

Subpart B. LICENSING

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Cross References

This chapter cited in 7 Pa. Code § 407.5 (relating to creation of Horse Mortality Review Board).

§ 181.1. General provisions.

(a) *Purpose.* The purpose of this part is to set forth the requirements for individuals seeking to obtain a license to conduct horse race meetings, describe the duties, responsibilities, facilities, equipment and operations of the license racing entities, consistent with the provisions of section 9318 of the act (relating to licenses for horse race meetings).

(b) *Knowledge of rules.* All licensed racing entities, their directors, officers, officials and employees are responsible for the conduct of their horse race meeting, including but not limited to all live racing, simulcasted racing and pari-mutuel wagering activities within their facilities and racetrack enclosure.

(c) *General duty.* All licensed racing entities, their directors, officers, officials and employees shall be familiar with, abide by and enforce the provisions of the act and the rules, regulations and orders of the Commission or the Board of Judges and Board of Stewards.

(d) *Exemption.* A licensed racing entity may request an exemption from a requirement in this chapter to utilize new technology or innovative construction or design of the racetrack facilities. The Commission may grant an exemption if the Commission determines that:

- (1) the licensed racing entity's proposal substantially satisfies the purpose of the requirement; and
- (2) the exemption is in the best interests of the racing industry, the citizens of this Commonwealth and health, safety and welfare of horses.

§ 181.2. Number of licensed racing entities.

(a) *Standardbred horse racing.* No more than five persons shall be licensed to conduct a horse race meeting. No person licensed under this chapter to conduct Standardbred horse racing with pari-mutuel wagering shall be licensed to conduct Thoroughbred horse racing with pari-mutuel wagering.

(b) *Thoroughbred horse racing.* No more than six persons shall be licensed by the Commission to conduct a horse race meeting. No person licensed under this chapter to conduct Thoroughbred horse racing with pari-mutuel wagering shall be licensed to conduct Standardbred horse racing with pari-mutuel wagering.

§ 181.3. Race meeting license required.

In accordance with the provisions of the act, no person shall conduct or operate a horse race meet with pari-mutuel wagering within this Commonwealth without first obtaining the appropriate license from the Commission. The purchase of a licensed racing entity, the change of ownership in the licensed racing entity or a transfer of a horse race meeting license shall be reviewed and approved by the Commission in accordance with the provisions of the Racing Act and these regulations.

§ 181.4. Race meeting application and procedures.

(a) Applications to conduct horse race meetings shall be in the form prescribed by the Commission and must contain information as required by the provisions of the Racing Act or as required by the Commission. The Commission may require the following forms or documentation:

- (1) Entity Application and Organizational Chart;
- (2) Multi-Jurisdictional History Disclosure Forms for applicable Directors, Officers and Principals;
- (3) Breed specific occupational license applications;
- (4) Recent fingerprints; or
- (5) Any other applicable information upon which to make a suitability determination.

(b) A license to conduct horse race meetings shall be issued for a period of 3 years.

(c) A licensed racing entity shall have the privilege to conduct a horse race meeting at which pari-mutuel wagering is permitted. A license to conduct a horse race meeting shall not be a property right and may not be used as collateral or be encumbered.

(d) The Commission may revoke or suspend the license of a licensed racing entity if the Commission finds that the licensed racing entity, or its directors, owners, officers, managers or agents, have not complied with the act and the regulations promulgated thereunder.

(e) A licensed racing entity may not sell, change ownership or transfer a license without the specific prior approval of the Commission as set forth in section 9357 of the act (relating to transfers of licenses).

§ 181.5. Conditions for approval.

Each horse race meeting license, if granted, shall be issued and remain in effect so long as the licensed racing entity, its subsidiaries, affiliates, agents or vendors comply with each condition, rule, regulation or order of the Commission and the provisions of the act, including the following conditions:

- (1) A horse race meeting at which pari-mutuel wagering and racing related activities is conducted shall be regulated by the Commission.
- (2) The conduct of pari-mutuel wagering and racing related activities shall also be regulated by the Department of Revenue.
- (3) The licensed racing entity shall print in its racing programs the procedure for filing a complaint with the Commission.

§ 181.6. Commission action on horse race meeting licenses.

The following shall apply:

- (1) The Commission shall be prohibited from issuing a license to conduct a horse race meeting at which pari-mutuel wagering is permitted to an individual or applicant or an owner, officer, director or manager of the applicant who has been convicted of:
 - (i) A felony in any jurisdiction.
 - (ii) A misdemeanor gambling offense in any jurisdiction, unless 15 years has elapsed from the date of conviction.
 - (iii) Fraud or misrepresentation in any jurisdiction related to horse racing or horse breeding, unless 15 years has elapsed from the date of conviction.
 - (iv) An offense under 18 Pa.C.S. Subchapter B, §§ 5531—5561 (relating to cruelty to animals) (as amended).
 - (v) An offense related to fixing or rigging horse races, including 18 Pa.C.S. § 4109 (relating to rigging publicly exhibited contest) or § 7102 (relating to administering drugs to race horses), or any similar crime in

another jurisdiction, unless the conviction has been overturned on appeal under the laws of the jurisdiction of the original finding or a pardon has been issued.

(2) Following expiration of any period applicable to an applicant under paragraph (1)(ii) or (iii), in determining whether to issue a horse racing license to an applicant, the Commission shall consider the following factors:

(i) The individual or a principal of the applicant's position with the applicant.

(ii) The nature and seriousness of the offense or conduct.

(iii) The circumstances under which the offense or conduct occurred.

(iv) The age of the applicant when the offense or conduct occurred.

(v) Whether the offense or conduct was an isolated or a repeated incident.

(vi) Any evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendations of persons who have substantial contact with the applicant.

(3) If, in the judgment of the Commission, the applicant has demonstrated by clear and convincing evidence that the participation of the applicant in horse racing or related activities is not:

(i) Inconsistent with the public interest or best interests of horse racing;

(ii) Interfering with the effective regulation of horse racing; or

(iii) Creating or enhancing the danger of unsuitable, unfair or illegal practices, methods or activities in the conduct of horse racing.

§ 181.7. Denial, suspension or revocation.

(a) The Commission may deny an application for a license or revoke, suspend or refuse to renew the license of any applicant or licensed racing entity, if the Commission finds by a preponderance of the evidence that:

(1) The applicant or licensed racing entity, or any of its owners, officers, director, managers, employees or agents:

(i) Has not complied with the conditions, rules, regulations and provisions of this chapter and that it would be in the public interest, convenience or necessity to deny, revoke, suspend or not renew the license.

(ii) Has been convicted of a violation or attempt to violate a horse racing law, rule or regulation of a horse racing jurisdiction.

(iii) Has furnished the Commission with false or misleading information relating to the application or license renewal.

(iv) Has failed to provide all requested documentation relating to an application or license renewal, change of ownership or transfer of license.

(v) Has been convicted of a crime involving moral turpitude.

(vi) Has been convicted of a misdemeanor gambling offense in any jurisdiction.

(vii) Has been convicted in any jurisdiction of fraud or misrepresentation related to horse racing or horse breeding.

(viii) Has engaged in or continues to engage in unlicensed or unlawful pari-mutuel wagering activities in or outside of this Commonwealth which violates the laws of the Commonwealth or the rules of racing.

(2) The applicant or licensed racing entity does not have the use of a racetrack or racetrack enclosure in accordance with the provisions of 4 Pa.C.S. Part II (relating to gaming).

(3) The licensed racing entity has commingled horsemen's organization funds in violation of section 9345(c) (relating to commingling) or has refused to place on deposit a letter of credit under section 9346 of the act (relating to standardbred horse racing purse money).

(4) The Commission determines that the licensed racing entity has failed to properly maintain its racetrack and racetrack enclosure in good condition under this chapter or to provide adequate capital improvements to the racetrack and racetrack enclosure as required under this chapter and 4 Pa.C.S. § 1404 (relating to distributions from licensee's revenue receipts).

(5) The applicant or licensed racing entity, its owners, officers, directors, managers, employees or agents have been convicted in any jurisdiction of an offense related to fixing or rigging horse races, including 18 Pa.C.S. § 4109 (relating to rigging publicly exhibited contest) or § 7102 (relating to administering drugs to race horses), or any similar crime in another jurisdiction, unless the conviction has been overturned on appeal under the laws of the jurisdiction of the original finding or a pardon has been issued.

(6) The experience, character or general fitness of an officer, director, principle or employee of the applicant is that the participation of that person in Standardbred or Thoroughbred horse racing and the related activities would be inconsistent with the public interest, convenience or necessity or with the best interest of racing generally.

(b) If a revocation or failure to renew a license under this chapter occurs, the licensee's authorization to conduct previously approved activity shall immediately cease, subject to the licensee's hearing rights as set forth in the Commission's regulations. In the case of a suspension, the licensee's authorization to conduct previously approved activity shall immediately cease until the Commission has notified the licensee that the suspension is no longer in effect. After request for a hearing by a licensee, the Commission may grant a supersedeas, pending the final determination of the suspension.

(c) A horse race meeting license shall be renewed every 3 years upon application and, shall not be transferred except as provided for under section 9357 of the act (relating to transfers of licenses). Renewals of horse race meeting licenses shall not be granted automatically.

§ 181.8. Racing days.

(a) The Commission, consistent with the provisions of the Racing Act, its regulations and 4 Pa.C.S. § 1303 (relating to additional Category 1 slot machine license requirements), shall approve the specific number of race days requested by the licensed racing entity for the race meet. The required racing days under this section and 4 Pa.C.S. § 1303(a)(2) and (b) may be waived or modified by the Commission if the waiver or modification has been agreed to by the horsemen's organization and the licensed racing entity at the racetrack where the racing days are to be scheduled or raced.

(b) The provisions of 4 Pa.C.S. § 1303(d) shall not apply if the reason for noncompliance with that section by a licensed racing entity is the cancellation of racing days due to the Commission's inability to properly regulate and oversee the conduct of horse racing in this Commonwealth due to inadequate funding.

(c) The Commission shall submit to the Secretary of Revenue the approved number of racing days for each licensed racing entity, including the following information:

- (1) The names and addresses of the licensed racing entity;
- (2) The names and addresses of the owners, officers and general managers of the licensed racing entity; and
- (3) Any other information the Commission deems appropriate.

(d) If a racing day is canceled by a licensed racing entity for reasons beyond the licensed racing entity's control, the Commission shall grant the licensed racing entity the right to conduct that racing day in the same or the next ensuing calendar year, if schedules permit. The Standardbred or Thoroughbred Horse Racing Bureau Directors, after consultation with the licensed racing entity and the horsemen's organization at the racetrack, may also cancel a race if it is determined that fewer than six horses have entered the race.

§ 181.9. Electronic wagering by licensed racing entity.

(a) *New Application.* In accordance with the applicable provisions of Subchapter C of the act, a license racing entity seeking to offer all forms of electronic wagering, including advanced deposit wagering to individuals within this Commonwealth must apply to the Commission for the applicable license by submitting the following:

- (1) A completed electronic wagering license application, in the form approved by the Commission.
- (2) A Petition, in numbered paragraphs, containing the requested information as set forth in sections 9353 and 9355 of the act and setting forth any other information supporting its petition and request for an electronic wagering license.
- (3) Applicable licensing costs and fees as set forth in section 9352 (relating to licensing costs and fees) of the act.

(b) *Renewal Application/Petition.* An electronic wagering license issued to a licensed racing entity shall be renewed annually. An electronic wagering renewal application and renewal petition shall be submitted on or before 120 days before the expiration of the license term along with the applicable costs and fees as set forth in section 9352 of the act.

(1) The renewal application and petition, with the approval of the Commission or its designated staff may be limited to information updated or changed from the previous application or renewal.

(c) A licensed racing entity seeking to utilize a racing vendor to operate its advanced deposit wagering system shall submit the appropriate notification and petition for review and approval by the Commission. The racing vendor entity shall simultaneously submit an application to operate the advanced deposit wagering system on behalf of the licensed racing entity under the provisions of Subchapter C of the act.

§ 181.10. Gratuities prohibited.

No director, owner, officer, manager or employee of an applicant or licensed racing entity or their immediate family shall accept gifts, gratuities or anything of value from horse breeders, owners, trainers or other individuals in connection with racing related activities at any facility within this Commonwealth.

§ 181.11. Possession of firearms.

No person, licensee, employee of a licensed racing entity, a secondary pari-mutuel organization, or their racing vendors and concessionaires shall possess a firearm within the racetrack enclosure unless that person has obtained a valid permit for the firearm from an appropriate criminal law enforcement authority and the firearm has been registered in writing with the Commission's security office at the racetrack and the director of security of the licensed racing entity.

§ 181.12. Racetrack financial responsibility.

(a) Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety of any participant or the physical condition of the racetrack facilities or the purse of any race.

(b) A licensed racing entity shall agree to indemnify, save and hold harmless the Commission from any liability, if any, arising from unsafe conditions of the racetrack grounds or in the default in payment of purses.

(c) If requested, a licensed racing entity shall provide to the Commission a copy of a certificate of liability insurance.

(d) A licensed racing entity and its managing officers shall ensure that all purse moneys, disbursements and appropriate nomination race moneys are available to make timely distribution in accordance with the act, Commission rules, licensed racing entity rules and race conditions.

(e) In accordance with section 9334 of the act (relating to State Racing Fund and tax rate) and the laws of the Commonwealth, a licensed racing entity and its managing officers shall pay to the Department of Revenue all necessary and proper taxes due. Upon request by the Commission, the license racing entity shall provide copies of the records of the payments.

§ 181.13. Books and records of pari-mutuel wagering.

(a) Every licensed racing entity that conducts a horse race meeting at which pari-mutuel wagering is authorized shall maintain books and records that clearly show, by separate record, the total amount of money contributed to every pari-mutuel pool. The Commission and the Department of Revenue or their authorized representatives shall have access to examine all books and records and ascertain whether the proper amount due to the Commonwealth is being paid by the licensed racing entity.

(b) The Commission may require periodic audits to determine that the licensed racing entity has funds available to meet those distributions for the purposes required by the act, Commission rules, the conditions of the race meeting and the obligations incurred in the daily operations of the race meeting. In its audit reports to the Commission, the licensed racing entity shall include file a copy of all tax returns, a balance sheet and a profit and loss statement. The confidentiality of the audits and reports may be the subject of a request for confidentiality as set forth in the Commission's regulations.

(c) The Commission may request that a licensed racing entity file an unaudited balance sheet and profit and loss statement. Those submissions must be in a format which conforms with the requirements set out in the licensed racing entity's license application.

(d) An association shall file an annual audit with the Commission within the time period prescribed by the Commission. The Commission, upon good cause shown, may extend the time for filing. These annual audit reports shall include all operations for the calendar or fiscal year of the licensed racing entity and shall be:

- (1) Verified under oath by at least two of the principal officers of the association.
- (2) Submitted by persons preparing the reports.
- (3) Separate records of each bank reconciliation must be maintained by the association in a manner which will clearly indicate all reconciling items between the balance per the bank statement and the balance per the books of the association at the date of reconciliation.

§ 181.14. Bond or letter of credit requirements.

If applicable or required under section 9345 or section 9346 of the act (relating to commingling; and Standardbred horse racing purse money), a licensed racing

entity shall file with the Commission a bond or letter of credit payable to the Commission for an amount determined by the provisions of the act.

§ 181.15. Filing of certain agreements with Commission.

At the request of the Commission, a licensed racing entity shall promptly file with the Commission any purchase or change of ownership agreements, live racing agreements, or SPMO, racing vendor agreements or any other contract or agreement as the Commission may determine. In the event approval of the agreement is not obtained by the licensed racing entity prior to its execution, the agreement shall contain an express provision which states that the agreement will not be operative unless approved by the Commission.

§ 181.16. Horse entries prohibited.

No director, officer, principle or employee of the licensed racing entity engaged in the active management of the racetrack facility or member of that person's immediate family, shall race or permit or cause to be raced any horse in which that person has either direct or indirect interest, at any meeting conducted by that licensed racing entity.

§ 181.17. Fines and penalties.

(a) *General rule.* The Commission may impose administrative fines upon any licensed or unlicensed racing entity, association or person participating in horse racing at which pari-mutuel wagering is conducted, other than as a patron, for a violation of any provision of this chapter or rule or regulation of the Commission, not exceeding \$10,000 for each violation. Each day may be considered a separate violation. Fines shall be deposited in the State Racing Fund and may be appropriated for the enforcement of this chapter.

(b) *Interests.*

(1) No owner, officer or employee of a licensed racing entity or their immediate family shall have any direct or indirect interest in a race horse that is participating in a horse race meeting at which the person or relative listed under this paragraph holds any interest in the licensed racing entity conducting the horse race meeting or in the racetrack facility.

(2) The Commission may impose a fine upon any person for a violation of this subsection in accordance with subsection (a).

§ 181.18. Searches within track premises.

To assist in detection of illegal pari-mutuel betting by racing personnel, effectively prevent the use of improper racing devices, restrict the possession of dangerous weapons on racing premises, control the expanded traffic in unlawful drugs and drug related paraphernalia, maintain proper and adequate supervision of racing and enforce the laws of the Commonwealth, the Commission or its representatives, shall have the right and privilege to conduct a search within the

areas of the track premises which any owner, trainer, driver, groom, vendor of racing equipment and service or other licensee acting in their behalf, may occupy and to control including all personal property and effects and as a result of the search, the Commission or its representatives, shall have the power and authority to seize an article, within the areas, which may be forbidden or be in violation of the rules and regulations of the Commission.

§ 181.19. Commission office space.

A licensed racing entity shall provide adequate office and administrative space for the use of the Judges, Stewards and other Commission personnel as required by the Commission. The location and size of the office space, furnishings and equipment required under this section must be approved by the Commission.

ANNUAL OR PRE-MEET SUBMISSIONS

§ 181.21. Submission of information to the Commission.

(a) At the beginning of each meeting or at any other time as requested by the Commission, every licensed racing entity shall furnish the following information to the Commission:

- (1) The current name and experience of the licensed racing entity's management employees and racing officials;
- (2) Racetrack facility maintenance records;
- (3) A report and certificate by a duly licensed civil engineer, land surveyor or other racetrack consultant that the racetrack has been properly measured from wire to wire;
- (4) A report and certificate by a duly licensed civil engineer, land surveyor or other racetrack consultant evidencing the accurate measurement and survey of the turns of the racetrack oval;
- (5) Detailed information regarding the racetrack's surface, materials and depth, maintenance records and information relating to the drainage system for the racetrack;
- (6) The design and construction of the pylons, including the use of the lightening lane or the removal of the pylons must be approved by the Commission;
- (7) Names of the racetrack personnel hired to maintain the track surface and a list of the necessary equipment, including any back-up equipment for maintaining the track surface.

(b) Prior to the first day of a race meeting, a licensed racing entity shall deliver to the Commission a copy of the fire marshal's certification regarding the licensed racing entity's compliance with fire safety regulations or the fire marshal's plan of correction, if applicable. The certification or plan must be based on an inspection of the racetrack grounds conducted by the fire marshal not more than 30 days before the first day of a race meeting.

- (c) All detailed security and operational plans for the upcoming meet.

Cross References

This section cited in 7 Pa. Code § 181.57 (relating to racetrack surface).

RACETRACK FACILITIES—STANDARD BRED

§ 181.31. General provisions.

(a) The licensed racing entity shall ensure that the public areas of the racetrack grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by law.

(b) The licensed racing entity shall provide and maintain adequate restroom facilities for the patrons and licensees.

(c) The licensed racing entity shall provide an adequate supply of free drinking water.

(d) The licensed racing entity shall maintain all facilities on the racetrack grounds to ensure the safety and cleanliness of the facilities at all times.

(e) The licensed racing entity shall ensure the surface of the racetrack is designed, constructed and maintained to provide for the safety of the drivers and horses.

(f) The licensed racing entity shall maintain sufficient and adequate equipment and competent personnel for the purpose of continued maintenance of the racetrack surface and plant grounds and facility.

(g) During a race performance, the licensed racing entity shall also provide:

(1) A first aid room equipped with at least two beds and other appropriate equipment; and

(2) The services of at least one physician, a nurse practitioner or paramedic.

(h) *Human ambulance:* A licensed racing entity shall provide and maintain at least one properly equipped human ambulance to be present during qualifying races and during the regular racing program for participants, licensees and patrons.

(1) The ambulance shall be staffed with at least two Emergency Medical Technicians.

(2) If the ambulance is being used to transport an individual, the association may not conduct a race until the ambulance is replaced.

(i) At the beginning of each meet or at least annually, the licensed racing entity shall provide mandatory orientation of racing emergency procedures for all emergency response personnel as previously set forth.

§ 181.32. Judges' stand.

The licensed racing entity shall provide adequate stands and facility for the Judges and, as required, other officials to have a clear view of the racetrack. The location and design of the stands shall be reviewed and approved by the Commission.

§ 181.33. Audio and visual equipment.

(a) A licensed racing entity shall provide and maintain in good working order a communication system between the following:

- (1) Judges' stand;
- (2) Racing office;
- (3) Tote room;
- (4) Paddock;
- (5) Test barn;
- (6) Starting gate;
- (7) Video camera locations;
- (8) Commission Veterinarian;
- (9) Track announcer;
- (10) Location of the ambulances (equine and human); and
- (11) Commission track office and other locations and persons designated by the Commission.

(b) The licensed racing entity shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

§ 181.34. Photo finish.

(a) A licensed racing entity shall provide an electronic photo finish device with mirror image to photograph the finish of each race and record the time of each horse in at least fifths of a second. The location and operation of the photo finish devices must be approved by the Commission before its first use in a race or in the meet.

(b) The licensed racing entity shall promptly post a photograph of each photo finish for win, place or show in an area accessible to the public.

(c) The licensed racing entity shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the Commission.

(d) On request by the Commission, the licensed racing entity shall provide, without cost, a print from a negative of a photo finish to the Commission. Photo finish negatives of each race shall be maintained by the association for not less than 6 months after the end of the race meeting or another period as may be requested by the Judges or the Commission.

§ 181.35. Videotaping system.

(a) A licensed racing entity shall provide a videotaping system approved by the Commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the Judges' stand. The location and construction of video towers must be approved by the Commission.

(b) The Judges may, at their discretion, direct the video camera operators to videotape the activities of any horse or person handling horses prior to, during or following a race.

(c) All races must be recorded by at least three video cameras.

(d) The licensed racing entity shall, upon request, provide to the Commission, without cost, a copy of a videotape of a race.

(e) Videotapes recorded prior to, during and following each race shall be maintained by the licensed racing entity for not less than 6 months after the end of the race meeting or another period as may be requested by the Judges or the Commission.

(f) A licensed racing entity shall provide a viewing area in which, on approval by the Judges, an owner, trainer, driver or other interested individual may view a videotape recording of a race.

(g) Following any race in which there is an inquiry or objection, the licensed racing entity shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the Judges in making their decision.

§ 181.36. Starting gates.

During the race meet and at racing hours, a licensed racing entity shall provide at least two operable starting gates, which have been approved by the Commission.

§ 181.37. Distance markers.

(a) A licensed racing entity shall provide starting point markers and distance poles in a size and position that is clearly seen from the Judges' stand.

(b) All poles and markers shall be positioned at least 10 feet off the inside rail.

(c) The starting point markers and distance poles must be marked as follows:

- (1) 3/4 pole—Red and white horizontal stripes
- (2) 1/2 pole—Red and white horizontal stripes
- (3) 1/4 pole—Red and white horizontal stripes
- (4) 1/8 poles—Green and white horizontal stripes
- (5) 1/16 poles—Black and white horizontal stripes

§ 181.38. Saddle pad colors.

(a) All pari-mutuel racetracks shall adopt the following color format for saddle pad colors for post positions in each race:

- (1) Post Position One—Red
- (2) Post Position Two—Blue
- (3) Post Position Three—White
- (4) Post Position Four—Green
- (5) Post Position Five—Black
- (6) Post Position Six—Yellow
- (7) Post Position Seven—Pink
- (8) Post Position Eight—Gray
- (9) Post Position Nine—Purple
- (10) Post Position Ten—Blue/Red
- (11) Post Position Eleven—Light Blue
- (12) Post Position Twelve—Red/White

(b) All saddle pad numbers, with the exception of post positions three and five, shall be white with a black border. The saddle pad numbers for post positions three and five shall be solid black and solid white, respectively.

§ 181.39. Lighting.

(a) A licensed racing entity shall provide lighting for the racetrack and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees and horses.

(b) A licensed racing entity shall provide the necessary and appropriate lighting to ensure the proper operation of the videotape and photo finish equipment which must be approved by the Commission.

(c) The licensed racing entity shall provide adequate additional lighting in the stable area as required by the Commission and shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

§ 181.40. Equine ambulance.

(a) A licensed racing entity shall provide a horse ambulance staffed by trained personnel available in the stable area of the racetrack grounds during training, qualifying and race days for the removal of injured animals.

(b) The Commission may establish the following requirements for the equine ambulance:

- (1) It must be properly ventilated and kept at a proper location ready for immediate or emergency use.
- (2) The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be also be equipped with and be able to do the following:

- (i) Navigate on the racetrack during all weather conditions;
 - (ii) Transport a horse off the association grounds;
 - (iii) Large, portable screens to shield a horse from public view;
 - (iv) Ramps to facilitate loading a horse;
 - (v) Adequate means of loading a horse that is down;
 - (vi) A rear door and a door on each side;
 - (vii) A padded interior;
 - (viii) A movable partition to initially provide more room to load a horse and to later restrict a horse's movement;
 - (ix) A shielded area for the person who is attending to the horse; and
 - (x) An adequate area for the storage of water and veterinary drugs and equipment.
- (c) A licensed racing entity may not conduct a race unless an equine ambulance or other Commission-approved substitute is readily available.
- (d) The equine ambulance, its supplies and attendants and the operating procedures for the equine ambulance must be approved by the Commission.
- (e) The equine ambulance must be stationed at a location designated by the licensed racing entity immediately available for an emergency.

§ 181.41. Barns.

- (a) A licensed racing entity shall provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds, unless the licensed racing entity has requested and received approval by the Commission to provide a paddock area for horses being shipped in for races. At all times, as a condition of licensure, the licensed racing entity shall provide the barn/stable area configuration or if applicable the configuration of the paddock facility.
- (b) A licensed racing entity shall ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must have a hot and cold water supply available, be well-ventilated, have proper drainage and be constructed to be comfortable in all seasons.
- (c) A licensed racing facility shall ensure that each horse is stabled in an individual box stall with minimum dimensions of 10 by 10 feet.
- (d) A licensed racing entity shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area daily. The association shall ensure that refuse from the stalls and other refuse are kept separately.
- (e) Licensed racing entities shall comply with all environmental, storage and disposal regulations as required by law.

RACETRACK FACILITIES—THOROUGHBRED**§ 181.51. Thoroughbred facilities and equipment.**

(a) A licensed racing entity shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by Federal law.

(b) A licensed racing entity shall provide and maintain adequate restroom facilities for the patrons and licensees.

(c) A licensed racing entity shall provide an adequate supply of free drinking water.

(d) A licensed racing entity shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) The licensed racing entity shall ensure the surface of the racetrack is designed, constructed and maintained to provide for the safety of the jockeys and horses.

(f) The licensed racing entity shall maintain sufficient and adequate equipment and competent personnel for the purpose of continued maintenance of the racetrack surface and plant grounds and facility.

(g) During a race performance, the licensed racing entity shall provide:

(1) A first aid room equipped with at least two beds and other appropriate equipment; and

(2) The services of at least one physician, a nurse practitioner or paramedic.

(h) The licensed racing entity shall provide a properly equipped to human transport ambulance and equine ambulance as set forth in § 181.61 (relating to human and equine ambulances).

(i) At the beginning of each meet or at least annually, the licensed racing entity shall provide mandatory orientation of racing emergency procedures for all emergency response personnel set forth in these regulations.

§ 181.52. Concussion protocol program.

(a) A licensed racing entity may establish a concussion protocol program for the education, evaluation, diagnosis and management of concussion of jockeys at its racetrack. A licensed racing entity seeking permission to adopt a concussion protocol program shall petition the Commission and provide all the necessary medical, procedural and enforcement information regarding the proposed program for review by the Commission.

(b) The approval of a program by the Commission shall not be construed to make the Commission or the Stewards the guarantor or insurer of the jockey's physical condition.

(c) The protocol procedures may include that:

(1) Each jockey shall acknowledge in writing that they have been made aware of the concussion protocols in place for the racetrack at which they are riding;

(2) A minimum assessment of the jockey which shall include the most current Sport Concussion Assessment Tool examination when necessary and be performed by a medical professional licensed within this Commonwealth to perform the evaluation;

(3) A return-to-ride guideline shall be established to clear a jockey who has been concussed or is believed to have been concussed once the jockey is declared fit-to-ride by a medical professional authorized to do so; and,

(4) If implemented, the Stewards at the racetrack shall be notified when a jockey is not permitted to ride and when the jockey has been authorized to return to riding.

§ 181.53. Stewards' stands.

A licensed racing entity shall provide adequate stands for Stewards and other officials to have a clear view of the racetrack. The location and design of the stands shall be reviewed and approved by the Commission.

§ 181.54. Audio and visual equipment.

(a) A licensed racing entity shall provide and maintain in good working order a communication system between the:

- (1) Stewards' stand;
- (2) racing office;
- (3) tote room;
- (4) jockeys' room;
- (5) paddock;
- (6) test barn;
- (7) starting gate;
- (8) weigh in scale;
- (9) video camera locations;
- (10) clocker's stand;
- (11) racing veterinarian;
- (12) track announcer;
- (13) location of the ambulances (equine and human); and
- (14) other locations and persons designated by the Commission.

(b) A licensed racing entity shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

§ 181.55. Photo finish.

(a) A licensed racing entity shall provide two electronic photo-finish devices with mirror image to photograph the finish of each race and record the time of

each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the Commission before its first use in a race or in the meet.

(b) The licensed racing entity shall promptly post a photograph of each photo finish for win, place or show in an area accessible to the public.

(c) The licensed racing entity shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the Commission.

(d) Upon request by the Commission, the licensed racing entity shall provide, without cost, a print of a photo finish to the Commission. Photo finish records of each race shall be maintained by the licensed racing entity for not less than 6 months after the end of the race meeting or another period as may be requested by the Stewards or the Commission.

§ 181.56. Videotaping system.

(a) A licensed racing entity shall provide a videotaping system approved by the Commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the Stewards' stand. The location and construction of video towers must be approved by the Commission.

(b) One camera, designated by the Commission, shall videotape the pre-race loading of all horses into the starting gate and shall continue to videotape them until the field is dispatched by the Starter.

(c) One camera, designated by the Commission, shall videotape the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted and the equipment has been removed from the horse.

(d) The Stewards may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during or following a race.

(e) Races run on an oval track must be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras.

(f) A licensed racing entity shall, upon request, provide to the Commission, without cost, a copy of a videotape of a race.

(g) Videotapes recorded prior to, during and following each race shall be maintained by the licensed racing entity for not less than 6 months after the end of the race meeting or another period as may be requested by the Stewards or the Commission.

(h) A licensed racing entity shall provide a viewing room in which, on approval by the Stewards, an owner, trainer, jockey or other interested individual may view a videotape recording of a race.

(i) Following any race in which there is an inquiry or objection, the licensed racing entity shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the Stewards in making their decision.

§ 181.57. Racetrack surface.

(a) In addition to the provisions of § 181.21 (relating to submission of information to the Commission), the licensed racing entity shall ensure that the surface of a racetrack, including the cushion, subsurface and base, are designed, constructed and maintained to provide for the safety of the jockeys and horses.

(b) Distances to be run shall be measured from the starting line at a distance 3 feet out from the inside rail.

(c) The surveyor's report must be approved by the Commission prior to the first race day of the meeting.

(d) A licensed racing entity shall provide an adequate drainage system for the racetrack.

(e) A licensed racing entity shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The licensed racing entity shall also provide back-up equipment for maintaining the track surface.

(f) A licensed racing entity that conducts races on a turf track shall:

(1) maintain an adequate stockpile of growing medium; and

(2) provide a system capable of adequately watering the entire turf course evenly.

§ 181.58. Starting gates.

(a) During racing hours, a licensed racing entity shall provide at least two operable padded starting gates, which have been approved by the Commission.

(b) A licensed racing entity shall make at least one starting gate and qualified starting gate personnel available for schooling during designated training hours.

(c) A licensed racing entity shall ensure that an assistant Starter is available for each horse in an official race.

(d) If a race is started at a place other than in a chute, the association shall provide and maintain in good operating condition backup equipment for moving the starting gate. The backup equipment must be immediately available to replace the primary moving equipment in the event of failure.

§ 181.59. Distance markers.

(a) A licensed racing entity shall provide starting point markers and distance poles in a size and position that is clearly seen from the Stewards' stand.

(b) The starting point markers and distance poles must be marked as follows:

(1) 1/4 poles—Red and white horizontal stripes

(2) 1/8 poles—Green and white horizontal stripes

- (3) 1/16 poles—Black and white horizontal stripes
- (4) 220 yards—Green and white
- (5) 250 yards—Blue
- (6) 300 yards—Yellow
- (7) 330 yards—Black and white
- (8) 350 yards—Red
- (9) 400 yards—Black
- (10) 440 yards—Red and white
- (11) 550 yards—Black and white horizontal stripes
- (12) 660 yards—Green and white horizontal stripes
- (13) 770 yards—Black and white horizontal stripes
- (14) 870 yards—Blue and white horizontal stripes

§ 181.60. Lighting.

(a) A licensed racing entity shall provide lighting for the racetrack and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment must be approved by the Commission.

(b) A licensed racing entity shall provide adequate additional lighting in the stable area as required by the Commission.

(c) If a licensed racing entity conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

§ 181.61. Human and equine ambulances.

(a) A licensed racing entity shall provide and maintain at least one human ambulance and at least one horse ambulance during times horses are permitted to train or race.

(1) The human transport ambulance shall be supplied and equipped in accordance with the requirements set forth by the Department of Health and staffed with at least one certified paramedic during training and two certified paramedics during racing hours. The paramedics shall be dully certified in accordance with the standards set forth by the Department of Health.

(2) If the human ambulance is being used to transport an individual, the license racing entity may not conduct a race or allow horses with riders on the racetrack until the ambulance is replaced.

(b) Unless otherwise approved by the Commission or the Stewards, an ambulance shall follow the field at a safe distance during the running of races. If not following the field, the human ambulance shall be parked at an appropriate entrance to the racing strip to allow ease of access.

(c) A licensed racing entity shall provide an equine ambulance staffed by trained personnel on association grounds on each day that the racetrack is open for racing or training.

(d) The Commission may establish the following requirements for the equine ambulance:

(1) The ambulance must be properly ventilated and kept at an appropriate entrance ready for immediate or emergency response.

(2) The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be also equipped with and be able to do the following:

(i) navigate on the racetrack during all weather conditions;

(ii) transport a horse off the association grounds;

(iii) large, portable screens to shield a horse from public view;

(iv) ramps to facilitate loading a horse;

(v) adequate means of loading a horse that is down;

(vi) a rear door and a door on each side;

(vii) a padded interior;

(viii) a movable partition to initially provide more room to load a horse and to later restrict a horse's movement;

(ix) a shielded area for the person who is attending to the horse; and

(x) an adequate area for the storage of water and veterinary drugs and equipment.

(e) A licensed racing entity may not conduct a race unless an equine ambulance or other Commission-approved substitute is readily available.

(f) The equine ambulance, its supplies and attendants and the operating procedures for the equine ambulance must be approved by the Commission.

(g) The equine ambulance must be stationed at a location designated by the licensed racing entity immediately available for an emergency.

Cross References

This section cited in 7 Pa. Code § 181.51 (relating to thoroughbred facilities and equipment).

§ 181.62. Barns.

(a) A licensed racing entity shall provide barns containing a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. The assignment of barns and stalls are within the sole authority and discretion of the licensed racing entity and determination relating to barns and stall may not be appealed to the Commission. The licensed racing entity's stable area configuration and facilities must be approved by the Commission.

(b) A licensed racing entity shall ensure that the barns are kept clean and in good repair. Each barn, including the receiving barn, must have a hot and cold water supply available, be well-ventilated, have proper drainage and be constructed to be comfortable in all seasons.

(c) A licensed racing entity shall ensure that each horse is stabled in an individual box stall with minimum dimensions of 10 by 10 feet.

(d) A licensed racing entity shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area daily. The licensed racing entity shall ensure that refuse from the stalls and other refuse are kept separately.

(e) Licensed racing entities shall comply with all environmental, storage and disposal regulations as required by law.

OPERATIONS

§ 181.71. Test barn.

In addition to the requirements set forth in Chapter 401 (relating to prohibited and unlawful practices—temporary regulations) and as a condition of its license, a licensed racing entity shall provide a test barn for taking, securing and storing specimens of urine, blood or other biological substances for pre-race or post-race testing. Access to the test barn shall be limited to authorized persons only. Entrances shall be locked or guarded at all times by licensed racing entity security.

§ 181.72. Enforcement.

Each licensed racing entity association shall be responsible for enforcing the provisions of this chapter subject to supervision by designated officials of the Commission.

§ 181.73. Licensed racing entity security personnel.

(a) Licensed racing entities shall employ an adequate number of persons as security guards to protect the health and safety of patrons, licensees and horses within the racetrack enclosure. Those designated security personnel shall maintain security controls over the racetrack grounds. All security controls and protocols are subject to the approval of the Commission.

(b) In addition to Commission licensure, a licensed racing entity may establish an internal system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

(c) A license racing entity shall prevent access to and shall remove or cause to be removed from its restricted areas any person who is unlicensed or who has not been issued a visitor's pass or other identifying credential or whose presence in the restricted area is unauthorized.

§ 181.74. Admission to premises and security.

(a) Unless otherwise authorized by the Commission, a licensed racing entity shall provide continuous security in the stable area during all times that horses are stabled on the grounds of the racetrack enclosure. Security personnel shall request

that every person seeking entrance into the stable area provide a valid Commission license or racetrack credential or appropriate visitor's pass issued by the association.

(1) No person shall refuse to display or produce a valid Commission license, racetrack credential or other identification. Anyone refusing to display or produce a valid Commission license or credentials shall be refused entry and/or may be referred to the Judges or Stewards.

(b) A written record of all individuals admitted to the stable area between the hours of 12 a.m./midnight and 5 a.m. shall be maintained by the licensed racing entity and shall be produced upon request by the Commission.

(1) The written record shall, at a minimum, contain the name of the person admitted, the person's license number and the time admitted and reason for the person's presence.

(c) Upon request by the Commission, a licensed racing entity shall provide a list of the security personnel, including the name, qualifications, training, duties duty station and area supervised by each employee.

(d) Each day, the head of security for a licensed racing entity shall deliver a written report to the Stewards regarding any occurrences on the racetrack grounds on the previous day. Not later than 24 hours after an incident occurs requiring the attention of security personnel, the head of security shall deliver to the Stewards a written report describing the incident. The report must include the name of each individual involved in the incident, the circumstances of the incident and any recommended charges against each individual involved.

§ 181.75. Admission and removal of horses.

(a) All horses entered to compete shall be present on racetrack grounds no less than 2 hours prior to the scheduled post time of the race for which the horse is entered to compete. Horses not arriving on racing association property at least 2 hours prior to the scheduled post time of the race on the day for which the horse is entered to compete are subject to scratch, with discretion given to Stewards to consider extenuating circumstances.

(b) A complete and accurate list of all horses, tattoo numbers and description of the horses entering the stable area shall be prepared by racetrack security personnel, who shall determine the identity of the trainer, owner, van driver or other designated person entering with the horses.

(c) All horses leaving the racetrack grounds must be registered with the licensed racing entity's security personnel, who shall prepare a detailed and accurate list of all horses, including tattoo numbers, description and the name/license number of those persons accompanying the horse.

(d) Once admitted onto the racetrack grounds to participate in a race, no horse shall be removed from the racetrack at any time without specific medical or veterinary authorization and without approval from the Judges or Stewards and racetrack management.

§ 181.76. Fire prevention.

(a) An association shall develop and implement a program for fire prevention on association grounds. An association shall instruct employees working on association grounds of the procedures for fire prevention.

(b) No person shall:

- (1) Smoke in stalls, feed rooms or under shed rows;
- (2) Burn open fires or oil or gas lamps in the stable area;
- (3) Leave unattended any electrical appliance that is plugged-in to an electrical outlet;
- (4) Permit horses to come within reach of electrical outlets or cords;
- (5) Store flammable materials such as cleaning fluids or solvents in the stable area; or
- (6) Lock a stall which is occupied by a horse.

(c) An association shall post a notice in the stable area which lists the prohibitions outlined in subsections (a) and (b).

§ 181.77. Admission of minors.

Minors under 18 years of age shall not be admitted to the track. Any minor legally employed by any association, concessionaire or other person duly licensed by the Commission shall be admitted to the track for the sole purpose of performing his duties as an employee. A minor, accompanying a parent or natural guardian who is also a licensee and whose employment requires him to be present in the stable or paddock area, shall be admitted to the stable or paddock area with the licensee. In no event shall the minor be permitted to wager upon any race nor shall the minor be permitted to be in the area of the track other than that area in which his duties are to be performed.

§ 181.78. Health certificate.

No horse shall be admitted to any part of the plant or premises of any pari-mutuel racing association under the jurisdiction of the Commission unless a health certificate is presented when admission to the premises is sought. The Certificate must state the following regarding the health and physical condition of the horse:

- (1) The horse was examined thoroughly within a 7-day period preceding the date admission is sought.
- (2) The horse was free of any evidence of infectious, contagious or transmissible disease and was afebrile at the time of the examination.
- (3) The horse was free of ectoparasites at the time of the examination.
- (4) The horse has not, within the past 2 weeks, been exposed to other horses with any known infectious, contagious or transmissible diseases.

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