

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

### **Chapter 6. Licensing of Racetrack Personnel and Racing Participants**

#### **IC 4-31-6-1**

##### **Application**

Sec. 1. (a) This section does not apply to:

- (1) law enforcement officers; or
- (2) reporters or other media employees assigned to cover events at a racetrack.

(b) A person must be a licensee in order to:

- (1) participate in racing at a racetrack or at a satellite facility that permits the pari-mutuel form of wagering; or
- (2) work in any capacity for a permit holder or an employee or a subcontractor of a permit holder.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.4.*

#### **IC 4-31-6-2**

##### **Procedures for license applications; license fees; adoption of rules**

Sec. 2. The commission shall adopt rules under IC 4-22-2 establishing:

- (1) procedures for license applications; and
- (2) license fees.

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

#### **IC 4-31-6-3**

##### **License fees; disbursement**

Sec. 3. License fees collected by the commission shall be paid into the state general fund.

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

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

##### **Validity of license**

Sec. 4. Unless revoked by the commission, each license is valid for one (1) year, beginning on January 1 of the year in which it is issued.

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

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

##### **Age of applicant; restrictions**

Sec. 5. (a) Except as provided in subsection (b), the commission may not grant a license to an applicant who is less than sixteen (16) years of age.

(b) The commission may grant the following:

- (1) A horse owner's license to an applicant of any age.
- (2) A license other than a horse owner's license to an applicant less than sixteen (16) years of age who is working on a permit holder's premises for a parent or legal guardian. An application for a license under this subdivision must be signed by the

applicant's parent or legal guardian in the presence of one (1) or more track judges.

(c) An application for a horse owner's license by a person less than eighteen (18) years of age must be accompanied by a notarized statement from the applicant's parent or guardian indicating that the parent or guardian assumes responsibility for meeting all financial, contractual, or other obligations relating to all racing activities of the applicant.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.50-1995, SEC.5.*

#### **IC 4-31-6-6 Version a**

##### **Conditions for refusal, revocation, or suspension of license**

*Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.*

Sec. 6. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, if:

- (1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and
- (2) any of the conditions listed in subsection (b) apply to the applicant or licensee.

(b) The conditions referred to in subsection (a) are as follows:

- (1) The applicant or licensee has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.
- (2) The applicant or licensee has had a license of the legally constituted racing authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.
- (3) The applicant or licensee is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.
- (4) The applicant or licensee has violated or attempted to violate a provision of this article, a rule adopted by the commission, or a law or rule with respect to horse racing in a jurisdiction.
- (5) The applicant or licensee has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.
- (6) The applicant or licensee has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.
- (7) The applicant or licensee has made a material misrepresentation in an application for a license.
- (8) The applicant or licensee has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.

- (9) The applicant or licensee has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.
- (10) The applicant or licensee has engaged in conduct that is against the best interest of horse racing.
- (11) The applicant or licensee has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.
- (12) The applicant or licensee has failed to answer correctly under oath, to the best of the applicant's or licensee's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.
- (13) The applicant or licensee has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.
- (14) The applicant or licensee has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.
- (15) The applicant or licensee has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.
- (16) The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's delinquent tax liability has not been satisfied.
- (17) The applicant or licensee has pending criminal charges.
- (18) The applicant or licensee has racing disciplinary charges pending in Indiana or another jurisdiction.
- (19) The applicant or licensee is unqualified to perform the duties required under this article or the rules of the commission.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.19; P.L.50-1995, SEC.6.*

#### **IC 4-31-6-6 Version b**

##### **Conditions for refusal, revocation, or suspension of license**

*Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.*

Sec. 6. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, if:

- (1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and
- (2) any of the conditions listed in subsection (b) apply to the applicant or licensee.

(b) The conditions referred to in subsection (a) are as follows:

- (1) The applicant or licensee has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.
- (2) The applicant or licensee has had a license of the legally constituted racing authority of a state, province, or country

denied, suspended, or revoked for cause within the preceding five (5) years.

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

(4) The applicant or licensee has violated or attempted to violate a provision of this article, a rule adopted by the commission, or a law or rule with respect to horse racing in a jurisdiction.

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

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

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

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

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

(10) The applicant or licensee has engaged in conduct that is against the best interest of horse racing.

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

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

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

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

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

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

(17) The applicant or licensee has pending criminal charges.

(18) The applicant or licensee has racing disciplinary charges pending in Indiana or another jurisdiction.

(19) The applicant or licensee is unqualified to perform the duties required under this article or the rules of the commission.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.19; P.L.50-1995, SEC.6; P.L.172-2011, SEC.9.*

#### **IC 4-31-6-6.5**

##### **Denial of license to persons owing support**

Sec. 6.5. The commission shall deny:

- (1) a license; or
- (2) the renewal of a license;

issued under this chapter to a person who is the subject of an order issued by a court under IC 31-14-12-6 or IC 31-16-12-9 (or IC 31-1-11.5-13(1) or IC 31-6-6.1-16(1) before their repeal).

*As added by P.L.23-1996, SEC.3. Amended by P.L.1-1997, SEC.24.*

#### **IC 4-31-6-7**

##### **Applicant for license to serve in capacity of judge; mental and physical qualifications**

Sec. 7. In addition to the other requirements of this chapter, an applicant for a license to serve in the capacity of judge must satisfy the commission that the applicant possesses the necessary mental and physical qualifications, including:

- (1) temperament;
- (2) experience and knowledge of the horse racing industry and of the duties of racing officials; and
- (3) other factors that the commission considers relevant.

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

#### **IC 4-31-6-8**

##### **Fingerprints; submission by applicants**

Sec. 8. (a) Applicants for a license issued by the commission shall submit their fingerprints to the commission once. Except as provided in subsection (d), the fingerprints shall be submitted as follows:

- (1) The commission shall have fingerprints taken of an applicant for a license before approving the applicant for admission to the racing premises.
- (2) Persons not appearing at the racing premises shall submit their fingerprints in the manner prescribed by the commission.

(b) Except as provided in subsection (d), fingerprints required by this section must be submitted on forms prescribed by the commission.

(c) The commission may forward to the Federal Bureau of Investigation or any other agency for processing all fingerprints submitted by license applicants. The commission shall maintain a file of fingerprints.

(d) The commission may accept the results of fingerprints taken within the preceding five (5) years and accepted by a racing body in another racing jurisdiction. The commission may require that acceptance of fingerprints under this subsection be dependent on the existence of a reciprocal agreement through which the state providing the fingerprints agrees to accept fingerprints from Indiana.

(e) The commission shall coordinate with the state police

department for the storage of fingerprints submitted under this section.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.20; P.L.50-1995, SEC.7; P.L.113-2010, SEC.10.*

#### **IC 4-31-6-9**

##### **Issuance, denial, suspension, or revocation of license; construction with other laws**

Sec. 9. Except as provided in sections 10 and 11 of this chapter, the issuance, denial, suspension, or revocation of a license under this chapter is subject to IC 4-21.5.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.23-1996, SEC.4.*

#### **IC 4-31-6-10**

##### **Suspension of license of person owing support; notice; reinstatement**

Sec. 10. (a) Upon receiving an order of a court issued under IC 31-14-12-6 or IC 31-16-12-9 (or IC 31-1-11.5-13(l) or IC 31-6-6.1-16(l) before their repeal), the commission shall:

(1) suspend a license issued under this chapter to any person who is the subject of the order; and

(2) promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(A) That the person's license is suspended beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate not earlier than ten (10) business days after the commission receives an order allowing reinstatement from the court that issued the suspension order.

(B) That the person has the right to petition for reinstatement of a license issued under this chapter to the court that issued the order for suspension.

(b) The commission shall not reinstate a license suspended under subsection (a) until the commission receives an order allowing reinstatement from the court that issued the order for suspension.

*As added by P.L.23-1996, SEC.5. Amended by P.L.1-1997, SEC.25; P.L.1-2002, SEC.12.*

#### **IC 4-31-6-11**

##### **Duties of commission upon receipt of certain bureau orders; probationary status; appeal; reinstatement**

Sec. 11. (a) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-32(h), the commission shall send to the person who is the subject of the order a notice that does the following:

(1) States that the person is delinquent and is subject to an order placing the person on probationary status.

(2) Explains that unless the person contacts the bureau and:

(A) pays the person's child support arrearage in full;

- (B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or
  - (C) requests a hearing under IC 31-25-4-33;
- within twenty (20) days after the date the notice is mailed, the commission shall place the person on probationary status with respect to any license issued to the person under this chapter.
- (3) Explains that the person may contest the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.
  - (4) Explains that the only basis for contesting the bureau's determination that the person is delinquent and subject to an order placing the person on probationary status is a mistake of fact.
  - (5) Explains the procedures to:
    - (A) pay the person's child support arrearage in full;
    - (B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; and
    - (C) request a hearing under IC 31-25-4-33.
  - (6) Explains that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:
    - (A) paid the person's child support arrearage in full; or
    - (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.
- (b) Upon receiving an order from the bureau (Title IV-D agency) under IC 31-25-4-34(c), the commission shall send to the person who is the subject of the order a notice that states the following:
- (1) That a license issued to the person under this chapter has been placed on probationary status, beginning five (5) business days after the date the notice is mailed, and that the probation will terminate ten (10) business days after the commission receives a notice from the bureau that the person has:
    - (A) paid the person's child support arrearage in full; or
    - (B) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.
  - (2) That if the commission is advised by the bureau that the person whose license has been placed on probationary status has failed to:
    - (A) pay the person's child support arrearage in full; or
    - (B) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;within twenty (20) days after the date the notice is mailed, the commission shall suspend the person's license.

(c) If a person whose license has been placed on probationary status fails to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the notice required under subsection (b) is mailed, the commission shall suspend the person's license.

(d) The commission may not reinstate a license placed on probation or suspended under this section until the commission receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage, which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L.23-1996, SEC.6. Amended by P.L.1-1997, SEC.26; P.L.145-2006, SEC.7; P.L.103-2007, SEC.1.*