

RULES AND REGULATIONS

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CHS. 23 AND 30]

Personnel Rules; Leave with Pay

The Executive Board (Board) has approved a resolution to rescind Chapter 23 and Chapter 30, Subchapter B (relating to general provisions; and leave with pay). All other chapters and subchapters were rescinded by the Executive Board, Resolution PR-84-220 dated November 15, 1984. Notice of proposed rulemaking is omitted under section 204(1)(ii) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(ii)) (CDL) and 1 Pa. Code § 7.4(1)(ii) because this rulemaking relates to agency organization, management or personnel.

This rulemaking pertains to general provisions and entitlements to leaves of absence with pay.

Summary

Section 709(e) of The Administrative Code of 1929 (71 P. S. § 249(e)), empowers the Executive Board to "establish regulations concerning the entitlement to leaves of absence, with pay." Entitlements are promulgated by the Executive Board in Chapter 30, Subchapter B and in labor agreements. Subsequent changes to Chapters 23 and 30 will be approved by the Executive Board and promulgated through the Directives Management System in Management Directive 505.7, Personnel Rules.

Major Provisions

To delete the remaining two chapters of Management Directive 505.7, Personnel Rules, from the *Pennsylvania Code*.

1. Chapter 23 is deleted.
2. Chapter 30, Subchapter B, is deleted.

Forms and Paperwork

No additional forms or paperwork are required.

Fiscal Impact

There is no appreciable fiscal impact.

Contact Person

The contact person is Art Duprat, Office of Administration, Room 513, Finance Building, Harrisburg, PA (717) 787-8575.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on September 25, 1997, a copy of this rulemaking was submitted to the Regulatory Review Commission (IRRC), the Chairpersons of the House and Senate State Government Committees. At the same time, this rulemaking was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5(c) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committees on October 15, 1997. IRRC met on October 23, 1997, and approved the rulemaking.

Findings

The Executive Board finds that:

(1) Public notice of intention to delete the administrative regulations by this order has been omitted under section 204(1)(ii) of the CDL and 1 Pa. Code § 7.4(1)(ii) because the regulations relate to agency organization, management or personnel.

(2) The deletion of the regulations of the Executive Board in the manner provided by this order is necessary and appropriate for the administration of the authorizing statutes.

Order

The Executive Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Executive Board, 4 Pa. Code Chapters 23 and 30, are amended by deleting §§ 23.1, 23.2, 23.2a, 30.11—30.17, 30.21—30.37, 30.41, 30.51—30.53, 30.61, 30.71, 30.72 and 30.81—30.83 to read as set forth in Annex A.

(b) The Secretary of the Executive Board shall submit this order and Annex A to the Office of Attorney General for review and to the Office of General Counsel for review and approval as to form and legality as required by law.

(c) The Secretary of the Executive Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS G. PAESE,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 5840 (November 8, 1997).)

Fiscal Note: 42-1. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART II. EXECUTIVE BOARD

Subpart C. PERSONNEL RULES

CHAPTER 23. (Reserved)

§ 23.1. (Reserved).

§ 23.2. (Reserved).

§ 23.2a. (Reserved).

CHAPTER 30. (Reserved)

Subchapter B. (Reserved)

§§ 30.11—30.17. (Reserved).

§§ 30.21—30.37. (Reserved).

§ 30.41. (Reserved).

§§ 30.51—30.53. (Reserved).

§ 30.61. (Reserved).

§ 30.71. (Reserved).

§ 30.72. (Reserved).

§§ 30.81—30.83. (Reserved).

[Pa.B. Doc. No. 97-1785. Filed for public inspection November 7, 1997, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 63, 65, 69 AND 75]

Fishing

The Fish and Boat Commission (Commission) by this order amends Chapters 63, 65, 69 and 75. The Commission is publishing these amendments under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments relate to fishing.

A. *Effective Date*

These amendments will go into effect on January 1, 1998.

B. *Contact Person*

For further information on the amendments, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P.O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

C. *Statutory Authority*

The amendments are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The amendments are designed to update, modify and improve Commission regulations pertaining to fishing. The specific purpose of the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

1) Sections 63.8 and 69.12 (relating to long bows, spears and gigs; and seasons, sizes and creel limits—Lake Erie). The Commission received requests from individuals who scuba dive in Lake Erie to allow the taking of burbot through the use of spears or gigs. The Bureau of Fisheries and Bureau of Law Enforcement personnel in the Northwest Regional Office and Erie County reviewed the requests, and no one had any particular objections.

Accordingly, the Commission has adopted amendments that permit the taking of burbot from Lake Erie at a depth of at least 60 feet or more using nonmechanical spears or gigs. The season is from June 1 to September 30 annually, with a daily creel limit of five fish per day. The possession of mechanically propelled spearguns is illegal. Divers possessing spears/gigs and taking or attempting to take burbot are required to have a valid fishing license. The Executive Director, acting on the recommendation of the Bureaus of Fisheries and Law Enforcement, previously exercised his authority to make temporary changes to fishing regulations so that the change was in effect on a trial basis during the period July 12—September 30, 1997.

After the publication of a notice of proposed rulemaking, it was brought to the Commission's attention

that according to § 75.2(b) (relating to threatened species), burbot are classified as a threatened species State-wide, when in fact burbot are not threatened in Lake Erie and Presque Isle Bay, including peninsula waters. The Bureau of Fisheries has indicated that it was never intended that burbot be listed as threatened in Lake Erie and Presque Isle Bay. However, the regulation, as currently written, does not reflect that fact. Therefore, the Commission, on final rulemaking, adopted the changes to §§ 63.8 and 69.12 as proposed with the clarification to § 75.2 that the burbot's threatened status does not extend to Lake Erie and Presque Isle Bay.

2) Section 65.24 (relating to miscellaneous special regulations). The Allegheny River tailwater located in Warren County provides a popular multispecies fishery for anglers. As a result of the coldwater release from the Allegheny Reservoir, the 8.75 mile section located immediately downstream from the outflow of the reservoir is managed to provide trout angling opportunities through the annual planting of fingerling trout. Under current regulations, the 0.75 mile segment immediately downstream of the reservoir are managed under Miscellaneous Waters Special Regulations with no closed season on trout and a daily creel limit of 3 trout per day. The remaining 8 miles of trout habitat are managed under Statewide regulations. The provision of a coldwater release and the increased productivity of this water combine to offer a unique opportunity for management designed to further enhance the year round trout fishery. Therefore, staff proposed that the regulations for trout be revised on the Allegheny River tailwater. Specifically, staff proposed that the regulations provide for year-round angling with no tackle restriction under a 14-inch minimum size limit and two trout daily creel limit during the regular trout season (8 a.m. opening day through midnight Labor Day), with no harvest permitted during the remainder of the season. This proposal was supported by the Cornplanter Chapter of Trout Unlimited. The Commission adopted changes to § 65.24, consistent with the staff's recommendation.

F. *Paperwork*

The amendments hereby adopted will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The amendments adopted will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendments will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking containing the proposed changes was published at 27 Pa.B. 4456 (August 30, 1997). None of the proposed changes attracted public comment.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and that no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 63, 65, 69 and 75, are amended by amending §§ 63.8, 65.24 and 69.12 to read as set forth at 27 Pa. B. 4456 and by amending § 75.2 to read as set forth at Annex A.

(b) The Executive Director will submit this order, 27 Pa. B. 4456 and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order, 27 Pa.B. 4456 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

(*Editor's Note:* The amendment of § 75.2, amended in this document, was not included in the proposal at 27 Pa.B. 4456.)

Fiscal Note: Fiscal Note 48A-71 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.2. Threatened species.

(a) *General.* The species of fish, amphibians and reptiles listed in subsections (b) and (c) are classified as threatened. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing, of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

(b) *Fish.* The following species are threatened:

- (1) Ohio Lamprey, *Ichthyomyzon bdellium*.
- (2) Mountain Brook Lamprey, *Ichthyomyzon greeleyi*.
- (3) Atlantic Sturgeon, *Acipenser oxyrinchus*.
- (4) Mountain Madtom, *Noturus eleutherus*.
- (5) Northern Madtom, *Noturus stigmosus*.
- (6) Burbot, *Lota lota* (except in Lake Erie and Presque Isle Bay, including peninsula waters).
- (7) Bluebreast Darter, *Etheostoma camurum*.
- (8) Channel Darter, *Percina copelandi*.
- (9) Gilt Darter, *Percina evides*.

(c) *Amphibians and reptiles.* The following species are threatened:

- (1) Green Salamander, *Aneides aeneus*.
- (2) Red-bellied Turtle, *Pseudemys rubriventris*.

(3) Rough Green Snake, *Opheodrys aestivus*.

[Pa.B. Doc. No. 97-1786. Filed for public inspection November 7, 1997, 9:00 a.m.]

STATE HORSE RACING COMMISSION

[58 PA. CODE CH. 163]

Jockeys and Apprentices

The State Horse Racing Commission (Commission) acting under the authority conferred by section 202(a) of the Race Horse Industry Reform Act (4 P. S. § 325.202(a)), amends §§ 163.171, 163.182 and 163.187—163.191 relating to jockeys, apprentice jockeys and weight allowances.

Under section 204(2) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(2)) (CDL), public notice of the intention to amend §§ 163.171, 163.182 and 163.187—163.191 of the Commission's regulations under the procedures specified in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) has been omitted because all persons subject to the amended regulations have received actual notice thereof. The Commission's regulations in §§ 163.171—163.195 are applicable solely to apprentice jockeys and licensed jockeys and no other licensee. Furthermore, the amendments do not jeopardize the rights or privileges of any person, but rather, clarify outdated regulations and provide a more uniform and regionally-consistent regulations. The Jockeys' Guild and its representatives participated in the drafting of the amended rules within this Commonwealth and surrounding jurisdictions and are in favor of the amendments. Thus, the Commission finds that the persons subject to the regulations have received actual notice of the intention to amend these regulations. Nevertheless, the Commission has forwarded a copy of these amendments to the Jockeys' Guild and various jockey representatives for their further comment.

The amendments to the Commission's regulations are intended to eliminate existing discrepancies and ambiguities between this Commonwealth and surrounding racing jurisdictions, such as Maryland, New York and Delaware. Presently many jockeys and apprentice jockeys who race in these jurisdictions face extremely inconsistent regulations relating to weight allowances. The Jockeys' Guild, an association which represents a majority of the jockeys in this Commonwealth, requested that the Commission modify its regulations to create, at the very least, a uniform regional regulations, and at most, a National uniform regulations governing apprentice jockeys. The Commission agrees with the Jockeys' Guild that there is a need to clarify the existing discrepancies and therefore has adopted the amendments, which the Jockeys' Guild has submitted.

Historically, an apprentice jockey was 16 years of age or older who had at least 1 year of verifiable contracted service with a racing stable, generally as a stable hand, groom or exercise rider. Presently, in this Commonwealth an apprentice jockey must be 17 years of age or older. The Commission can find no data to support the present age requirement of 17 and thus will amend its regulations accordingly. An applicant for an apprentice jockey certificate must satisfactorily accomplish the requirements in § 163.189(c)(1)—(7). The apprentice certificate allows the applicant the appropriate access to the race track, backside and video room to complete the necessary requirements, including riding two parimutuel races observed by

the Board of Stewards. Upon recommendation by the Board of Stewards, a regular apprentice jockey's license is issued to the successful applicant.

In accordance with the Commission's regulations, the apprentice jockey must then win a certain number of races within a 1-year period, during which the apprentice jockey may claim a particular weight allowance. In essence, the weight allowance allows the apprentice jockey to reduce the weight he would normally have to carry in the race to compensate for the lack of racing experience against other more qualified riders. The weight that the jockey carries, which includes the jockey's clothing, boots and saddle, is generally added or deleted to provide a uniform weight and equal advantage between the racehorses and the jockeys. As the apprentice jockey becomes more successful and experienced, the less weight he will be allowed to claim (reduce). Assuming the jockey successfully wins the required number of races within the allowed time frame, that jockey may apply to the Commission for a jockey's license.

Summary of Major Amendments

Section 163.171(b) (relating to jockey's license) is being amended to allow persons 16 years of age or older to become apprentice jockeys. As presently adopted, there is an inconsistency with the Commission's regulations as to the appropriate age for an apprentice or licensed jockey. Within the surrounding jurisdictions, jockeys have to be at least 16 years of age or older.

Section 163.190 (relating to claiming in overnight races) is being amended to provide greater clarity as to when the 10 pound allowance is set to begin. The number of winners (winning races) is being increased from 35 to 40 so that the Commission's regulations will be consistent with the regulations from Maryland, Delaware and New York. Additionally, the time within which an apprentice jockey must complete his apprenticeship has been increased to 2 years (or longer if the Commission grants the appropriate extension).

Section 163.191 (relating to applications for extension) is being amended to provide greater uniformity and clarity regarding the weight allowance extension which apprentice jockeys may seek from the Commission.

Fiscal Impact

Commonwealth

The Commission has determined that the amendments will have no adverse fiscal impact on the Commonwealth.

Political Subdivisions

The amendments will not have any direct fiscal impact on political subdivisions.

Private Sector

The amendments will not have any fiscal impact on the private sector.

General Public

The amendments will not have any fiscal impact on the general public. The amendments will, however, bring the Commission's regulations relating to apprentice jockeys and licensed jockeys into conformity with the surrounding jurisdictions.

Paperwork Requirements

The amendments will not generate substantial paperwork for the public or the Commonwealth. Paperwork requirements will not increase substantially and will

continue to be mostly the responsibility of the apprentice jockeys or licensed jockeys through the use of previously approved forms.

Regulatory Review

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on September 25, 1997, the Commission submitted a copy of the amendments with proposed rulemaking omitted on to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House State Government Committee (Committees). On the same date, the amendments were submitted to the Office of Attorney General for review and approval as provided in the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In addition to submitting the amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1. In accordance with section 5(c) of the Regulatory Review Act, the amendments were deemed approved by the Committees on October 16, 1997, and were approved by IRRC on October 23, 1997.

Contact Person

Individuals interested in further information may contact Benjamin H. Nolt, Jr., Executive Secretary, State Horse Racing Commission, Room 304 Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717)787-5196.

Findings

The Commission finds that:

(1) Public notice of intention to amend §§ 163.171, 163.182 and 163.187—163.191 by this order under the procedures specified by sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(2) of the CDL because the Commission has, for good cause, found that the persons subject to the regulations have participated in the drafting of the amendments and previously commented on the amendments.

(2) The persons subject to and affected by the amendments as adopted by this order have received actual notice of the Commission's intention to amend §§ 163.171, 163.182 and 163.187—163.191 in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendments to the regulations of the Commission relating to apprentice jockeys and licensed jockeys in the manner provided in this order is necessary and appropriate for the proper administration of its authorizing statute.

Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 163, are amended by amendment §§ 163.171, 163.182 and 163.187—163.191 to read as set forth in Annex A.

(b) The Executive Secretary of the Commission shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Executive Secretary of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BENJAMIN H. NOLT, Jr.,
Executive Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 5840 (November 8, 1997).)

Fiscal Note: 34-62. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART IV. HORSE RACING COMMISSION

CHAPTER 163. RULES OF RACING

JOCKEYS AND APPRENTICES

§ 163.171. Jockey's license.

(a) A jockey shall obtain a license from the Commission.

(b) No person under 16 years of age or younger will be granted a jockey's license.

(c) A jockey or apprentice may be allowed to ride in two races before being granted a first license, pending approval of the license by the stewards.

(d) The stewards may permit a jockey to ride pending action on an application.

(e) A licensed jockey may not be the owner or trainer of a race horse.

§ 163.182. Designated race rule.

(a) A jockey who is serving a suspension of 10 days or less may be permitted to ride in a designated race during the suspension if the following apply:

(1) The race has been specified as a designated race by the racing secretary of the association before the beginning of the race meeting of the association.

(2) The race has been approved as a designated race by the board of stewards officiating at the race meeting.

(3) The jockey is named to ride in the designated race no later than at the time set for the close of entries for the race.

(4) The jockey agrees to serve an additional day of suspension in place of the day on which the jockey rides in a designated race.

(b) Reciprocity of this rule shall be at the stewards' sole discretion and shall apply only to those states which have also adopted the designated race rule or its equivalent.

§ 163.187. Jockey apprentices.

(a) A jockey apprentice is bound by this chapter, except if this chapter is in conflict with this specific regulation for apprentices.

(b) Apprentice contracts and certificates entered into in this Commonwealth shall be made on forms supplied by the Commission, and a copy shall be filed with the Commission.

(c) A copy of apprentice contracts and certificates, wherever entered into, shall be filed with the Commission.

(d) If an apprentice contract is transferred, the transfer shall be approved by the stewards and registered with the Commission by both the transferor and the transferee.

§ 163.188. Contracts.

The jockey or apprentice shall be bound by written contract approved by and filed with the Commission to an owner or trainer for a term of not less than 3 nor more than 5 years, subject to a written extension, if made for less than 5 years. After at least 1 year service with a racing stable, an apprentice may claim weight allowances in all overnight races, except handicaps or stakes races. A person is not allowed to hold a contract on a jockey or apprentice jockey unless that person is in control or possession of a stable or horse that would, in the opinion of the stewards of the meeting where the jockey or apprentice jockey applies for a license, warrant the employment of a contract jockey or apprentice jockey.

§ 163.189. Apprentice jockeys.

(a) A person 16 years of age or older who has never been licensed as a jockey in any country or if under age, with the written consent of that person's parents or guardian, may apply to become an apprentice jockey. An application for a license as apprentice jockey shall be accompanied by an original, a notarized or photostatic copy of the agreement with the contract employer and written proof of at least 1 year service with a racing stable, a birth certificate or satisfactory evidence of the date of birth.

(b) An apprentice jockey is not permitted to ride for another person except his contract employer, without the consent of the employer.

(c) The following requirements shall be accomplished satisfactorily by a person desiring an apprentice jockey certificate and the privilege of riding races at tracks in this Commonwealth:

(1) Employment on the backside of a race track, including exercising horses on the track.

(2) Attending and reviewing video tapes of races in jockeys' quarters, as scheduled by the stewards. The applicant may ask questions of stewards and jockeys. The applicant shall leave the jockeys' quarters, immediately following the showing of video tapes and the question and answer period.

(3) Observing jockeys and horses break from the gate, at the start of races under the supervision of a starter, for at least 15 racing days and at least 5 races per racing day.

(4) Observing horses changing leads at the 1/4, 3/8 and 7/8 poles and observing horses and jockeys approaching the finish line and finishing the race. The observations shall take place during races, for at least 10 racing days with at least 5 races per racing day.

(5) Participating in as many schooling races as possible through the cooperation of the racing secretary and informing two or more members of the board of approval of application for apprentice license as soon as the applicant has been notified of acceptance to ride in the schooling race.

(6) Breezing horses from the gate satisfactorily with a whip at least twice in the presence of two or more members of the board of approval.

(7) Riding with competence two parimutuel races without a whip under a temporary apprentice jockey certificate. The applicant will be observed by the board of approval during the races.

(d) A regular apprentice jockey's license will be issued by the stewards, upon notification of the recommendation

of a majority of the members of the board of approval, unless withheld by the Commission.

(e) The board of approval was formed to aid and further the safety of the applicant, other riders and horses in races in this Commonwealth.

§ 163.190. Weight allowances in overnight races.

(a) A certified apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

(1) A 10 pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.

(2) A 7 pound allowance until the apprentice has ridden an additional 35 winners.

(3) If an apprentice has ridden a total of 40 winners prior to the end of 1 year from the date of riding the fifth winning mount, the apprentice jockey may claim an allowance of 5 pounds until 1 year from the date of the fifth winning mount.

(b) If after 1 year from the date of the fifth winning mount the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for 1 additional year or until the 40th winner, whichever comes first. A weight allowance may not be claimed for more than 2 years from the date of the fifth winning mount, unless an extension has been granted under this section.

(c) A contracted apprentice may claim an allowance of 3 pounds for an additional year when riding horses owned or trained by the original contract employer. The holder of the contract at the time the apprentice rides the fifth winner shall be considered the original contract employer.

§ 163.191. Applications for extensions.

(a) The Commission has the authority to grant an allowance extension of an apprentice jockey if, in the discretion of the Commission, an apprentice jockey is unable to continue riding due to one of the following and has provided the Commission with appropriate documentation verifying the following:

- (1) Physical disablement or illness.
- (2) Military service.
- (3) Documented attendance in an institution of secondary or higher education.
- (4) Restriction on racing.
- (5) Other valid reasons found by the Commission.

(b) To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for at least 7 consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.

[Pa.B. Doc. No. 97-1787. Filed for public inspection November 7, 1997, 9:00 a.m.]