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#### Cross References

This chapter cited in 7 Pa. Code § 201.1 (relating to definitions); and 7 Pa. Code § 401.45 (relating to responsibility of a trainer).

#### § 205.1. General provisions.

(a) The Commission shall annually approve each licensed racing entity employee whose duties include the enforcement of pari-mutuel racing and wagering activities which directly or indirectly affect the racing product. Compensation for a racetrack racing official shall be paid by the licensed racing entity.

(b) Racetrack racing officials shall enforce this chapter at all times and shall render regular written reports of the activities and conduct of the race meetings to the Commission, if requested by the Board of Judges or the Commission.

(c) The Commission shall employ individuals who shall be designated as Commission racing officials and whose duties shall include the oversight and enforcement of the act, regulations and Commission policies related to all racing activities, the conduct of live, simulcasted, electronic and pari-mutuel wagering activities and all licensees engaged in those racing activities.

(d) The purpose of this chapter is to define the duties and responsibilities of racing officials and the requirements, procedures and rules and conduct of live harness racing.

#### § 205.2. Required presence of officials in race.

(a) In every race a Presiding Judge and two Associate Judges shall be present in the Judge's stand and all other race officials as defined in § 201.1 (relating to definitions), with the exception of the track veterinarian and the horse identifier.

(b) All racing officials shall be approved and licensed by the Commission. No racing official, with the exception of a timer, will be considered for approval

unless that official has attended a USTA Officials' School or another school designated by the Commission and has satisfactorily passed a written or oral examination, or both, at the conclusion of this school.

**§ 205.3. Conflict of official's position.**

(a) A racing official may not participate in the supervision, regulation or review of a race in which either the racing official or a member of the racing official's immediate family, or a business partner, agent, associate, employee or joint-venturer has participated.

(b) No racing official, acting as a presiding, associate, starting, patrol or paddock Judge shall serve as a race secretary or a clerk of the course at the meeting. No racing official who is under suspension, an owner or otherwise interested in the ownership of any horse participating at the meeting or race, shall be qualified to act as an official.

**§ 205.4. Removal of official.**

(a) Any racing official may be fined, suspended or the official's license may be denied or revoked at any time for incompetency, failure to follow or enforce the provisions of this part, or any conduct detrimental to the sport.

(b) In the event of the disqualification of a racing official for any reason, the Board of Judges shall be notified immediately. The Board of Judges shall thereafter appoint a substitute.

**§ 205.5. Wagering forbidden.**

A racing official may not wager, directly or indirectly, or otherwise have a form of interest in a wager of money or other thing of value on the results of a race at the meeting at which the racing official is employed. This prohibition shall include all forms of electronic or account wagering through any personal device.

**§ 205.6. Admission to Judges' stand.**

Only the Judges, the clerk of course, timers, official announcer, racing officials or representatives of the Commission shall be allowed in the Judges' stand during a race. No exceptions shall be permitted.

**§ 205.7. Decorum of officials.**

Racing officials shall at all times during the performance of their duties refrain from using inappropriate language or from conducting themselves other than in a judicious manner. Any conduct on their part which could or does tend to detrimentally or negatively reflect upon the sport is prohibited.



**§ 205.8. Reporting of violations.**

All racing officials and their assistants shall immediately report to the Judges every observed or reported violation of these rules and of the laws of the Commonwealth governing racing.

**§ 205.9. Observations and notifications.**

Prior to a race, a racing official shall immediately report to the Judges any apparent issues with a horse based on the condition which may significantly affect the running of the race. Upon notification to the Judges, the Judges may either conduct an immediate investigation or forward the matter to Commission investigators.

**RACING OFFICIALS****§ 205.21. Racing officials.**

Officials at a race meeting may include the following:

- (1) Board of Judges;
- (2) Race secretary;
- (3) Paddock Judge;
- (4) Horse identifier;
- (5) Clerk of course/charter;
- (6) Starter;
- (7) Timer/clocker;
- (8) Patrol Judge;
- (9) Program director;
- (10) Commission Veterinarian;
- (11) Racetrack veterinarian.

**§ 205.22. Eligibility.**

To qualify as a racing official, the applicant shall, at a minimum be:

- (1) Of good character and reputation;
- (2) Experienced in harness racing;
- (3) Familiar with the duties of the position and with the Commission's rules of harness racing;
- (4) Mentally and physically able to perform the duties of the job; and
- (5) In good standing and not under suspension by the USTA or ineligible in any racing jurisdiction.

**§ 205.23. Approval and licensing.**

The Commission may, on an annual basis or when otherwise needed, determine the eligibility of a racetrack or Commission racing official and, in its sole discretion, may approve or disapprove any official for licensing.

**§ 205.24. Prohibited practices.**

While serving in an official capacity, racing officials and their assistants shall not:

- (1) Participate in the sale or purchase, or ownership of any horse actively racing at the meeting;
- (2) Sell or solicit horse insurance on any horse racing at the meeting;
- (3) Be licensed in any other capacity without permission of the Commission, or in case of an emergency, the permission of the Judges;
- (4) Wager utilizing any device on the outcome of a race under the jurisdiction of the Commission while performing their official duties;
- (5) Consume or be under the influence of alcohol or any prohibited substances while performing official duties at the meeting.
- (6) Solicit or accept, either directly or indirectly, any gratuity, reward or favor in connection with racing at the meeting at which the racing official is employed.

**§ 205.25. Appointment.**

(a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the Commission.

**§ 205.26. Appointment of substitute officials.**

The licensed racing entity shall immediately notify the Judges where an emergency vacancy exists among racetrack racing officials and shall fill the vacancy immediately. This appointment shall be reported to the Commission and shall be effective until the vacancy is filled in accordance with these rules.

**BOARD OF JUDGES****§ 205.31. Accreditation of Judges.**

(a) To qualify for appointment as a Judge with the Board of Judges, the applicant must meet the education and examination requirements necessary to be accredited by the USTA Official's School, the Association of Racing Commissioners International Racing Officials Accreditation Program or a similar accreditation program approved by the Commission.

(b) In addition to subsection (a), the applicant must also meet the following racing experience requirements:

- (1) Five years or more of experience as a licensee of a racing commission or other regulatory racing authority of the United States or Canada;
- (2) Certified as a racing official in one or more of the following categories: patrol Judge, placing Judge, paddock Judge, clerk of course, horse identifier, racing secretary or assistant racing secretary and Starter; and
- (3) Be in good standing with all harness racing jurisdictions and with the USTA.

**§ 205.32. Powers of the Judges.**

(a) *General powers.* In matters pertaining to racing, the orders of the Judges shall supersede the orders of the officers and directors of the association. The Judges shall have the authority to regulate and supervise the conduct of the race meeting and licensed personnel, racing officials, owners, trainers, drivers, grooms and all other persons participating in pari-mutuel racing activities at the race meeting, unless the power and the duty is exclusively vested in the Commission.

(b) The authority of the Board of Judges shall begin at least 10 days prior to the beginning of the race meeting and shall terminate with the completion of their business pertaining to the meeting. This period may be modified or altered as deemed necessary by the Commission. If a dispute is unresolved at the time, it may be heard later or disposed of by the Judges or referred to the Commission. This section does not limit the power of the Judges to impose sanctions which continue beyond the end of the race meeting.

(c) If there is a succeeding meeting approved to begin at the same racetrack, the power of the Judges at the meetings is deemed to be continuing and sustaining.

(d) *Specific powers.* The Presiding Judge and Associate Judges shall have the authority to:

(1) Impose all necessary fines and penalties in accordance with the act and as specifically set forth in the Commission's regulations.

(2) Determine all questions of fact relating to the race and resolve conflicts and disputes related to racing and discipline violators in accordance with these regulations.

(3) Decide any disputes between parties to the race or any contingent racing matter not specifically covered by the rules, but which, in the Judges' opinion, may negatively impact the public interest or the public's perception of racing.

(4) Declare pools and bets "Off" in case of fraud, or to declare any horse a nonstarter and to direct the refund of all wagers made thereon. All pools and bets shall follow the decisions of the Judges. These decisions in respect to pools and bets shall be made before or after the conclusion of the race upon the observations of the Judges and upon the facts as an immediate investigation will develop. A reversal or change of decision after the official placing at the conclusion of a heat or dash shall not affect the distribution of the betting pools made upon the official placing.

(5) Declare a dash or heat of a race no contest in the event that a track is thrown into darkness during the progress of a race by failure of electricity.

(6) Postpone or cancel races in the event of unfavorable weather conditions or for any other reason related to the health and safety of the horse and those participating in the race.

(7) Conduct administrative hearings in accordance with Chapter 179, Subchapter B (relating to Judges and Stewards hearings) and compel the attendance of witnesses, the submission of documents or potential evidence related to any investigation or hearing and may administer oaths and examine witnesses.

(8) Consider complaints of foul from the patrol Judges or drivers in the race.

(9) To have reasonable control over and access to restricted and unrestricted areas including stands, paddock, stables, barns and other areas of the racetrack enclosure.

(10) To direct the examination a horse stabled on the racetrack grounds, or in a stabling area approved by the licensed racing entity.

(11) Inspect from time to time license documents, registration papers and other documents related to racing.

(12) Consult with the Commission Veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation.

### § 205.33. Disciplinary action.

(a) The Judges shall take notice of alleged misconduct or rule violations and may initiate investigations into the matters through the Commission's investigative staff or matters may be referred to them for hearing. The Judges shall have the express authority to charge any licensee for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

(b) The Judges may impose, but are not limited to, any of the following penalties on a licensee for an attempted violation or violation of these rules:

- (1) Issue a reprimand;
- (2) Impose a fine not to exceed the statutory amount set for in the act;
- (3) Require forfeiture or redistribution of purse or award;
- (4) Place a licensee on probation or a conditional license;
- (5) Suspend a license or racing privileges;
- (6) Revoke a license;
- (7) Order that a person be ineligible for licensing; or
- (8) Impose any other penalty as deemed necessary and appropriate for the level of violation.

(c) The Judges may suspend a person or disqualify a horse for fixed periods of time or under other conditions they may deem appropriate or as may be specified by this chapter. If a person is indefinitely suspended or is ordered suspended for more than the balance of a meeting, the matters shall promptly be referred to the Commission for final disposition.

(d) The Judges, on an emergency basis, shall have the power to exclude or eject from the racetrack premises and enclosures of the licensed racing entity any person who:

- (1) Is under an order of suspension or revocation or has been denied a license or ruled off by a racing commission or Board of Judges.
  - (2) Is known to be an objectionable or undesirable person or whose presence on the racetrack enclosure is deemed to be inconsistent with the best interests of racing.
  - (3) Whose conduct is deemed an improper or detrimental to racing.
- (e) The Judges' ruling shall not prevent the Commission from imposing a more severe penalty.
- (f) The Judges may refer any matter to the Commission and may include recommendations for disposition. The absence of a Judges' referral shall not preclude the Commission from taking action in any matter on its own.
- (g) All fines imposed by the Judges shall be paid to the Commission within 10 days after the ruling is issued, unless otherwise directed by the Judges.
- (h) In addition to any penalties imposed upon any owner, trainer, veterinarian or other licensee as a result of a medication or drug positive, after notice and an appropriate hearing, the horse which tested positive for the prohibited substance, shall be placed on the Judge's list and shall be ineligible to participate in racing for the following period of time:
- (1) Class 1 or Class 2 drugs (as set forth in the Association of Racing Commissioners International Uniform Classification guidelines) shall be ineligible to race for a period of 90 days from the date of the Judges' ruling, unless the matter has been appealed to the Commission.
  - (2) Class 3 drugs or high blood gas (TCO<sub>2</sub>) readings shall be ineligible for a period of 30 days from the date of the Judges' ruling unless the matter has been appealed to the Commission.

**§ 205.34. Judges' presence in the stand.**

- (a) Three Judges shall be present and on duty in the Judges' stand during the running of each race. During the race times, the Judges shall remain in the stand, in the paddock or otherwise readily available to the participants at the meet.
- (b) At least one of the Judges shall be on duty within call of the racing secretary from the time of the opening of overnight entries each morning until after the time allowed for filing of protests or objections to entries or assignment of post positions.
- (c) Should any Judge be absent at race time, and no approved alternate Judge be available, the remaining Judges may appoint a qualified substitute for the absent Judge. If a substitute Steward is appointed, the Judges shall notify the Bureau Director and the racing secretary.

**§ 205.35. Duties of Judges.**

- (a) The Judges shall investigate promptly and render a decision in every protest, objection and complaint made to them. They shall maintain a record of all

protests, objections and complaints. The Judges shall file daily with the Commission a copy of each protest, objection or complaint and any related ruling.

(b) The Judges shall prepare a daily report, on a form approved by the Commission, detailing their actions and observations made during each day's race program. The report shall include the information such as the name of the racetrack, the date, the weather and track-conditions, claims, inquiries, and objections and any unusual circumstances or conditions. The report shall be signed by each Judge and be filed with the Commission not later than 24 hours after the end of each race day.

(c) The Presiding Judge shall maintain a detailed report of the Judges' official activities. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the Judges and all interviews, investigations and rulings made by the Judges. The log shall be available at all times for inspection by the Commission or its designee.

(d) Not later than 7 days after the last day of a race meeting, the Presiding Judge shall submit to the Commission a written report regarding the race meeting. The report shall include:

(1) The Judges' observations and comments regarding the conduct of the race meeting and the overall conditions of the association grounds during the race meeting; and

(2) Any recommendations for improvement by the licensed racing entity or action by the Commission.

(e) Order an investigation regarding any act of cruelty, seen by them or reported to them, toward a race horse during a meeting. If, after a hearing, the Judges determine that an act has been committed, the Judges shall impose the appropriate penalty and shall refer the matter to the Commission for further action, including the referral of the matter to the appropriate law enforcement agency.

(f) Exclude from a race any horse that in the opinion of the Judges is improperly equipped, dangerous or unfit to race. A horse is unfit to race if it is sick, has impaired vision in both eyes, is noticeably weak or lame. The horse shall be placed on the Judges' List as provided in § 205.36 (relating to Judges' List).

### **§ 205.36. Judges' List.**

(a) The Judges shall maintain a Judges' List of the horses which are ineligible to be declared or entered in a race because of poor or inconsistent performance or behavior on the racetrack that endangers the health or safety of other participants in racing.

(b) A horse that is unfit to race because it is dangerous, unmanageable or unable to show a performance to qualify for races at the race meeting, or otherwise unfit to race at the race meeting may be placed on the Judges' list by the Presiding Judge and declarations or entries, or both, on the horse shall be refused. The owner or trainer shall be notified of the action and the reason shall be clearly

stated. The Judges shall post and maintain a current Judges' List in the racing office. When any horse is placed on the Judges' List, the clerk of course shall make an entry on the eligibility certificate of the horse, showing the date the horse was put on the Judges' List, the reason and the date of removal, if the horse has been removed.

(c) Any horse put on the Judges' List as unmanageable or dangerous must qualify in a satisfactory manner for the Judges at least two times.

(d) The Judges may put a horse on the Judges' List for performance when the horse shows a reversal of form or does not race near its own capabilities. The horse must qualify in a time comparable to its known capabilities from one to three times, at the discretion of the Judges, before being declared.

(e) The Judge may place a horse on the Judges' List when there exists a question as to the exact identification or ownership of said horse.

(f) A horse which has been placed on the Judges' List because of questions as to the exact identification or ownership of said horse, may be removed from the Judges' List when, in the opinion of the Judges, proof of identification or ownership has been reasonably established.

(g) A horse placed on the Judges' List can only be removed from the Judges' List by the Judges.

#### Cross References

This section cited in 7 Pa. Code § 205.35 (relating to duties of Judges).

### § 205.37. Procedure of the Judges.

It shall be the procedure of the Judges to:

(1) Be in the stand 15 minutes before the first race and remain in the stand for 10 minutes after the last race and at all times when the horses are upon the track.

(2) Observe the preliminary warming up of the horses and scoring, noting the behavior of horses, lameness, equipment, conduct of drivers, changes in odds and any unusual incident pertaining to horses or drivers participating in races.

(3) Give notice at least 10 minutes before a race or heat. Any driver failing to obey this summons may be punished and the horse may be ruled out by the Judges and considered drawn.

(4) Designate one of the Judges to lock the pari-mutuel machines immediately upon the horses reaching the official starting point. The Presiding Judge shall designate the post time for each race and the horses will be called at the time as to preclude excessive delay after the completion of scoring.

(5) Be in communication with the patrol Judges from the time the Starter picks up the horses until the finish of the race. Any violation or near violation of the rules shall be reported by the patrol Judge or Starter witnessing the incident and written record made of the incident. At least one Judge will observe

the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks and failure to contest the race to the finish.

(6) Post the “objection” sign, or “inquiry” sign, on the odds board in the case of a complaint or possible rule violation, and immediately notify the announcer of the objection or inquiry and the horses involved. As soon as the Judges have made a decision, the objection sign shall be removed, the correct placing displayed and the “official” sign flashed. In all instances the Judges shall post the order of finish and the official sign as soon as they have made their decision.

(7) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish.

#### **RACE SECRETARY**

##### **§ 205.51. General authority of the race secretary.**

The race secretary or the assistant race secretary as an employee of the licensed racing entity shall be responsible for setting the conditions for each race of the race meeting, supervise the nominations of entries and determining the amounts of purses and to whom the purses are due. The race secretary shall verify the eligibility of all horses entered for each race and shall certify eligibility to the Judges.

##### **§ 205.52. Claiming authorizations.**

The race secretary is responsible for maintaining the claiming authorizations of all declared horses during the race meeting.

##### **§ 205.53. List of nerved horses.**

The race secretary shall maintain a list of nerved horses which are on the racetrack grounds and shall make the list available for inspection by the Commission or its designee or by written request from other licensees participating in the race meeting.

##### **§ 205.54. Allocation of stalls.**

The race secretary shall have the sole authority to assign stall applicants stabling as is deemed proper and maintain a record of arrivals and departures of all horses entering into and stabled on the racetrack grounds. No appeal to the Commission shall be available from a denial of stalls.

##### **§ 205.55. Conditions.**

(a) The race secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers, the Judge and the Commission and be posted in the racing secretary’s office. The race secretary



shall remain responsible for any errors occurring regarding a horse's eligibility and along with the licensed racing entity shall remediate the error if possible.

(b) The race secretary shall prescribe the standards for overnight events and to prepare and publish condition sheets or condition books in accordance with these rules.

**§ 205.56. Listing of horses.**

The race secretary shall:

- (1) Examine all entry forms and declarations to verify information as set forth therein;
- (2) Select the horses to start and the also eligible horses from the declarations in accordance with these rules; and
- (3) Provide the listing of horses in the daily program.

**§ 205.57. Race information.**

The race secretary shall be familiar with the age, class and competitive ability of all horses racing at the race meeting.

**§ 205.58. Classifications.**

The race secretary shall classify horses in accordance with these rules and list horses in the categories in which they qualify.

**§ 205.59. Daily racing program.**

The race secretary or the designated program director shall publish the official daily racing program, ensuring the accuracy therein of the following information:

- (1) Sequence of races to be run and post time for the first race;
- (2) Purse, conditions and distance for each race, and current track record for distance;
- (3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;
- (4) The name of the trainer and the name of the driver named for each horse;
- (5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;
- (6) Identification of each horse by name, color, sex, age, sire and dam;
- (7) Other information as may be requested by the licensed racing entity or the Commission.

**Cross References**

This section cited in 7 Pa. Code § 205.151 (relating to duties).

**§ 205.60. Posting of entries.**

Upon completion of the draw each day, the race secretary shall post a list of entries in a conspicuous location in the racing office and make the list available to the media. No appeal shall be heard by the Commission from the denial or posting of entries.

**§ 205.61. Nominations and declarations.**

The race secretary shall examine nominations and declarations and early closing events, late closing events and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication.

**Cross References**

This section cited in 7 Pa. Code § 205.251 (relating to claiming regulations and procedures).

**§ 205.62. Stakes and added money records.**

The race secretary shall be caretaker of the permanent records of all stakes and shall verify that all added moneys due are paid prior to declaration for races conducted at the race meeting.

**§ 205.63. Winnings.**

For the purpose of establishing conditions, winnings shall be considered to include all moneys and prizes won up to the time of the start of a race. Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

**PADDOCK JUDGE****§ 205.71. Duties of paddock Judge.**

At the direction of the Presiding Judge, the paddock Judge shall at all times be in charge of the paddock and the activities in the paddock area as outlined in the Commission regulations. The paddock Judge shall:

- (1) Ensure that the horses are on the track for post parades in accordance with the schedule issued by the Presiding Judge;
- (2) Inspect horses for changes in equipment, broken or faulty equipment, head numbers and saddle pads;
- (3) Supervise paddock gate operators;
- (4) Check horses and drivers in and out;
- (5) Direct the activities of the paddock horseshoer;
- (6) Immediately notify the Presiding Judge of anything that could in change, delay or otherwise affect the racing program;
- (7) See that only properly authorized persons are permitted in the paddock;
- (8) Supervise the identification of horses in the race;

- (9) Notify the Presiding Judge of any change of racing equipment or horse-shoes before the race;
- (10) Inspect and supervise the maintenance of all emergency equipment kept in the paddock;
- (11) Notify Judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race;
- (12) Notify Judges of all trainers and grooms who leave the paddock in an emergency;
- (13) Supervise and maintain cleanliness of the paddock;
- (14) Supervise the conduct of all persons in the paddock;
- (15) Immediately report to the Presiding Judge evidence of cruelty to any horse.

#### **HORSE IDENTIFIER**

##### **§ 205.91. General authority and duties.**

(a) The horse identifier shall be present for each race. The horse identifier shall inspect each horse prior to its departure from the paddock to the post parade to confirm the horse's proper identity by checking the horse's tattoo number, color and markings, and freeze brand if applicable.

(b) The horse identifier shall report to the Judges any horse not properly identified or whose registration certificate is not in conformity with these rules.

#### **CLERK OF COURSE/OFFICIAL CHARTER**

##### **§ 205.101. General authority and duties.**

(a) The clerk of course/charter shall be under the jurisdiction of the Presiding Judge at all times. The clerk of course/charter be responsible for verifying the eligibility records provided by the USTA and recording therein all the following information:

- (1) Names and addresses of owners, trainers and drivers;
- (2) The standard symbols for medications, where applicable;
- (3) Notations of placings, disqualifications and claimed horses;
- (4) Notations of scratched or barred horses.

(b) The clerk of course shall also:

- (1) Provide an eligibility record to the horse's owner or the owner's representative when requested.
- (2) Check eligibility certificates before the race and after the race, enter all information provided thereon, including the position of the horse in the race it was charted.
- (3) Record all protests, penalties and appeals on forms provided by the Presiding Judge.
- (4) Assist the Presiding Judge in drawing positions and when called upon, assist in placing horses.

(c) The official charter is responsible for providing a complete and accurate chart of each race and shall only be done by a licensed clerk of course/charter. At all meetings the charting of races is mandatory and the licensed racing entity shall employ a licensed clerk of course/charter to fulfill the requirements of this section.

(d) An accurate chart shall include the following:

- (1) Horse's name;
- (2) Driver's name;
- (3) Date and place of the race;
- (4) Track size, if other than a 1/2-mile track;
- (5) Track condition and temperature;
- (6) Type of race (trot or pace);
- (7) Classification of race;
- (8) Distance;
- (9) Fractional times of the leading horse, including the race time;
- (10) Post position, position at the 1/4-mile, the 1/2-mile and the 3/4-mile poles and at the head of the stretch with lengths behind the leader and finish position with lengths behind the winner;
- (11) Official order of finish;
- (12) Individual time of each horse;
- (13) Closing dollar odds (with favorite designated by an asterisk);
- (14) The standard symbols for breaks, interference breaks, interference, broken equipment, park outs and free legged pacers, where applicable;
- (15) The standard symbols for medications, where applicable; in claiming races, the price for which the horse is entered to be claimed less allowances for age and sex;
- (16) Names of the horses placed first, second and third by the Judges; and notations of placings, disqualifications and claimed horses.

#### OFFICIAL STARTER

#### § 205.111. Eligibility as a Starter.

(a) No person shall be licensed as a Starter until the applicant has successfully completed a written examination and satisfied the Commission or the Commission's designee that the Starter has the necessary qualifications to perform the required duties.

(b) Notwithstanding the requirement in subsection (a), the Commission may grant a limited Starter's license restricted to starting horses in matinee races, time performances or meetings not exceeding 10 days in duration within a calendar year.

**§ 205.112. Duties of the Starter.**

- (a) The Starter shall:
- (1) Be subject to the supervision of the Presiding Judge;
  - (2) Be present in the starting gate at least 15 minutes before the first race;
  - (3) Have control over the horses from the formation of the post parade until the field is released at the starting point;
  - (4) Notify the Judges of all violations of the rules, giving detailed information thereof, including any assessed penalty;
  - (5) Notify drivers charged with violations of starting rules and grant a hearing before any penalties are assessed;
  - (6) Act as a patrol Judge when requested by the Judges; and
  - (7) Immediately report any false starts, impeded starts, unfair starts or any unauthorized activities to the Presiding Judge.
- (b) Submit to a physical or eye examination, or both, when requested by the Commission.

**§ 205.113. Starter's List.**

The official Starter shall school horses as may be necessary and shall prepare a list of horses not qualified to start, which shall be delivered to the Judges and the racing secretary and entered on the Starter's List. The Starter's List shall be posted in the racing secretary's office. No horse on the Starter's List shall be eligible to declare until removed from the Starter's List.

**TIMER/CLOCKER****§ 205.121. Duties of timers.**

- (a) The official timer/clocker shall accurately record the time elapsed between the start and finish of each race and shall be in the stand 15 minutes before the first heat or dash is contested.
- (b) The time shall be recorded from the instant that the first horse crosses the starting point until the first horse reaches the finish line and each 1/4 mile shall also be recorded on the leading horse.
- (c) In every race, the time of each heat or dash shall be accurately recorded by two timers or an approved electrical timing device, in which case, there shall be one timer.
- (d) Times of heats shall be recorded in minutes, seconds and fifths of a second.
- (e) Immediately following each heat, the elapsed time of the heat shall be publicly announced or posted on the totalisator board, or both.
- (f) No unofficial time shall be announced, posted or entered into the official record.

**§ 205.122. Error in reported time.**

(a) In circumstances involving an error in timing, no time shall be announced, posted or recorded for that heat.

(b) In any case of alleged error regarding a horse's official time, the time in question shall not be changed to favor the horse or its owner, except upon the sworn statement of the Judges and official timers who officiated in the race.

**§ 205.123. Certificate as to track measurement.**

In order for races to be recognized or published as official or both, at the beginning of each race meeting or at any time requested by the Commission, every licensed racing entity shall file a certificate by a duly licensed civil engineer or similar person that the track has been measured from wire to wire 3 feet out from the pole or inside hub rail and certifying in linear feet the result of that measurement. Each racetrack shall be measured and recertified in the event of any changes or relocation to the physical structure of the hub rail.

**§ 205.124. Time performance.**

A record can be made only in a public race or performance against time. In a performance against time, the provisions of the USTA's Rule 24 shall apply.

**PATROL JUDGE****§ 205.131. Powers and duties of patrol Judges.**

The patrol Judge, when utilized, is responsible for observing the race and reporting information concerning the race to the Judges. If the track's video replay system is deemed adequate, use of patrol Judges is optional.

**PROGRAM DIRECTOR****§ 205.151. Duties.**

(a) Each licensed racing entity shall designate a program director. In addition to the information set forth in § 205.59 (relating to daily racing program), it shall be the responsibility of the program director to furnish the public complete and accurate past performance information including the following:

- (1) Horse's name and sex;
- (2) Color and age;
- (3) Sire and dam;
- (4) Owner's name;
- (5) Driver's name and colors;
- (6) Trainer's name and stable name.

(b) At extended pari-mutuel meetings, the following additional information shall be furnished:

- (1) In claiming races, the price for which the horse is entered to be claimed.

(2) At least the last six performance and accurate chart lines for the horse which shall include the following: Date of race, place, size of the racetrack if other than a 1/2-mile racetrack, symbol for free-legged pacers, racetrack condition, type of race, distance, the fractional times of the leading horse including race time, post position, position at 1/4 with lengths behind the leader, 1/2 with lengths behind the leader, 3/4 with lengths behind the leader, stretch with lengths behind the leader, finish with lengths behind the leader, individual time of the horse, closing dollar odds, name of the driver, names of the horses placed first, second and third by the Judges. The standard symbols for breaks and park-outs shall be used, where applicable.

(3) Indicate drivers racing with a provisional license and trainers with a limited license.

(4) Indicate pacers racing without hobbles and trotters that are racing with hobbles.

(5) Summary of starts in purse races, earnings, and best win time for current and preceding year. A horse's best win time may be earned in either a purse or non-purse race.

(6) The consolidated line shall carry date, place, time, driver, finish, race-track condition and distance, if race is not at 1 mile.

(7) Wherever a horse races under permissive medication, that fact shall be recorded on the horse's electronic eligibility and thereafter that information shall be included in the performance lines on the printed programs at all extended pari-mutuel meetings, using the standard symbol adopted therefore.

#### COMMISSION VETERINARIAN

#### § 205.171. Qualifications.

(a) The Commission Veterinarian shall:

(1) Be employed by the Department as a Veterinary Medical Field Officer (VMFO), or as a temporary State veterinarian and appointed by the Commission to a racetrack under the jurisdiction of the Commission;

(2) Have graduated from an accredited veterinary school, be duly licensed by the Department of State to practice veterinary medicine within this Commonwealth and be properly licensed by the Commission as a Commission Veterinarian;

(3) Possess the necessary qualifications and experience to objectively and competently provide the regulatory duties described herein;

(4) Refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this Commonwealth while employed as the Commission Veterinarian;

(5) Refrain from directly treating or prescribing for any horse under the Commission's jurisdiction, except in cases of extreme emergency, accident or injury;

- (6) Have no employment history or business relationship prior to employment as the Commission Veterinarian that could constitute a conflict of interest or impede in the performance of official duties.
- (b) The Commission shall have an adequate number of Commission Veterinarians, as determined by the Commission, necessary to perform all the duties and responsibilities, as set forth in these regulations. The Commission may designate one of the Commission Veterinarians as the Chief Commission Veterinarian at that racetrack facility.

**§ 205.172. Duties and responsibilities of the Commission Veterinarian.**

- (a) The Commission's Veterinarian, among other things, shall:
- (1) Inform the Judge that a horse has been deemed unsafe to race, or inhumane to allow to race and shall place that horse on the Veterinarian's List;
  - (2) Conduct pre-race inspections (racing soundness examination) on all potential Starters on race day under the Pre-Race Examination Protocol as established and amended by the Commission. The examinations shall be conducted in or near the stall to which the horse is assigned;
  - (3) Inspect any horse when there is a question as to the physical condition of the horse regardless of the horse's entry status;
  - (4) Be present in the paddock and on the racetrack during the post parade;
  - (5) Recommend to the Judges the scratching of any horse that is, in the opinion of the Commission Veterinarian, injured, ill or otherwise unable to compete due to an apparent medical or health-related condition;
  - (6) Inspect any horse which appears in physical distress during the race or at the finish of the race and shall make a report of the horse and the suspected cause of the distress to the Judges, if the initial inspection was done by the racetrack veterinarian;
  - (7) Maintain a continuing health and racing soundness record of each horse so examined;
  - (8) Be authorized, in an emergency scenario, to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act;
  - (9) Report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
  - (10) Maintain the Veterinarian's List of horses ineligible to race;
  - (11) Supervise and control the test barn and the procedures to be implemented therein;
  - (12) Supervise the taking of all biological specimens, including but not limited to blood, urine or any other bodily fluid taken from the horse for pre or post-race testing according to procedures approved by the Commission;
  - (13) Maintain the proper administrative safeguards to protect the chain of custody handling of all laboratory specimens to prevent tampering, confusion or contamination and assure sample integrity;



(14) Have jurisdiction over the practicing licensed veterinarians within the racetrack enclosure for the purpose of these rules;

(15) Cooperate with the racetrack veterinarian, practicing licensed veterinarians and other regulatory agencies to take measures to control communicable or reportable equine diseases, or both.

### § 205.173. Veterinarian's List.

The Commission Veterinarian shall maintain a list to be known as the Veterinarian's List upon which the name of a horse which is considered unfit, unsound or not ready for racing shall be placed. The Veterinarian's List shall be binding on all licensed racetrack facilities and those participating in racing activities under the jurisdiction of the Commission. A horse placed on the Veterinarian's List shall be refused entry until the horse is shown to be fit, sound or ready to race.

## RACETRACK VETERINARIAN

### § 205.191. General authority and duties.

(a) The track veterinarian shall be attendant on the Judges and the race secretary at scratch time and shall examine the horse that they request and make reports to the racing officials as promptly as possible.

(b) The racetrack veterinarian shall be an employee of the licensed racing entity and shall:

(1) Be duly licensed by the Commission and directly responsible to the Commission Veterinarian;

(2) Be a graduate veterinarian and be licensed to practice in this Commonwealth;

(3) Be present at a designated time to inspect a horse when there is a question as to the physical condition of the horse;

(4) Inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report the horse together with a written opinion as to the cause of the distress to the Judges and to the Commission Veterinarian;

(5) Refrain from directly treating or prescribing for any horse scheduled to participate during the racetrack veterinarian's term of appointment at any recognized meeting except in cases of emergency, accident or injury;

(6) Be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act;

(7) Perform any other veterinarian function deemed necessary and appropriate as directed by the Commission Veterinarian, the Commission or the racetrack's employer;

- (8) Refuse employment or payment, directly or indirectly, from any owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the racing veterinarian;
- (9) Conduct soundness inspections on horses participating in races at the race meeting.

### HORSE IDENTIFICATION

#### § 205.201. Registration.

All matters relating to the registration of Standardbred horses, unless otherwise provided for herein, shall be governed by the Rules of the USTA. Pennsylvania stallions, to be eligible for Pennsylvania Sire Stakes for any given year, shall have on file a Stallion Certificate of Eligibility no later than December 1 of the preceding year with the Commission.

#### § 205.202. Horse identification records.

(a) No horse may start in any race at an extended pari-mutuel or any other meeting unless it is fully identified. The burden of establishing the identity of a horse rests with the person or persons having charge of the horse at the meeting, and in connection therewith any person found guilty of fraud or attempted fraud or any person who aids in any way in the perpetration of a fraud or any person who participates in any attempt at fraud shall be expelled. Provided further that the provisions of this section shall not be interpreted as relieving the paddock Judge or the identifier, or both, from any responsibilities outlined in Rule 6.17 and 6.18 of the USTA.

(b) Horses must race under the name of the bona fide owner. Horses under lease must race in the name of the lessee and a copy of the lease must be recorded with the USTA and with the Commission. Persons violating this rule may be fined, suspended or both.

#### § 205.203. Check on identity of a horse.

Where a question of a horse's identity or eligibility arises, a racing official may request verifying information regarding the horse's identity and eligibility from the horse's owner, trainer, driver or other person having control of the horse. If the owner, trainer, driver or other person having control of the horse refuses or fails to provide the requested information that person may be subject to a penalty imposed by the Judges.

#### § 205.204. False chart lines.

Any official or person who enters a chart line on an electronic eligibility certificate when the race has not been charted by a licensed charter may be fined, suspended or ejected by the Commission.

**§ 205.205. Tattoo/freeze brand/microchip requirements.**

A horse which has not been tattooed, freeze branded or implanted with a microchip as authorized by the USTA will not be permitted to start at a pari-mutuel meeting unless specific permission of the Presiding Judge is obtained and arrangements are made to have the horse tattooed or freeze branded or implanted with a microchip.

**ELECTRONIC ELIGIBILITY****§ 205.211. Electronic eligibility.**

No horse will be permitted to race at a licensed racetrack facility under the jurisdiction of the Commission unless a current USTA electronic eligibility certificate at the proper gait has been obtained and approved by the Commission.

**§ 205.212. Issuance of electronic eligibility.**

Electronic eligibility shall be issued for the life of the horse.

(a) Each registered owner of a horse must be a member in good standing with the USTA prior to the issuance of an electronic eligibility. If the horse is registered in the ownership of a registered racing, farm, corporation, or stable, all “beneficial owners” of those entities must be members in good standing with the USTA prior to the issuance of an electronic eligibility.

(b) Each application for the issuance of electronic eligibility shall list the names of all owners including beneficial owners of the horse.

(c) The names of all owners, including beneficial owners, shall be listed on the electronic eligibility. The electronic eligibility shall not be issued in the names of more than four persons. In the event five or more names are reported to the USTA, the electronic eligibility shall be issued only in four or fewer including racing, farm, corporate or stable names, which names must be registered in accordance with Rule 8.02 of the USTA.

**§ 205.213. Leased horses.**

Any horse on a racing lease must race in the name of the lessee and must provide evidence to the Commission of the lease as filed with the, USTA.

**§ 205.214. Corrections on electronic eligibility.**

Corrections on an electronic eligibility may be made only by the Commission, the Presiding Judge or a designee of the Commission.

**§ 205.215. Conditioned races.**

For purposes of eligibility, a racing season or racing year shall be the calendar year. Conditions shall not be written in a way that any horse is deprived of an opportunity to race in a normal preference cycle. Where the word “preferred” is used in a condition it shall not supersede date preference.

- (1) Conditions shall be limited to the money earnings of the horses in a specified period of time or number of starts.
- (2) Primary conditions shall be nonwinners or winners of more than a stated amount of money.
- (3) Not more than two also eligible conditions shall be used in writing the condition of any overnight event.
- (4) Age and sex allowances shall apply to the primary condition and shall not be considered an also eligible condition.

**§ 205.216. Date eligibility determined.**

Horses must be eligible to the event when entries close. Winnings earned on the closing date of eligibility shall not be considered.

**§ 205.217. Age of horses.**

No horse that is 15 years of age or older is eligible to perform in any race except in matinees, fair races, or races exclusively for amateur drivers as designated by the Commission and no electronic eligibility shall be issued for a horse except for a performance in those races.

**§ 205.218. Prohibitions.**

- (a) No electronic eligibility will be issued on any horse under 2 years of age.
- (b) No electronic eligibility shall be issued for a horse from which a positive Coggins test has been reported.
- (c) No electronic eligibility will be issued on any horse not properly registered with the USTA.

**TYPES OF RACES OFFERED**

**§ 205.221. Standards for overnight events.**

The race secretary should prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting. Where time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of 2 seconds allowance in relation to pacers.

**§ 205.222. Types of races to be offered.**

The racing secretary shall exclusively use the following types of races:

- (1) Stakes and futurities.
- (2) Early closing and late closing events.
- (3) *Conditioned races*. These qualifications may be based upon, among other things:
  - (i) Horse's money winnings in a specified number of previous races or during a specified previous time.

- (ii) A horse's finishing position in a specified number of previous races or during a specified period of time.
  - (iii) Age.
  - (iv) Sex.
  - (v) Number of starts during a specified period of time.
  - (vi) Or any one or more combinations of the qualifications herein listed.
- (4) Claiming races.
  - (5) Open races or invitational races.

**§ 205.223. Selection or drawing of horses.**

For all overnight events, Starters and "also eligible" shall be drawn by lot from those properly entered, except that a race secretary must establish a preference system for races as provided for in Rule 14.10 of the USTA.

**§ 205.224. Splitting of conditioned races.**

When it is necessary to fill a card, not more than one conditioned race per day may be divided into not more than two divisions after preference has been applied and the divisions may be selected by the racing secretary. For all other overnight races that are divided, the division must be by lot unless the conditions provide for a division based on performance, earnings or sex.

**§ 205.225. Substitute and divided races.**

Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or an event divided into two races shall be used only if regularly scheduled races fail to fill. If a regular race fills it shall be raced on the day it was offered. Overnight events and substitutes shall not be carried to the next racing day.

**§ 205.226. Heats.**

A heat, if conducted, shall be considered as a separate race for the purposes of conditioned racing.

**§ 205.227. Prohibitions.**

- (a) A horse qualifying in a qualifying race for which no purse is offered shall not be deprived by reason of the performance of the right to start in any conditioned race.
- (b) No time records or bars shall be used as an element of a horse's eligibility for any event.
- (c) The racing secretary may reject the declaration on any horse whose past performance indicates that he would be below the competitive level of other horses declared, provided the rejection does not result in a race being cancelled.

(d) Declarations shall not be accepted for any horse to any race unless the declarer has furnished the race secretary with a negative Coggins test written certificate for that horse, as required by subsection (a).

(e) Performance in a matinee race shall not be considered an official start.

**§ 205.228. Bonus earnings.**

In the case of a bonus, the present value of the bonus shall be credited to the horse as earnings for the race or series of races for which it received the bonus. It shall be the responsibility of the organization offering the bonus to report the present value of the bonus to USTA in a timely manner.

**§ 205.229. Supplemental purse payments.**

Supplemental purse payments made by a licensed racing entity after the end of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed. The distribution shall not affect the current eligibility until officially credited to the horse.

**§ 205.230. Classified races.**

Classified races are permitted only when authorized by the Commission.

**§ 205.231. Exhibition races.**

When non-betting promotional races are conducted by licensed racing entities, these races shall be regarded as exhibitions and the horses' performances in those races shall not be noted on electronic eligibility or otherwise officially credited to either horses or drivers. Any money awarded or paid on these races shall not be credited to the horses or drivers as official earnings and shall not affect the eligibility of participating horses to any subsequent event.

**CLAIMING RACES**

**§ 205.251. Claiming regulations and procedures.**

(a) A licensed owner, trainer or any other person properly licensed may claim any horse in a claiming race if the owner, trainer or licensee has on credit with the licensed racing entity conducting the race, an amount equal to the specified claiming price, plus the applicable tax and requisite fees for transfer of title. Except that, an unlicensed owner operating under a 30-day affidavit procedure may make a claim as previously set forth.

(b) The licensed racing entity shall provide an automatic time clock which shall be used to stamp the time the claim is filed in the claim box upon the envelope containing the claim.

(c) Claims shall be in writing on forms and in envelopes provided by the licensed racing entity, sealed and deposited in the claim box at least 15 minutes before the time originally scheduled for the race to begin. A person may file only one claim in one race.

(d) The claiming price shall be printed on the program and all claims shall be for the amount so designated. If more than one claim is filed for the same horse, the successful claimant shall be determined by lot by the Presiding Judge.

(e) The licensed racing entity shall provide for an agent who shall, immediately after closing the claim box, deliver it to the Presiding Judge. The licensed racing entity's agent or authorized person shall be prepared to state whether the claimant has the proper amount of money on credit equivalent to the specified claiming price. A racing official may not give information on claims filed until after the race.

(f) If a horse programmed to start in a claiming race is scratched, regardless of location, the horse on its next start within this Commonwealth, notwithstanding the conditions of that race, shall be subject to be claimed at the claiming price to which it was subject in the race from which it was scratched. This provision applies for 30 days immediately following the date of the race from which the horse was scratched. The removal of the horse from this jurisdiction shall toll the 30-day period. The 30-day period shall resume when the horse is returned to this jurisdiction.

(g) A horse claimed shall be delivered immediately by the original owner to the successful claimant upon authorization of the Presiding Judge. The horse's halter shall accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. Every horse claimed shall race for the interest and for the account of the owner who declared it in the event. Title to the claimed horse, subject to the conditions and provisions of subsection (h), shall be vested in the successful claimant from the word "go." The successful claimant shall become the owner of the claimed horse, whether it be alive or dead, sound or unsound or injured during the race or after it.

(h) A post-race urine or blood test, or both, shall be taken from each horse claimed out of a claiming race. The claim shall be voidable at the claimant's discretion if the forensic analysis by the Commission's laboratory results in a positive test for a prohibited substance. The claimant shall notify the Presiding Judge in writing within 24 hours of the intention to void the claim and return the claimed horse to the original owner. The claimant shall immediately sign over to the original owner the necessary certificates of ownership of the claimed horse. This subsection does not relieve the original trainer/owner of the responsibility for the condition of the claimed horse during the trainer/owner's control or care or custody of the horse.

(1) Except that, if the claimant elects to race the claimed horse prior to the results of the forensic analysis results, the claim shall not be voidable.

(i) The owner of a horse may not claim it or cause it to be claimed for the owner's account.

(j) Before the claimed horse is delivered, the Presiding Judge may require the successful claimant to execute an affidavit stating that the horse is being claimed for the claimant's account or for the account of a person for whom the claimant is an authorized agent and not for another person.

(k) The Presiding Judge may void a claim if the horse claimed has impaired eyesight in both eyes or is denerved above an ankle, or if a mare is in foal and the Presiding Judge was not notified before declaration.

(l) If a horse is claimed, no right, title or interest therein may be sold or transferred except in a claiming race for 30 days following the date of claiming. The horse may not race at a track other than the track where claimed for 30 days or the balance of the current racing meeting, whichever comes first, unless released by the racing secretary.

(m) The trainer or driver of a horse may not claim that horse.

(n) A person may not offer to enter into an agreement to claim or refrain from claiming or attempt to prevent another person from claiming a horse in a claiming race.

(o) There may not be a change in ownership or trainer once a horse is programmed.

(p) A person may not refuse to deliver a horse legally claimed out of a claiming race.

(q) A person may not enter a horse against which there is a mortgage, bill of sale or lien, unless the written consent of the holder of the claim is filed with the clerk of course of the association conducting the claiming race.

(r) Subject to the conditions of subsection (h), the licensed racing entity shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant.

(s) The successful claimant of a horse who has requested a Coggins test be administered to the horse may not declare or start the horse in future races pending the receipt of a negative test.

(t) Except as provided in § 205.61 (relating to nominations and declarations), a horse owner is not prohibited from determining the price for which that owner's horse shall be entered.

(u) A claim may not be withdrawn once properly made.

(v) A claiming race may not be offered permitting claims for less than the minimum purse offered at that time during the same racing week.

(w) If the Presiding Judge determines that the declaration or claim of a horse or a claiming race is fraudulent, the Presiding Judge may void the claim. If the Presiding Judge determines that a claim of a horse is fraudulent on the part of the person making the claim, the Presiding Judge may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it in.



(x) The current registration certificate of horses entered in claiming races shall be on file with the racing secretary together with a separate claiming authorization form signed by the registered owner and indicating the minimum amount for which the horse may be entered to be claimed. To facilitate transfer of claimed horses, the Presiding Judge may sign the transfer but must then send the registration certificate and claiming authorization to the registrar for transfer.

(y) Whenever possible, claiming races shall be written to separate horses 5 years of age or older from young horses and to separate males from females. If sexes are mixed, mares may be given a price allowance.

#### **§ 205.252. Equine Infectious Anemia testing.**

(a) If claimant indicates on the claiming form that the claimant desires a blood sample to test for Equine Infectious Anemia EIA, a licensed veterinarian shall immediately after the race take a blood sample from the claimed horse. The sample shall be properly marked and identified. The sample shall be forwarded within 24 hours to a laboratory approved by the Commission to be tested for EIA (Coggins test).

(b) Pending the receipt of a negative test for EIA, the moneys paid for the claimed horse shall be held by the licensed racing entity. In the event of a positive test for EIA, the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming moneys shall be returned to the person or persons who claimed the horse.

(c) The cost of the test shall be paid by the claimant, if the test is negative. The original owner of the horse that was claimed shall pay for test, if test is found positive. Final vesting of title to claimed horse shall not be made pending receipt of the results of the test for EIA.

### **NOMINATIONS AND ADDED MONEY EVENTS**

#### **§ 205.271. Making a nomination.**

All nominations must:

- (1) Be made in writing.
- (2) Give name and address of the registered owner and lessee.
- (3) Give name, color, sex, sire and dam of horse.
- (4) Name the event or events in which the horse is to be nominated.
- (5) In the event a mare nominated to a futurity fails to have a live foal, the nominator may substitute a foal if the conditions so provide.

#### **§ 205.272. Receipt of nomination and sustaining payments.**

(a) All nomination and sustaining payments not actually received at the hour of closing shall be ineligible except those by letter bearing a postmark not later than the following day (omitting Sunday or a legal Federal holiday, or both) to be actually received at the office at or before the hour of closing. The letter shall

include the color, sex, name of horse and the class to be entered, and the name and residence of the owner and the party making the nomination or sustaining payment.

(b) Whenever a nomination or sustaining payment in a stake, futurity, early closing race or late closing race becomes payable on a Sunday or legal holiday that falls on Saturday, this payment is to be due on the following Monday, the envelope must be post marked on or before the following Tuesday.

(c) If a payment falls on a Monday that is a legal holiday, this payment is due on Tuesday and must be post marked on or before the following Wednesday. For purposes of this rule payments made by means of commercial delivery services shall be treated the same as those made by letters bearing a postmark.

**§ 205.273. Postage mark.**

Where a nomination is received by letter bearing the postage meter date without any postmark placed thereon by the post office, this postage meter date shall be considered to be a postmark for the purposes of this rule, if the letter is actually received within 7 days following the closing date of the event. Receipt a nomination by letter after this time shall not be a valid nomination or payment to any event. The metered date must conform to the postmark date as previously set forth to be valid.

**§ 205.274. Failure to make payment.**

Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.

**§ 205.275. Event sponsor membership.**

All stake, futurity, early closing and late closing event sponsors or presenters must be members of the USTA.

**§ 205.276. Event sponsor requirements.**

Event sponsors shall:

(a) If possible, advertise the week and place the stake or futurity will be raced before taking nominations. Otherwise announcement of the week and place shall be made as soon as the stake or futurity is sold or awarded. No change in date, program, events or conditions can be made after the nominations have been taken without the consent of the racing authority having jurisdiction over the race. Before taking any sustaining payments during the year the race is to be contested, the date and place of the race shall be stated.

(b) Set the nominating date and the dates for all sustaining payments except the starting fee on the 15th day of the month in accordance with Rule 12.07 of the USTA.

(c) Send a complete list of nominations mailed to each nominator or electronically posted within 20 days after the closing date and mailed to the USTA and to each nominator.

(d) Mail or post a list of nominations within 60 days after the date of closing to the USTA.

(e) Notify all nominators and the USTA within 20 days if the stake or futurity does not fill.

(f) Mail or post within 45 days after the closing date a complete list of all horses nominated and shall mail or post within 45 days following all sustaining payment closing dates a complete list of all horses remaining eligible to the USTA. In addition, a list of all eligible horses shall be mailed upon request to all owners or agents of all eligible horses.

**§ 205.277. Date of nomination closing and sustaining payments due.**

(a) The date for closing of nominations of yearlings to stakes shall be May 15th and the date for closing of the nominations to futurities shall be July 15th. There shall be no payments on yearlings except a nomination payment and the nomination payment shall be due not later than August 15th, except for state bred races for which the payment shall be due not later than October 15th.

(b) No more than one sustaining payment on 2-year-olds in stakes and futurities that do not have a 2-year-old division will be permitted.

(c) There shall be no conditions that call for payments in stakes or futurities to fall due after August 15th and before February 15th of the following year. No stake or futurity payment on 2-year-olds shall become due prior to March 15th and for all other ages not prior to February 15th of any year.

(d) In early closing events no payment on 2-year-olds shall become due prior to March 15th excluding fairs and sires stakes.

(e) No more than two sustaining payments on any horse of any age in any calendar year with the exception of the starting fee will be approved.

(f) All nominations and payments other than starting fees in early closing events shall be advertised to fall on the 15th day of the month.

**§ 205.278. Estimated purse.**

No estimated purse shall be advertised or published in excess of the actual purse paid or distributed during the previous year unless increased by guaranteed added money. No stake or futurity shall be raced for less than 75% of the estimated purse.

**§ 205.279. Excess entry fees.**

In early closing events, late closing events and overnight events requiring entry fees all moneys paid in by the nominators in excess of 85% of the advertised purse shall be added to the advertised purse and the total shall then be considered to be the minimum purse. If the race is split and raced in divisions, the provisions

of Rule 12.17(b) of the USTA shall apply. Where overnight events are split and raced in eliminations rather than divisions all entrance/starting fees payable under the provisions of Rule 14.5 of the USTA shall be added to the advertised purse.

**§ 205.280. Sponsor's contribution.**

No stake or futurity shall be approved for extended pari-mutuel meetings if the sponsor's contribution of added money is not at least 30% of the purse and for all other meetings at least 10% of the purse shall be added.

**§ 205.281. Nominators' or breeders' awards.**

No sponsor shall pay monetary awards to nominators or breeders out of stake or futurity funds. All of the money contributed in nominating, sustaining and starting payments must be paid to the winner or winners.

**§ 205.282. Deductions prohibited.**

No deduction, voluntary or involuntary, may be made from any purse or stake or futurity except that if the conditions specifically so provide, reasonable deductions may be made for clerical, printing, postage and surety bond expenses specifically related to the purse, stake or futurity.

**§ 205.283. Fees held in escrow.**

All fees paid in early closing events shall be segregated and held in escrow by the sponsor until the event is contested.

**§ 205.284. Deviation from published conditions.**

All nominations and payments not governed by published conditions shall be void and any proposed deviation from the published conditions shall be punished by a fine for each offense, and any nominator who is allowed privileges not in accordance with the published conditions of the race, or which are in conflict with these rules, shall be debarred from winning any portion of the purse, and the said nominator and other persons who allowed these privileges shall be deemed to have been parties to a fraud.

**§ 205.285. Newly created stakes and futurities.**

No conditions for newly created stakes and futurities shall be written so as:

- (1) To permit a horse to race in more than two heats or dashes in a single day.
- (2) To provide for a filly division of a race with less added money than the colt division of a race, unless said conditions allow for a filly properly nominated and sustained in the filly division to start in the colt division upon proper declaration and the payment of the starting fee required for the colt division

and the difference between any lower nominating or sustaining fees, or both, for the filly division and the higher nominating or sustaining fees, or both, for the colt division.

**§ 205.286. Sponsor's contribution by non-track sponsors.**

(a) The sum contributed by a non-track sponsor shall be considered forfeit and is to be included in the sum distributed in the event the stake or futurity is not raced, provided, however, that for the provisions of this paragraph the term "sum contributed" shall not include added money to be paid by a track member or other responsible party where the track member or other responsible party is someone other than the stake sponsor. In this case the stake sponsor shall not be held liable for the payment of the added money.

(b) If an event is not raced due to circumstances beyond the control of a non-track sponsor then the stake sponsor is not required to contribute a sum as added money but need only refund the nominating, sustaining and starting fees as it has collected toward the canceled event.

**§ 205.287. Events raced in divisions.**

(a) In the event a stake or futurity is split into divisions, the added money for each division shall be at least 20% of all nomination, sustaining and starting fees paid into the stake or futurity, except that in the case of a stake with a value of \$20,000 or less, and conducted at a non-extended meeting, the stake may be divided and each division raced for an equal share of the total purse if the advertised conditions so provide.

(b) Where a race other than a stake or futurity is divided, each division must race for at least 75% of the advertised purse. For splitting of stakes and futurities the USTA Rule 12.10 applies. Provided however that at non-extended meetings in the case of other added money early closing events, and early closers and late closers with a value of \$20,000 or less the race may be divided and raced in divisions and each division raced for an equal share of the total purse if the advertised conditions so provide.

**ENTRIES AND STARTERS REQUIRED.**

**§ 205.301. Entries required for overnight events.**

A licensed racing entity must specify how many entries are required for overnight events and after the condition is fulfilled the event must be contested except when declared off by the Commission in accordance with these regulations.

**§ 205.302. Entries required for early and late closing events.**

In either early closing events or late closing events, if five or more horses are entered in to start, the race must be contested, except when declared off as provided in the Commission's regulations. At pari-mutuel race meetings, licensed

racing entities may require five separate betting interests to start. Stakes and futurities must be raced if one or more horses are entered to start except when declared off as provided in the Commission's regulations.

**§ 205.303. Early closing events with fewer horses entered than required.**

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

**§ 205.304. Number of Starters.**

(a) In any race where the number of horses declared in to start exceeds 11 on a 1/2-mile track, 12 on a 5/8-mile track, or 14 on a larger track, unless lesser numbers are specified in the conditions of the race, the race at the option of the track member conducting same stated before positions are drawn may be raced in elimination heats.

(b) In the absence of conditions providing for a lesser number of Starters no more than 2 tiers of horses, allowing 8 feet per horse will be allowed to start in any race and in no event shall there be allowed more than 11 Starters on a 1/2-mile racetrack, 12 Starters on a 5/8-mile racetrack or 14 Starters on a larger racetrack. At a county fair or other non-extended meetings where no pari-mutuel wagering is permitted there shall not be more than ten Starters on a 1/2-mile racetrack.

(c) In overnight events at extended pari-mutuel meetings and other meetings not more than eight horses shall be allowed to start on a 1/2-mile racetrack and not more than ten horses on larger tracks. Trailers are not permitted where the racetrack has room to score all horses abreast allowing 8 feet per horse, unless otherwise agreed upon by the track member and representative horsemen's association. Presiding Judges at county fairs, in their discretion, and prior to the draw, shall have the authority to limit the number of Starters in a race to a number less than ten, if in their judgment starting ten horses would be unsafe, taking into account the condition of the racetrack, the width of the racetrack and the class of horses participating.

**§ 205.305. Purse money distribution.**

(a) Unless otherwise provided in the conditions, all purses shall be distributed on the heat basis with the money awarded according to a horse's position in each separate heat of the race.

(b) Purse placing in overnight events shall be limited to five places.

(c) Unless otherwise specified in the conditions, the purse money distribution shall be: five or more Starters: 50-25-12-8-5%; four Starters only: 55-25-12-8%; three Starters only: 60-28-12%; two Starters only: 65-35%.

(d) In early closing events, late closing events or added money events if there are less than five Starters the remaining premium shall go to the race winner unless the conditions call for a different distribution.

(e) In overnight events if there are fewer than five Starters the premium for the positions for which there are no Starters may be retained by the track.

(f) If there be any premium or premiums for which horses have started but were unable to finish due to an accident, all unoffending horses who did not finish will share equally in the premium or premiums, but where there are fewer unoffending horses failing to finish than there are premiums for which horses have started but have not finished, the number of premiums in excess of the number of unoffending horses not finishing shall go to the winner.

(g) If there be any premium or premiums for which horses have started but were unable to finish and the situation is not covered by the preceding the premium shall be paid to the winner.

#### **ENTRY, DRAWING OF POST POSITIONS, POST DRAW**

##### **§ 205.311. Agreement to race under the rules.**

Every horse entry shall constitute an agreement by the person making the entry including, the owner, lessee, manager, agent, nominator, driver or other person having control of the horse to abide by and be subject to the rules and regulations of the Commission. Entries shall not be accepted for any horse to any race unless the declarer has furnished the race secretary with a negative Coggins test written certificate for that horse as required in Rule 20.12 of the USTA.

##### **§ 205.312. Horses not starting more than one race per day.**

No horse shall be permitted to start in more than one pari-mutuel race or fair race on any one racing day.

##### **§ 205.313. Length of race and number of heats.**

(a) Races or heats shall be given at a stated distance in units not shorter than a sixteenth of a mile.

(b) The length of a race and the number of heats shall be stated in the conditions for the race. If no distance or number of heats are specified all races shall be at a single mile.

##### **§ 205.314. Entry time.**

Unless otherwise specified in the conditions by the race secretary, the entry time shall be 9 a.m.

##### **§ 205.315. Payment of entrance and starting fee.**

The entrance or starting fee shall be due at time of declaration and payable not later than 1 hour prior to post time of the race to be contested, unless otherwise specified in the conditions for the race. The entrance or starting fee will not be

refunded if the horse fails to start unless the horse dies between time of declaration to start and start of race. The entrance or starting fee shall be defined as the payment due with declaration to start.

**§ 205.316. Entry box.**

The licensed racing entity shall provide a locked box with an aperture through which entries shall be deposited. The Presiding Judge shall be in charge of the entry box.

**§ 205.317. Taking of entries.**

Entries may be taken by the racing office in person, by telephone or any other acceptable means approved by the licensed racing entity. Evidence of all entries must be deposited in the entry box before the time specified to enter. An entry must state the name of the horse, name of the trainer, and name of the driver and the event in which the horse is to be entered to race. When requested by the race secretary the entry must also state the date and place of the horse's last start.

**§ 205.318. Search for entries by Presiding Judge.**

Just prior to opening of the box the Presiding Judge shall check with the race secretary to ascertain if any declarations are in the office and not deposited in the entry box and the race secretary shall ensure that they are declared and drawn in the proper event.

**§ 205.319. Opening of entry box and drawing of horses.**

The entry box shall be opened by the Presiding Judge at the advertised time who shall be responsible to ensure see that at least one horseman or an official representative of the horsemen is present. No owner or agent for a horse with an entry in the box shall be denied the privilege of being present. Under the supervision of the Presiding Judge all entries shall be listed, the eligibility verified, preference ascertained, Starters selected and post positions drawn. If it is necessary to reopen any race public announcement shall be made at least twice and the box reopened to a definite time.

**§ 205.320. Preference date.**

(a) Preference dates shall be given to horses in all overnight events conducted at licensed pari-mutuel racetracks in accordance with the following:

(1) The date of the horse's last previous start in a purse race during the current year is the horse's preference date with the following exceptions:

(i) The preference date on a horse that has drawn to race and has been scratched is the date of the race from which scratched.

(ii) When a horse is racing for the first time in the current year the date of a successful qualifying attempt shall be considered the horse's preference date.



(iii) Wherever horses have equal preference in a race, the actual preference of the horses in relation to one another shall be determined from the most recent previous starts which do not result in equal preference.

(iv) When an overnight race has been reopened because it did not fill all eligible horses declared into the race prior to the reopening shall receive preference over other horses subsequently declared regardless of the actual preference dates.

(b) This rule is not applicable at any meeting at which an agricultural fair is in progress.

(c) Nothing in this rule shall preclude a licensed racing entity from adopting a racetrack rule limiting an owner or trainer to one Starter in any single overnight event.

**§ 205.321. Qualifying races for overnight events.**

(a) Within 45 days of being entered, a horse that has not raced previously at the gait chosen must start in a qualifying race under the supervision of the Board of Judges and acquire at least one charted line by a licensed charter. To provide complete and accurate chart information on time and beaten lengths a standard photo-finish shall be in use.

(b) A horse that does not show a charted line for the previous season or a charted line within its last six starts must start in a qualifying race as set forth in subsection (a).

(c) The Judges may require any horse that has been on the Judges' List to start in a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, it may be required to start in a qualifying race.

(d) The Judges may permit a horse to qualify by means of a timed workout consistent with the time of the races in which the horse will compete if adequate competition is not available for a qualifying race.

(e) To enable a horse to qualify for an overnight, qualifying races should be held at least 1 full week prior to the opening of any race meeting that opens before July 1st of a season and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting unless otherwise agreed upon by the track member and representative horsemen's association.

(f) Where a race is conducted to solely qualify drivers, the race need not be charted, timed or recorded. This section is not applicable to races qualifying both drivers and horses.

(g) If a horse takes a win race record in a qualifying race or a matinee race the record must be prefaced with the letter "Q" wherever it appears, except in a case where immediately prior to or following the race the horse taking the record has been submitted to an approved urine or blood test.

**§ 205.322. Qualifying race for added money events.**

Where qualifying races are provided in the conditions of an early closing event, stake or futurity the qualifying race must be held not more than 5 days prior to contesting the main event (excluding Sunday) and omitting the day of the race.

**§ 205.323. Withdrawal of horse.**

After an entry to start has been made no horse shall be excused from the race without permission of the Presiding Judge. The Presiding Judge may impose a fine or suspension for violation of this provision.

**§ 205.324. Notification of scratched horse.**

Whenever a horse has been “scratched” by the Presiding Judge and placed on the Judges’ List, the Presiding Judge shall specify the reason for the scratch.

**§ 205.325. Coupled entries.**

(a) When the Starters in a race include two or more horses owned or trained by the same person or trained in the same stable or by the same management, the starts shall be “coupled” as a single entry and a wager on one horse in the “entry” shall be a wager on all horses in the “coupled entry” unless approval has been granted by the Commission to race as separate entries under bona fide ownerships. The fact that those horses are trained by the same person shall be indicated prominently in the program.

(b) If the race is split in two or more divisions horses in an “entry” shall be seeded insofar as possible, first by owners, then by trainers, then by stables but the divisions in which they compete and their post positions shall be drawn by lot. The above provisions shall also apply to elimination heats.

(c) At all race meetings the person making the declaration of a horse which qualifies as a coupled entry with another horse entered in the same event shall be responsible to designate the word “entry” on the declaration blank.

(d) The Presiding Judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done entries may not be rejected. Provided further that when drivers participate in a pari-mutuel purse races in which they have an ownership interest or trainer interest in one or more of the horses, they must drive one of the horses in which they have the ownership interest or trainer interest.

(e) If one of the horses with common ownership or trainer while running in a race interferes or commits a foul preventing another horse in the race a better placing, the Judges may, in their discretion, disqualify both horses of common ownership or trainer. The Judges may use all relevant information, video of the incident and their respective experience to make the decision.

**§ 205.326. Judges' approval of drivers.**

No driver may be changed without permission of the Presiding Judge and for good cause. When an entry starts two or more horses, the Presiding Judge shall approve or disapprove the second and third drivers.

**§ 205.327. Transfer of ineligible horse.**

A horse nominated in an event to which it is ineligible may be transferred, with the consent of its owner, to any event to which it is eligible at the same gait.

**§ 205.328. Drawing of post positions.**

(a) For each individual race of a race card, post positions for horses in a race shall be conducted by a separate procedure to be determined by the Presiding Judge. The results of a draw procedure shall not be applied to more than one race of a race card, nor shall the results be applied to another race which is part of another race card.

(b) For races conducted under an elimination plan, the Presiding Judge shall draw the positions in which the horses are to start in the main event by one of the following methods, as required by the sponsor in the conditions for the event:

(1) The Presiding Judge shall draw positions to determine which of the two dash winners has the pole, and which the second position; which of the two horses that has been second shall start in third position; and which in fourth, and the like, or

(2) The Presiding Judge shall by lot have an open draw to determine the positions in which the horses are to start in the main event from among all horses qualified for the main event.

(c) In the event the sponsor fails to prescribe in the conditions for the event the method to be used for the drawing of post positions the provisions of the USTA's Rule 14.19(a) shall apply.

**§ 205.329. Also eligible.**

(a) Not more than two horses may be drawn as "also eligible" for a race and their positions shall be drawn along with the Starters in the race. In the event one or more horses are excused by the Judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horses shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different the also eligible horse shall take the position on the outside of horses with a similar handicap.

(b) No horse may be added to a race as an also eligible unless the horse was drawn as this at the time entries closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference because it has been drawn as an "also eligible."

(c) A horse moved into the race from the also eligible list cannot be withdrawn except by permission of the Judges but the owner or trainer of a horse shall be notified that the horse is to race. All horses on the also eligible list and not moved in to race by scratch time shall be released.

**§ 205.330. Horses omitted through error.**

For all events, including, but not limited to overnight and stakes races, all drawings shall be final unless there is conclusive evidence that a properly declared horse, eligible at the time of entry, has been mistakenly omitted from the race through the error of the licensed racing entity, its agent or employee, in which case, the racing secretary shall immediately redraw the race in question, provided, that the error is discovered prior to scratch time or the printing of the program whichever is sooner.

**§ 205.331. When an ineligible horse races.**

(a) A nominator is required to guarantee the identity and eligibility of the nominations and entries and if given incorrectly the nominator may be fined, suspended or expelled, and any winnings shall be forfeited and redistributed to eligible entries.

(b) A person obtaining a purse or money through fraud or error shall surrender or pay the same to the sponsor of the event, failing which the person or persons and the horse or horses shall be suspended until payment is made, whereupon the purse or money shall be awarded to the party justly entitled to it. However, where any horse is ineligible as a result of the negligence or action of the race secretary the licensed racing entity shall reimburse the owner for the resultant loss of winnings.

**§ 205.332. Effect of failure to enter on time.**

When a licensed racing entity requires a horse to be entered at a stated time, failure to declare the timely entry as required shall be considered a withdrawal from the event.

**POSTPONEMENT**

**§ 205.351. Postponement.**

(a) In addition to the Commission's authority set forth in the act, USTA Rule 15, section 1, is incorporated herein and shall govern matters related to the postponement of races.

(b) Each licensed racing entity shall report a postponement to the Presiding Judge and the Commission in an expeditious manner.

### STARTING OF HORSES

#### § 205.371. Starter's control.

In addition to the duties and responsibilities set forth in this chapter, the Starter shall be under the supervision of the Presiding Judge and shall have control of the horses from the formation of the parade until the Starter gives the word "go."

#### § 205.372. Starting gate requirements.

(a) Every licensed racing entity shall utilize a mobile starting gate of a type and quality approved by the Commission. Every licensed racing entity shall maintain a standby mobile starting gate similarly approved. The arms of all starting gates shall be provided with a screen or a shield in front of the position for each horse and the arms shall be perpendicular to the rail. Starting gates at pari-mutuel tracks shall be equipped with systems approved by the Commission providing direct two-way voice communication with the Judges stand.

(b) Each licensed racing entity must specify in writing to the Commission the exact distance prior to the beginning of the racing meet and have it clearly defined in their program.

(c) No person shall be allowed to ride in the starting gate except the Starter, the gate operator and a patrol Judge, unless permission has been granted by the Commission.

#### § 205.373. Scoring of horses/coming to starting gate.

After one or two preliminary warming up scores the Starter shall notify the drivers to come to the starting gate. During or before the parade the drivers must be informed as to the number of scores permitted. The horses shall be brought to the starting gate no nearer than 1/8 of a mile before the start as the racetrack will permit. On mile tracks horses will be brought to the Starting gate at the head of the stretch.

#### § 205.374. Speed of gate.

Allowing sufficient time so that the speed of the gate can be increased gradually the following minimum speeds will be maintained.

- (1) For the first 1/8 mile, not less than 11 miles per hour.
- (2) For the next 1/16 of a mile not less than 18 miles per hour.
- (3) From that point to the starting point, the speed will be gradually increased to the maximum speed.
- (4) When the speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

**§ 205.375. Starting point.**

The starting point will be a point marked on the inside rail at a distance of not less than 200 feet from the first turn. The Starter shall give the word “go” at the starting point.

**§ 205.376. Recall procedure.**

In case of a recall, a light plainly visible to the driver shall be flashed and a recall sounded but the starting gate shall proceed out of the path of the horses. Whenever possible the Starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In emergencies, however, Starters shall use their discretion to close the wings of the gate.

**§ 205.377. Reasons for recall.**

The Starter may sound a recall only for the following reasons:

- (1) A horse scores ahead of the gate.
- (2) There is interference.
- (3) A horse has broken equipment.
- (4) There is a malfunction of the starting gate.
- (5) A horse falls before the word “go” is given.
- (6) A horse comes to the gate out of position.

**§ 205.378. No recall after the word “go.”**

(a) There shall be no recall after the word “go” has been given and any horse regardless of its position or an accident shall be deemed to be a Starter from the time it entered into the Starter’s control, unless dismissed by the Starter.

(b) *Breaking Horse.* The Starter shall endeavor to get all horses away in position and on proper gait but no recall shall be issued for a breaking horse.

**§ 205.379. Violations of the starting rule.**

A fine or suspension or both from driving not to exceed 15 days may be applied to any driver by the Starter for the following starting violations:

- (1) Delaying the start.
- (2) Failure to obey the Starter’s instruction.
- (3) Rushing ahead of the inside or outside wing of the gate.
- (4) Coming to the starting gate out of position.
- (5) Crossing over before reaching the starting point.
- (6) Interference with another driver during the start.
- (7) Failure to come up into and stay in position.
- (8) After coming to the gate, failure to keep one line in each hand until the word “go,” except for the purpose of adjusting equipment.

**§ 205.380. Loudspeaker.**

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

**§ 205.381. Holding horses before start.**

Horses may be held on the backstretch not to exceed 2 minutes awaiting post time, unless delayed by an emergency.

**§ 205.382. Starting two tiers of horses.**

(a) In the event there are two tiers of horses the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

(b) Whenever a horse is withdrawn from any tier horses on the outside move in to fill up the vacancy. Where a horse has drawn a post position in the second tier the driver of the horse may elect to score out behind any horse in the first tier so long as he does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position.

**§ 205.383. Horse out of position at start.**

When a horse comes to the gate out of its assigned post position and gains an unfair advantage by moving either to the left or right of its assigned post position before the Starter gives the word "go" said horse may be disqualified and placed by the Judges.

**§ 205.384. Failure to follow instructions of the Starter.**

The driver of any horse refusing or failing to follow the instructions of the Starter as to the parade or scoring ahead of the pole horse may be fined or suspended by the Starter.

**§ 205.385. Horses deemed to have started.**

The horses shall be deemed to have started when the word "go" is given by the Starter and all the horses must go the course except in case of an accident, broken equipment or any other reason in which it is the opinion of the Judges that it is impossible or unsafe to go the course.

**§ 205.386. Practice of emergency procedures.**

Every licensed Starter is required to check the starting gate for malfunctions before beginning any race meeting and to practice the procedure to be followed in the event of a malfunction. Both the Starter and the driver of the gate must be familiar with emergency procedures and the Starter is responsible for the training of the drivers of the procedures.

**§ 205.387. Starting without a gate.**

When horses are started without a gate, the Starter shall have control of the horses from the formation of the parade until the Starter gives the word “go.” The Starter shall be located at the wire or other point of start of the race at which point as nearly as possible the word “go” shall be given. No driver shall cause unnecessary delay after the horses are called. After two preliminary warming up scores, the Starter shall notify the drivers to form in parade.

**§ 205.388. Positions in winning heat.**

The horse winning a heat shall take the pole the succeeding heat, and all others shall take their positions in the order they were placed the last heat. When two or more horses shall have made a dead heat, their positions shall be settled by lot.

**§ 205.389. Refunds of entry money.**

No refunds of entry money can be made for any purposes once the entered horse is in the control of the Starter.

**RACING RULES/CONDUCT OF THE RACE****§ 205.401. Driving violations.**

A driver shall not commit any of the following acts which are considered violations of the driving rules:

- (1) Change course or position, swerve in or out, or bear in or out during any part of the race in a manner as to compel another horse to shorten its stride or cause another driver to change course, take the horse back or otherwise pull the horse out its stride.
- (2) Jostle, strike, hook wheels or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner endangering other drivers.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by “putting a wheel under him.”
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside needlessly or otherwise help another horse to improve the horse’s position in the race.
- (9) Commit any act which shall impede the progress of another horse or cause the horse to break.
- (10) Change course after selecting a position in the home stretch or swerve in and out or bear in and out in a manner as to interfere with another horse or cause the horse to change course or take back.
- (11) To drive in a careless or reckless manner or fail to maintain reasonable control of the horse at all times during the race.



(12) Kick the horse which shall be defined as a blow or thrust with the foot against any part of the horse's body or to impel by striking with the foot. Removal of a foot from the stirrups or any foot supports as provided in § 205.408 (relating to foot out of stirrup) shall not alone constitute the offense of kicking.

(13) Cross the inside limits of the course.

(14) Lay off a normal pace and leave a hole when it is well within the horse's capacity to keep the hole closed.

(15) Fail to set, maintain or properly contest a pace comparable to the class in which the driver is racing considering the horse's ability, track conditions, weather and circumstances confronted in the race.

#### **Cross References**

This section cited in 7 Pa. Code § 205.403 (relating to driving violation committed by driver of coupled entry); and 7 Pa. Code § 205.408 (relating to foot out of stirrup).

#### **§ 205.402. Requirements for filing an objection.**

All complaints by drivers of any foul driving or other misconduct during the race must be made at the termination of the race unless the driver is prevented from doing so by an accident or injury. A driver who wishes to enter a claim of foul or other complaint relating to the running of the race must, before dismounting, inform the Judges of the driver's intent to enter the claim or complaint and immediately proceed to the appropriate telephone or Judges' stand where the claim or complaint shall be immediately entered. The Presiding Judge shall not cause the "official" sign to be displayed until the driver's claim or complaint shall have been entered and considered. No appeal to the Commission shall be heard based on the Presiding Judge's "no-call."

#### **§ 205.403. Driving violation committed by driver of coupled entry.**

If a person driving a horse as a coupled entry in the race, commits a racing violation or infraction as set forth in § 205.401 (relating to driving violations), the Presiding Judge shall set the offending horse back. The horse coupled in the entry with the offending horse shall also be set back if the Presiding Judge finds that the horse improved its finishing position as a direct result of the offense committed by the offending horse.

#### **§ 205.404. Placing of horses by the Judges.**

In case of interference, collision or violation of any of the previous restrictions, whether occurring before or after the start, the Judges may place the offending horse back one or more positions in that heat or race. In the event the collision or interference prevents a horse from finishing the heat or race, the offending horse may be disqualified from receiving any winnings and the driver may be

penalized. In the event a horse is set back under its provision, the offending horse must be placed behind the horse with which it interfered and did not finish.

**§ 205.405. Fraudulent or unsatisfactory driving.**

(a) A race must be properly contested by every driver and horse in that race and must be driven to the finish. If the Presiding Judge believes that a horse was driven in an intentionally inconsistent manner or fraudulently, the Presiding Judge shall consider it a violation and the driver and anyone in concert with him or her shall be penalized. The Presiding Judge may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the Judges and the fee retained from the purse money due the horse if any.

(b) In the event a drive is unsatisfactory due to lack of effort or carelessness and the Presiding Judge believes that there is no fraud, gross carelessness or deliberately inconsistent drive they shall impose a penalty under this subsection including but not limited to a fine, suspension or revocation.

**§ 205.406. Removal or substitution of driver.**

If in the opinion of the Presiding Judge a driver is unfit or incompetent to drive for any reason or refuses to comply with the directions of the Judges or is otherwise reckless in conduct and endangers the safety of horses or other drivers in the race, the driver may be removed and another driver substituted at any time after the positions have been assigned in the race and the offending driver shall be penalized.

**§ 205.407. Horse fails to finish heat.**

If for any reason, other than being interfered with or having broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out of subsequent heats of the same race.

**§ 205.408. Foot out of stirrup.**

As set forth in § 205.401 (relating to driving violations), improper conduct is forbidden in a race. After the starting gate is in motion, both feet of the driver must be kept in the stirrups at all times until after the finish of the race, except that a driver shall be allowed to remove a foot from the stirrups briefly to pull earplugs.

**Cross References**

This section cited in 7 Pa. Code § 205.401 (relating to driving violations).

**§ 205.409. Use of whip.**

(a) Drivers will be allowed whips not to exceed 4 feet, plus a snapper not longer than 6 inches. All whips are subject to inspection and measurement by the

Presiding Judge or the Commission. The following actions shall be considered as excessive or indiscriminate use of the whip and a violation of the rules of racing:

- (1) Causing visible injury to the horse.
  - (2) Whipping a horse after the finish of a race or after a horse is no longer in contention in the race.
  - (3) Whipping under the arch or shafts of the sulky.
- (b) The use of the whip shall be confined to an area above and between the sulky shafts to include the sulky shafts and the outside wheel discs. Drivers shall keep a line in each hand from the start of the race until the finish of the race.
- (c) The whip shall be used in a conventional manner and shall be held in the handle area at all times. Whipping shall be restricted to elbow and wrist action only and the whipping arm shall not be raised above shoulder height.
- (d) On their own accord or if there is an allegation of excessive or brutal use of the whip, the Presiding Judge may immediately direct that the racetrack veterinarian perform a visual inspection of each horse following the specific race to determine if there is evidence of excessive or brutal use of the whip. A representative of the horsemen's organization or other person chosen by the driver may be present.
- (e) Alteration of whips in any manner shall be considered a prohibited practice and shall subject the licensee to penalty.

#### Cross References

This section cited in 7 Pa. Code § 205.411 (relating to penalties for prohibited use of whip).

#### § 205.410. Other devices prohibited.

The use of any goading or prodding device, chain, mechanical or electrical devices or appliances other than the ordinary whip or crop upon any horse in any race shall constitute a violation of this rule, regardless of whether the device is operational or functional. A licensee violating this provision shall be fined, suspended or both.

#### § 205.411. Penalties for prohibited use of whip.

- (a) As set forth in § 205.409 (relating to use of whip), the brutal use of a whip or crop or excessive or indiscriminate use of the whip or crop shall be considered a violation of the rules of racing and shall be punished by the following fines or suspension, or both:
- (1) Minor infraction: \$200, may be placed.
  - (2) Major infraction: 1st violation—\$250 fine and 3-day suspension; 2nd violation—\$500 and 5-day suspension; 3rd violation—\$500 fine and 10-day suspension.
- (b) All licensed racing entities conducting a pari-mutuel meeting shall publish the Commission's rules pertaining to whipping in each day's official racing program.

**§ 205.412. Breaking from gait.**

(a) When a horse breaks from its programmed gait, the driver shall at once, where clearance exists, take the horse to the inside or outside and pull him to its gait.

(b) The following shall be considered violations:

- (1) Failure to properly attempt to pull the horse to its gait.
- (2) Failure to take to the outside where clearance exists.
- (3) Failure to lose ground while on a break.

**§ 205.413. Placing of breaking horse by Judges.**

(a) The Judges, may in their discretion, set back a breaking horse at the finish when a contending horse properly on its gait is lapped on the hind quarter of the breaking horse. Except, if the breaking horse was off stride due to interference.

(b) Any horse making a break which causes interference to other contending horses may be placed behind all offended horses.

(c) If, in the opinion of the Judges, a driver of a horse on a break reasonably complies rule in subsection (b), no fine or suspension shall be imposed on the driver.

**Cross References**

This section cited in 7 Pa. Code § 205.415 (relating to calling and noting breaks).

**§ 205.414. Fraudulent breaking of horse.**

If, in the opinion of the Judges, a driver allows the horse to break for purposes of intentionally or fraudulently losing a heat, the driver may be fined, suspended or both.

**Cross References**

This section cited in 7 Pa. Code § 205.415 (relating to calling and noting breaks).

**§ 205.415. Calling and noting breaks.**

To assist in determining the matters contained in §§ 205.413 and 205.414 (relating to placing of breaking horse by Judges; and fraudulent breaking of horse) and this section, it shall be the duty of one of the Judges to call out every break made and note the break and character of it in writing.

**§ 205.416. Horse's right of the course.**

Horses called for a race shall have the exclusive right of the course and all other horses must vacate the racetrack at once, unless permitted to remain by the Presiding Judge.

**§ 205.417. Driver mounted in sulky at finish.**

A driver must be mounted in the sulky at all times during the race or the horse must be placed as a non-finisher.

**§ 205.418. Use of wheel discs and mud fenders.**

It shall be the responsibility of the owner, trainer or driver to provide every sulky used in a race with solid one-color or colorless wheel discs on the inside and out-side of the wheel. The Presiding Judge may order the use of mud guards at the pari-mutuel racetrack.

**§ 205.419. Talking on the track.**

Excessive or unnecessary conversation, or both, between and among drivers while on the racetrack during the time when colors are required is prohibited. Any violation of this rule may be punished by a fine, suspension or combination thereof.

**§ 205.420. Passing lane.**

(a) With the approval of the Commission, a licensed racing entity may remove the solid inside hub rail and extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the track to create the so-called passing lane. The licensed racing entity shall provide the Commission with an architectural rendering of the passing lane and a certification of the track's dimensions.

(b) The passing lane shall not be used by the lead horse. The passing lane may only be used during the final 1/8 of the race. A driver who goes into the passing lane and passes another horse before the last 1/8 of the race may be disqualified by the Presiding Judge.

(c) A horse, other than the lead horse, may be driven into the passing lane to attempt to pass another horse. A horse driven into the passing lane which does not gain ground on the lead horse may be considered blocking the rest of the field if the horse impedes the progress of the trailing horses. If in the opinion of the Presiding Judge a driver blocks another horse's forward progress while in the passing lane, that horse may be placed for interference.

(d) A driver using the passing lane must first have complete clearance of the pylons. Any horse or sulky running over of pylons or going to the inside of the pylons shall be disqualified as set forth below.

(e) Pylons will be:

- (1) 2 feet above ground;
- (2) 30-degree angle inward to track surface;
- (3) 40 feet apart on the turns;
- (4) 60 feet apart on the straight aways.

**§ 205.421. Pylon violations.**

(a) A driver must have full clearance of the pylons when entering the passing lane. A driver who drives inside of one or more pylons when entering or using the passing lane may be disqualified.

(b) A horse while on stride, or part of the horse's sulky, that leaves the race course by going inside the pylons which constitutes the inside limits of the course, when not forced to do so as a result of the actions of another driver or horse, or both, shall be in violation of this rule. In addition, when an act of interference causes a horse, or part of the horse's sulky, to cross inside the pylons and the horse is placed by the Judges, the offending horse shall be placed behind the horse with which it interfered.

(c) For purposes of placing the horse by the Judges the following shall apply:

(1) If a horse while on stride, or part of the horse's sulky, goes inside two consecutive pylons, the offending horse shall be placed behind all horses that are lapped on to the offending horse at the wire;

(2) If a horse while on stride, or any part of the horse's sulky, goes inside three or more consecutive pylons, the offending horse shall be placed last;

(3) If in the opinion of the Judges a horse while on stride, or part of the horse's sulky, goes inside a pylon and that action gave the horse an unfair advantage over other horses in the race or the action helped improve its position in the race, the horse may be placed at the discretion of the Judges.

(d) The following penalties shall apply to drivers for violation of the above rules:

(1) For the 1st violation, a monetary penalty of \$200 shall be imposed;

(2) For the 2nd violation within a year of the first violation, a monetary penalty of \$300 shall be imposed;

(3) For the 3rd violation within a year of the 1st violation of the first violation, a minimum monetary penalty of \$500 plus a suspension for 3 days shall be imposed;

(4) For the 4th violation within a year of the 1st violation of the first violation, a minimum monetary penalty of \$1,000 and a suspension for 5 days shall be imposed.

**§ 205.422. Removal of passing lane.**

The licensed racing entity, with the consent and approval its horsemen's organization, may petition the Commission for the removal of the passing lane. The petition shall include all applicable and necessary information from the licensed racing entity and its horseman's organization to support the request for the removal of the passing lane.

## EQUIPMENT

### § 205.431. Sulkies.

(a) All racing sulkies must meet or exceed the standards approved by the USTA prior to being used in any pari-mutuel racetrack within this Commonwealth. The Commission may from time to time adopt any amended sulky standards and publish those standards in the *Pennsylvania Bulletin*.

(b) The Commission may adopt, by publication in the *Pennsylvania Bulletin* any subsequent amendments to the guidelines, standards, recommendations for the design, performance and certification for sulkies as issued by the USTA.

(c) The Commission may authorize variances from the above sulky standards and may approve for use any sulky which does not otherwise qualify under the previous sections, if in the Commission's opinion, the sulky does not pose a safety hazard, does not impair the horse or driver and does not undermine the competitiveness of the horse and driver.

### § 205.432. Use of hobbles.

No horse shall wear hobbles in a race unless it starts in the race in the first heat and having so started shall continue to wear them to the finish of the race and any person found responsible for removing or altering a horse's hobbles during a race or between races shall be fined, suspended or both. Other than as set forth previously, the use of hobbles from race to race shall be in the sole discretion of the trainer and not require qualifying the horse.

### § 205.433. Nasal strips.

(a) The Commission shall authorize and permit non-medicated equine latex nasal strips to be used at pari-mutuel racetracks within this Commonwealth. All other artificial means of opening nasal passages are specifically prohibited.

(b) Trainers must inform the equipment identifier regarding the trainer's use of a nasal strip and document its use as equipment worn by the horse.

(c) The licensed racing entity shall ensure the public is notified of all horses using the nasal strips by publication in the program, public address system or other approved methods.

### § 205.434. Cornell Collar.

The Cornell Collar may be used by trainers as an approved piece of equipment within this Commonwealth. Trainers shall notify the equipment checker and duly list the Cornell Collar as a part of the horse's equipment.

### § 205.435. Trainer responsibility for horse equipment.

It shall be the responsibility of the trainer to see that each horse under the trainer's supervision is safely equipped for each race and if it is determined by

the Judges that a horse has been raced with unsafe or faulty equipment the Judges may impose a fine, suspension or both.

**§ 205.436. Other equipment.**

(a) Any change in equipment must be approved by the Presiding Judge and must be shown on the racing program. Any owner or trainer who wishes to change any equipment on a horse from one race to another shall apply in writing to the Judges no later than at the time of declarations.

(b) No horse will be permitted in a race to wear any type of equipment that covers, protrudes or extends beyond its nose or that in any way could interfere with the true placing or finish of the horse.

**CONDUCT AND DECORUM OF RACING PARTICIPANTS**

**§ 205.451. Improper language to officials.**

No owner, trainer, driver, groom, attendant of a horse or any other licensee shall use improper or inappropriate language to a Commission official, Commission employee or race official or be guilty of any improper conduct toward the race official or persons serving under their direction, when the improper language or conduct refers to the administration and the performance of the race officials' duties.

**§ 205.452. Shouting.**

Continuous loud shouting or similar behavior is expressly forbidden during the conduct of a race.

**§ 205.453. Committing assault or battery.**

No person at any time or place shall commit an assault or an assault and battery upon another.

**§ 205.454. Betting on a horse other than own.**

No owner, trainer, driver or groom shall directly or indirectly place a bet on any other horse participating in the same race as the owner's, trainer's, driver's or groom's horse. Any wager placed by the owner, trainer driver or groom on their horse participating in the race shall be to "win."

**§ 205.455. Failure to report fraudulent or corrupt proposal.**

It shall be the duty of every licensee to immediately report to the Commission or the Presiding Judge if that licensee has been approached with an offer, suggestion or promise of a bribe or other thing of value to commit, engage or participate in a corrupt, improper or fraudulent activity relating to racing.



**§ 205.456. Fraudulent or injurious conduct forbidden.**

Conduct on the part of a licensee, participant or patron, which is fraudulent or injurious in its nature or otherwise reflects negatively on the sport, although not specifically addressed by the Commission's regulations, is strictly forbidden. A person who, individually or in concert with one another shall intentionally, fraudulently and corruptly by any means affects the outcome of any race or commits any other act injurious to the sport shall be guilty of a violation.

**§ 205.457. Conspiracy to commit a violation.**

If two or more persons agree, plan, combine and conspire together in any manner and regardless of their location, for the purpose of violating any of the rules of racing and shall commit some act in furtherance of the plan it shall constitute a conspiracy and a violation. The Commission may also refer these matters to criminal law enforcement.

**§ 205.458. Withholding information in an investigation.**

In the course of an underlying investigation or hearing, where an oath is administered by the Judges, or other duly appointed person legally authorized to administer oaths, and the party knowingly testifies falsely or withholds information pertinent to the investigation the person shall be fined, suspended, or both.

**§ 205.459. Financial responsibility.**

A licensee may not knowingly accumulate unpaid obligations, default in obligations, issue drafts or checks that are dishonored or payment refused, or otherwise display financial irresponsibility reflecting negatively on the sport.

**§ 205.460. Registration of nerved horses.**

All horses that have been nerved shall be so designated on the USTA registration certificate, electronic eligibility and be registered with the Commission Veterinarian. It is the responsibility of the owner of the horse at the time the horse is nerved to see that this information is placed on the registration certificate and the electronic eligibility. No trainer or owner will be permitted to enter or start a horse that is high nerved. It shall be the responsibility of the owner or trainer, or both of a horse that has been low-nerved to post on the bulletin board in the racing office at each racetrack where the horse competes the fact that the horse has been low-nerved and it is the responsibility of each track member to provide a space in the racing office where the fact of nerving can be posted in accordance with this rule.

**§ 205.461. Spayed mares.**

The fact that a mare has been spayed must be noted on the registration certificate, the electronic eligibility and any program when the mare races. It shall be

the owner's responsibility to report the fact that the mare has been spayed to the USTA and return its papers for correction.

**§ 205.462. Equine Infectious Anemia.**

No owner, trainer, driver, attendant or other person representing a horse which has previously tested positive for Equine Infectious Anemia (EIA) shall knowingly cause the horse to be declared into any race. No owner, trainer, driver, attendant or other person shall seek to transfer the horse without first notifying the prospective purchaser or transferee of the fact that the horse had previously tested positive for EIA.

**§ 205.463. Negative Coggins test certificate.**

It shall be the responsibility of the trainer of a horse to furnish to the racing office all pertinent information regarding the Coggins test of the horse so that it may be entered on the electronic eligibility of the horse prior to the horse's first start in the current year. The submission to the Commission or its designees of Coggins tests which are false, misleading or have been tampered with shall be an integrity violation and may result in the person being fined, suspended or having the person's license revoked.

**§ 205.464. Trainer of horse of suspended person.**

A trainer who enters, trains or races a horse knowing the horse to be owned wholly or in part by a person or persons barred or otherwise disqualified from participating in racing shall be fined and suspended by the Commission.

**PROTESTS**

**§ 205.471. Protests.**

(a) Protests to the participation of a horse entered in any race shall be made to the Judges in writing, signed by the objector, and filed not later than 60 minutes prior to post time for the first race on the day in which the questioned horse is entered. A protest not timely received shall be denied on those grounds. A protest shall set forth the specific reasons for the protest in detail as to establish probable cause for the protest and the information provided by the protestor shall be verified and signed in affidavit form. The Judges may upon their own motion consider an objection until the time as the horse becomes a Starter.

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

- (1) A misstatement, error or omission in the entry under which a horse is to run;
- (2) The horse which is entered to run is not the horse it is represented to be at the time of entry or the age was erroneously given;

(3) The horse is not qualified to enter under the conditions specified for the race, or the allowances are improperly claimed either by age, sex, earnings or wins or incorrect under the conditions of the race;

(4) The horse is owned in whole or in part, or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in these rules; or the horse was entered without regard to a lien filed previously with the racing secretary.

(c) The Judges may scratch from the race any horse which is the subject of a protest if the Judges have reasonable cause to believe that the objection is valid.

(d) Notwithstanding any other provision in this section, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged provided that the Judges are satisfied that the allegations are bona fide and have been duly verified by affidavit.

(e) The Judges may order any purse, award or prize for any race withheld from distribution pending the determination of any protest. In the event any purse, award or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to the purse, award or prize, the Judges or the Commission may order the purse, award or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award or prize erroneously distributed shall be subject to fines and suspension.

#### FINES, SUSPENSIONS AND EXPULSIONS

#### § 205.501. Suspension or revocation of driver, trainer or groom license.

In accordance with the provisions of the act, the license of any driver, trainer or groom may be suspended, revoked or a money fine may be imposed, at any time for:

- (1) Failure to obey the instructions of a racing official.
- (2) Failure to drive in a race when programmed, unless excused by the Presiding Judge.
- (3) Consumption of intoxicating beverages within 4 hours of the first post time of the program on which the licensee is carded to drive.
- (4) Appearing in the paddock in an unfit condition to perform the licensee's duties.
- (5) Fighting.
- (6) Assault or battery upon any other person.
- (7) Offensive, profane or threatening language.
- (8) Smoking while on the race track in silks and during actual racing hours.
- (9) Warming up a horse without silks at any time.
- (10) Disturbing the peace.
- (11) Refusal to take a breath analyzer test.

(12) Refusal, when requested by the Commission to submit evidence of physical and mental ability or to submit to a physical examination, or both.

(13) Failure to participate in post parade, unless specifically excused by Presiding Judge.

(14) Any other act or conduct detrimental to the sport or reflects negatively on the sport.

(15) Violation of any rule, regulation, order or directive of the Commission.

(16) Failure or refusal to obey a rule, regulation, order or directive of the Commission, including but not limited to a properly issued records subpoena.

(17) Falsifying or misrepresenting answers on the application for license.

(18) Failure to name a driver at the properly prescribed time of the race meet.

**§ 205.502. Suspension until fines paid.**

All persons who have been fined for violation of these rules and regulations shall be suspended until the fine has been paid in full.

**§ 205.503. Recording and posting of penalties.**

Written notice of all fines and other penalties imposed by the Judges shall be delivered to the person penalized in accordance with the applicable provisions of Commission's regulations, posted immediately at the race secretary's office of the licensed racing entity and forwarded to the USTA.

**§ 205.504. Effect of minor suspension on future engagements.**

Where the suspension imposed by the Judges is for a driving violation and does not exceed in time a period of 5 days, the driver may complete the engagement of all horses programmed to race in before the penalty becomes effective. With permission from the Presiding Judge, a driver may drive in stake, futurity, early closing and feature races, during a suspension of 5 days or less but the underlying suspension will be extended 1 day for each date the driver drives in a race.

**§ 205.505. Effect of suspension penalty.**

Whenever a suspension is prescribed in these rules it shall be construed to mean an unconditional exclusion and disqualification from any participation, either directly or indirectly, in the privileges and uses of the course and grounds of the licensed racetrack, unless otherwise specifically authorized by the Presiding Judge when the suspension is imposed.

**§ 205.506. Effect of penalty on the horse.**

No horse shall have the right to compete while owned or controlled wholly or in part by a suspended, expelled, disqualified or excluded person. No suspended, disqualified or excluded person shall drive, nor shall a suspended or disqualified horse perform in a race.

**§ 205.507. Fraudulent transfer of a horse.**

(a) The attempted transfer of a horse by a trainer while under suspension or by the owner of the horse on behalf of the suspended trainer to avoid or circumvent the trainer's suspension shall constitute fraud and will be a separate violation of the rules. The person seeking the approval by the Judges of a transfer of a horse shall provide supporting information and records relating to the new programmed trainer of the horse, and the relationship to the suspended trainer.

(b) No transfers shall be approved if the transfer is to a spouse, family member or to a current or former employee.

**§ 205.508. Participation by a suspended person or horse.**

A licensee knowingly and willfully allowing a suspended, disqualified or excluded person to participate in a race or a suspended or disqualified horse to start in a race shall be subject to a fine or suspension.

**§ 205.509. Reciprocity of penalty imposed by other racing authorities.**

(a) All penalties imposed by other racing authorities, state racing commissions or the USTA shall be recognized and fully enforced by the Commission unless application is made by the licensee for a hearing before the Commission at which time the applicant may show cause as to why the penalty should not be enforced against him in this Commonwealth. If a hearing is granted, the Commission may delay enforcement of the reciprocal penalty.

(b) When the Commission receives notice that a person or horse, or both, has been penalized by another racing authority, state racing commission or by the USTA, the Commission may, for good cause shown and upon consideration of the record of the proceedings before the racing authorities and state racing commissions, modify or adjust the penalty accordingly to conform with the Commission's regulations.

(c) Notwithstanding the previous provisions, the Commission may conduct its own original inquiry and investigation regarding the penalties imposed by another racing authority or state racing commission and may take separate action based on the conclusion of its investigation.

**§ 205.510. Dishonored payment.**

Any person who pays an entry, a fine or other claim to the Commission or any entry, claim, or fine to a licensed racing entity by a draft, check or money order, which upon presentation is protested, payment refused or otherwise dishonored, may be subject to an additional fine. If the protested, refused or dishonored payment is for a fine, the licensee shall remain suspended until the original fine and the additional fee has been paid.

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