) At the time an application is filed, the applicant must:

(1) pay a permit fee and an investigation fee for an initial permit application as required by the rules of the commission;

(2) file a cash bond, certified check, or bank draft in the manner provided by section 4 of this chapter; and

(3) file a copy of an ordinance adopted under IC 4-31-4.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.9; P.L.8-1993, SEC.39.*

### **IC 4-31-5-3**

#### **Repealed**

*(Repealed by P.L.24-1992, SEC.64.)*

#### **IC 4-31-5-4**

##### **Repealed**

*(Repealed by P.L.24-1992, SEC.64.)*

#### **IC 4-31-5-5**

##### **List of personnel to be employed**

Sec. 5. Each applicant for a recognized meeting permit must file with the commission a list of the personnel to be employed during the racing meeting. The list must include the names of the:

- (1) identifier;
- (2) starters;
- (3) racing secretary;
- (4) handicapper;
- (5) clerk of the course;
- (6) paddock judge;
- (7) patrol judges;
- (8) track veterinarian;
- (9) track physician;
- (10) mutuel manager;
- (11) director of security; and
- (12) other positions designated by the rules of the commission;

that the applicant proposes to employ during the racing meeting. The applicant must promptly report any changes in the personnel on the list to the commission for its approval.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.10.*

#### **IC 4-31-5-6**

##### **Filing requirements**

Sec. 6. (a) The commission may not issue a recognized meeting permit unless the applicant has filed with the commission:

- (1) a financial statement prepared and certified by a certified public accountant in accordance with sound accounting practices, showing the net worth of the applicant;
- (2) a statement from the department of state revenue and the treasurer of state that there are no pari-mutuel taxes or other obligations owed by the applicant to the state or any of its departments or agencies;
- (3) a statement from the county treasurer of the county in which the applicant proposes to conduct horse racing meetings that there are no real or personal property taxes owed by any of the principals seeking the permit; and
- (4) a statement of obligations that are owed or being contested, including salaries, purses, entry fees, laboratory fees, and debts owed to vendors and suppliers.

(b) In addition to the requirements of subsection (a), the commission may not issue a recognized meeting permit for a recognized meeting to occur in a county unless IC 4-31-4 has been satisfied.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992,*

*SEC.11; P.L.24-1996, SEC.7.*

#### **IC 4-31-5-6.5**

##### **Bonds**

Sec. 6.5. At least sixty (60) days before the commencement of a horse racing meeting, a permit holder shall post a bond in an amount not to exceed one million dollars (\$1,000,000), as determined by the commission. The bond, which is subject to the approval of the commission, must be payable to the commission as obligee for use in payment of the applicant's financial obligations to the commission or the state and other aggrieved parties, as determined by the rules of the commission.

*As added by P.L.24-1992, SEC.12.*

#### **IC 4-31-5-7**

##### **Racing plant leased by applicant; filing of copy of current lease; disclosure of information**

Sec. 7. (a) If the racing plant is leased by the applicant, the owner of the racing plant must file a copy of the current lease with the application unless a copy is already on file with the commission.

(b) If the racing plant is leased by the applicant, the owner of the racing plant must provide the following to the commission at the time the application is filed:

- (1) A current financial statement showing assets and liabilities.
- (2) Its latest operating statement showing income and expenses related to the racing plant.
- (3) A list of the names, addresses, and occupations of all of its officers, directors, owners, shareholders, or partners. However, in the case of a corporation whose stock is publicly traded, this information is required only for the corporation's officers and directors and for those stockholders owning or controlling five percent (5%) or more of the stock of the corporation.
- (4) Any other information requested by the commission.

(c) If another business entity owns or controls five percent (5%) or more of the stock of a corporation or five percent (5%) or more of the capital or profits of a partnership that files the information required by subsection (a) or (b), the other business entity is required to file the same information.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.13.*

#### **IC 4-31-5-8**

##### **Decision by commission on permit application; issuance or denial**

Sec. 8. (a) Except as provided in subsection (c), the commission may issue or deny a permit to an applicant to conduct a horse racing meeting after the proper filing of:

- (1) an application for a permit; and
- (2) the other information required by this chapter.

The commission shall meet as soon as practicable after the filing of the application and other information for the purpose of acting on the

application.

- (b) The commission may deny a permit to:
  - (1) any applicant if denial of the permit is in the public interest;
  - (2) a permit holder that has defaulted in payments to the public or an employee, a vendor, a supplier, an owner, or a trainer; or
  - (3) the purchaser of a track from a permit holder described in subdivision (2) if defaults at that track have not been satisfied by either the seller or the purchaser.
- (c) The commission shall deny a permit to:
  - (1) a permit holder that has defaulted in payments to the state;
  - (2) the purchaser of a track from a permit holder described in subdivision (1), if defaults at that track have not been satisfied by either the seller or the purchaser; or
  - (3) a person, an association, a trust, a limited liability company, or a corporation that owns, or has one (1) or more members or stockholders who own, an interest in any other permit issued by the commission in the same year for any other racetrack in Indiana, unless the commission finds that it is in the best interests of the:
    - (A) Indiana horse racing industry; and
    - (B) state;to issue a permit to that person, association, trust, limited liability company, or corporation.
- (d) The commission may not issue a permit that would allow pari-mutuel racing to be conducted at the same hour at two (2) or more locations in the same county or adjacent counties.
- (e) A permit issued under this section is valid from January 1 to December 31 of the year for which it is issued. An application must be made for a renewal of a permit.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.14; P.L.8-1993, SEC.40; P.L.14-2011, SEC.1.*

#### **IC 4-31-5-9**

##### **Dates and number of racing days**

Sec. 9. (a) The commission shall determine the dates and (if the commission adopts a rule under subsection (c)) the number of racing days authorized under each recognized meeting permit. Except for racing at winterized tracks, a recognized meeting may not be conducted after December 10 of a calendar year.

(b) Except as provided in subsection (c), the commission shall require at least one hundred forty (140) but not more than one hundred sixty-five (165) live racing days each calendar year at the racetrack designated in a permit holder's permit, as follows:

- (1) At least eighty (80) but not more than ninety (90) live racing days must be for standardbreds.
- (2) At least sixty (60) but not more than seventy-five (75) live racing days must be for horses that are:
  - (A) mounted by jockeys; and
  - (B) run on a course without jumps or obstacles.

The requirements of this subsection are a continuing condition for

maintaining the permit holder's permit. However, the requirements do not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or another event over which the permit holder has no control.

(c) The commission may by rule adjust any of the following:

(1) The total required number of live racing days under subsection (b).

(2) The number of live racing days required under subsection (b)(1).

(3) The number of live racing days required under subsection (b)(2).

(d) A permit holder may not conduct more than fourteen (14) races on a particular racing day.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.233-2007, SEC.6.*

#### **IC 4-31-5-10**

##### **Granting of special permission**

Sec. 10. Upon receipt of an application from a recognized meeting permit holder, the commission may grant special permission for:

(1) more than nine (9) races each day; or

(2) race cards lost because of inclement weather or other emergencies, to be made up at the rate of one (1) race each day or on additional dates as granted by the commission.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-5-10.5**

##### **Variance of racing days**

Sec. 10.5. Upon a petition filed by a permit holder, the commission may increase or decrease the number of racing days previously granted by the commission to that permit holder for a racing meeting.

*As added by P.L.24-1992, SEC.15.*

#### **IC 4-31-5-11**

##### **Scheduling one or more races on each racing day**

Sec. 11. The commission may require each permit holder to schedule one (1) or more races on each racing day:

(1) solely for Indiana owned horses;

(2) solely for Indiana sired horses;

(3) solely for Indiana bred horses; or

(4) for a combination of Indiana owned horses, Indiana sired horses, and Indiana bred horses.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-5-12**

##### **Permit; contents**

Sec. 12. A permit issued under this chapter must:

(1) state the name of the permit holder;

(2) specify the place where the horse racing meeting is to be

conducted;

(3) specify the types of racing that are permitted;

(4) specify the days on which the permit holder may conduct races, subject to section 9 of this chapter;

(5) specify the hours during which the permit holder may conduct races;

(6) specify the number of races to be conducted daily, which may not exceed nine (9), except as provided in section 10 of this chapter; and

(7) state that the permit is granted upon the condition that the permit holder agrees to observe and enforce this article and the rules and orders issued by the commission.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.16.*

#### **IC 4-31-5-13**

##### **Transfer of permits**

Sec. 13. A permit issued under this chapter is not transferable and applies only to the racetrack specified in the permit.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-5-14**

##### **Posting of permits**

Sec. 14. A permit holder shall post the permit in a prominent place in the permit holder's principal office at the racetrack during the horse racing meeting. The permit holder shall show the permit to a person requesting to see it at a reasonable time.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-5-15**

##### **Deposit of fees and penalties**

Sec. 15. Any fees or penalties collected by the commission under IC 4-31-3-9(1)(E) through IC 4-31-3-9(1)(G) shall be paid into the state general fund.

*As added by P.L.24-1992, SEC.17.*