

**CHAPTER 305. RULES OF THOROUGHBRED RACING—
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Cross References

This chapter cited in 7 Pa. Code § 303.31 (relating to eligibility for licensure); and 7 Pa. Code § 401.45 (relating to responsibility of a trainer).

§ 305.1. General provisions.

(a) The Commission shall annually approve each licensed racing entity employee whose duties include the enforcement of pari-mutuel racing and wager-

ing 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 Stewards or the Commission.

(c) The Commission or its designee 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 pre-race and post-race 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 of racing.

§ 305.2. Prohibited conduct by racing officials.

(a) A person may not offer and no racing official may accept, directly or indirectly, a gratuity, reward or favor in connection with racing at the meeting.

(b) A racing official may not, directly or indirectly, for a commission, gratuity or otherwise, sell, buy or hold for himself or for another a form of interest in a Thoroughbred horse that is run or entered at a meeting where he is officiating.

(c) A racing official may not, directly or indirectly, buy, sell or hold an interest in a contract upon a jockey or apprentice jockey.

(d) A racing official may not write or solicit horse insurance at the meeting.

§ 305.3. Conflict of interest.

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 family, or a business partner, agent, associate, employee or joint-venturer has participated or in which any of them has had an interest in the event there is an objection, protest, claim of foul or dispute raised with regard to the race.

§ 305.4. Wagering forbidden.

A racing official may not wager, directly or indirectly or have a form of interest in a wager of money or other value on the result of a race at the meeting at which the racing official is employed.

RACING OFFICIALS

§ 305.11. Racing officials.

Officials at a race meeting may include the following:

- (1) Stewards;
- (2) Racing secretary;
- (3) Horsemen's bookkeeper;

- (4) Paddock Judge;
- (5) Horse identifier;
- (6) Clerk of scales;
- (7) Jockey room custodian;
- (8) Starter;
- (9) Timer/clocker;
- (10) Patrol Judge, absent video replay equipment;
- (11) Placing Judge;
- (12) Commission Veterinarian;
- (13) Racetrack veterinarian;
- (14) Any other person designated by the Commission as a racing official.

§ 305.12. Eligibility.

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

- (1) of good character and reputation;
- (2) experienced in flat racing;
- (3) familiar with the duties of the position and with the Commission's rules of flat racing;
- (4) mentally and physically able to perform the duties of the job; and
- (5) in good standing and not under suspension or ineligible in any racing jurisdiction.

§ 305.13. Approval and licensing.

The Commission, in its sole discretion, may determine the eligibility of a race-track or Commission racing official and, in its sole discretion, may approve or disapprove any official for licensing.

§ 305.14. 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 Stewards;
- (4) wager on the outcome of any race under the jurisdiction of the Commission; or
- (5) consume or be under the influence of alcohol or any prohibited substances while performing official duties at the meeting.

§ 305.15. Reporting of violations.

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

§ 305.16. Observations and notifications.

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

§ 305.17. Appointment.

- (a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the Commission.
- (b) The Commission, the Bureau Director or other Commission representative shall appoint or approve the Stewards at each race meeting.

§ 305.18. Appointment of substitute officials.

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

BOARD OF STEWARDS**§ 305.31. Accreditation of Stewards.**

- (a) To qualify for appointment as a Steward, the appointee must meet the education and examination requirements necessary to be accredited by the Racing Officials Accreditation Program in association with the Universities of Arizona and Louisville or any other similar accreditation program approved by the Commission.
- (b) In addition to all of the above, the appointee 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 scales, horse identifier, racing secretary or assistant racing secretary and Starter; and
 - (3) Be in good standing with all racing jurisdictions.
- (c) Once appointed, the Stewards shall attend and complete applicable continuing education programs, as required by the Commission.

§ 305.32. Power of the Stewards.

(a) In matters pertaining to racing, the orders of the Stewards shall supersede the orders of the officers and directors of the association. The Stewards shall have the power and duty to regulate and supervise the conduct of track management, licensed personnel, racing officials, owners, trainers, jockeys, grooms and all other persons participating in pari-mutuel racing activities, unless the power and the duty is exclusively vested in the Commission.

(b) The authority of each Board of Stewards 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 Stewards or referred to the Commission. This section does not limit the power of a board to impose sanctions continuing beyond the end of a meeting.

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

(d) In the performance of duty, the Stewards shall have reasonable control over and unrestricted access to stands, weighing rooms and jockey rooms, stables, barns and other areas of the racetrack enclosure.

(e) The Stewards shall have the power to determine questions arising with reference to entries and racing. They shall have the authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(f) The Stewards have the authority to interpret these rules and to decide all questions of racing not specifically covered by the rules, but which, in their opinion, may negatively impact the public interest or the public's perception of racing.

(g) The Stewards shall have the power to cause to be examined a horse stabled on the association grounds, or in a stabling area approved by the association.

(h) In accordance with the provisions of Chapter 179 (relating to Rules of Administrative Practice and Procedure—temporary regulations), the Stewards may 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.

(i) The Stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(j) The Stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation.

§ 305.33. Disciplinary action.

(a) The Stewards 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 Stewards 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 Stewards may impose any of the following penalties on a licensee for a 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 Stewards 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 Stewards, 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 Stewards.
- (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 improper.

(e) The Stewards' ruling shall not prevent the Commission from imposing a more severe penalty.

(f) The Stewards may refer any matter to the Commission and may include recommendations for disposition. The absence of a Stewards' referral shall not preclude Commission action in any matter.

(g) Purses, prizes, awards, and trophies shall be redistributed if the Stewards or Commission order a change in the official order of finish.

(h) All fines imposed by the Stewards shall be paid to the Commission within 10 days after the ruling is issued, unless otherwise directed by the Stewards.

(i) 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 Steward'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 Stewards' ruling, unless the matter has been appealed to the Commission.

(2) Class 3 drugs or high blood gas (TCO₂) readings shall be ineligible for a period of 30 days from the date of the Stewards' ruling unless the matter has been appealed to the Commission.

§ 305.34. Stewards' presence.

(a) Three Stewards shall be present and on duty in the Stewards' stand during the running of each race. During the race times, the Stewards shall remain in the stand, in the paddock or otherwise readily available to the participants at the meet.

(b) At least one of the Stewards 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 Steward be absent at race time, and no approved alternate Steward be available, the remaining Stewards may appoint a qualified substitute for the absent Steward. If a substitute Steward is appointed, the Bureau Director and the licensed racing entity shall be notified by the Stewards.

§ 305.35. Duties of Stewards.

(a) The Stewards 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 Stewards shall file daily with the Commission a copy of each protest, objection or complaint and any related ruling.

(b) The Stewards 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 following information 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 Steward and be filed with the Commission not later than 24 hours after the end of each race day.

(c) The Presiding Steward shall maintain a detailed report of the Stewards' official activities. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the Stewards. Investigative mate-

rials and information or interviews conducted by the Stewards is confidential and shall be excluded from this log. The log shall be provided to the Commission upon its request.

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

- (1) The Stewards' 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.

§ 305.36. Stewards' List.

(a) The Stewards shall maintain a Stewards' List of the horses which are ineligible to be 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) The Stewards may place a horse on the Stewards' List when there exists a question as to the exact identification or ownership of said horse.

(c) A horse which has been placed on the Stewards' List because of inconsistent performance or behavior, may be removed from the Stewards' List when, in the opinion of the Stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing.

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

(e) 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 Stewards' List and shall be ineligible to participate in racing for the following period of time:

- (1) For Class 1 or Class 2 drugs (as set forth in the Association of Racing Commissioners International Uniform Classification guidelines) the horse shall be ineligible to race for a period of 90 days from the date of the Stewards' ruling, unless the matter has been appealed to the Commission.
- (2) For Class 3 drugs or high blood gas (TCO₂) readings the horse shall be ineligible for a period of 30 days from the date of the Stewards' ruling, unless the matter has been appealed to the Commission.

RACING SECRETARY

§ 305.51. Duties of racing secretary.

The racing secretary or the assistant racing secretary as an employee of the licensed racing entity shall be responsible for the programming of races during

the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations.

§ 305.52. Foal, health and other eligibility certificates.

(a) The racing secretary or designee approved by the Stewards shall be responsible for receiving, inspecting and maintaining the digital and paper foal and health certificates, Equine Infectious Anemia (Coggins or EIA) test certificates and other documents of eligibility for all horses competing at the track and stabled on the grounds.

(b) The racing secretary or designee approved by the Stewards shall record the alteration of the sex of a horse on the horse's foal certificate or report, or both, to the appropriate breed registry and past performance services.

(c) The racing secretary or designee approved by the Stewards shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse or report to the appropriate breed registry.

(d) The racing secretary shall ensure that all horses entered to race are registered with The Jockey Club or a similar registration entity.

§ 305.53. List of nerved horses.

The racing 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.

§ 305.54. List of bred fillies and mares.

The racing secretary shall maintain a list of all fillies or mares on the racetrack grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meeting.

§ 305.55. Allocation of stalls.

The racing 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.

§ 305.56. Conditions.

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers, the Stewards and the Commission and be posted in the racing secretary's office. The racing 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. No appeal shall be heard by the Commission regarding horse entries and conditions.

(b) 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.

§ 305.57. Eligibility.

(a) When the Commission receives an official testing laboratory report of a positive test or overage for a winner of a race that requires a disqualification, change in the order of finish and redistribution of the purse, the horse in question shall maintain the win in past performance records and carry the penalty of a win when determining eligibility by the racing secretary for entry in a subsequent race. This horse's condition and eligibility shall remain in effect until the Stewards issue a ruling disqualifying the aforementioned horse and order the redistribution of the purse.

(b) The second-place horse shall not carry the win in past performance records nor shall the second-place horse carry the win in determining the eligibility for entry in a subsequent race until the Stewards issue a ruling disqualifying the winner, change the order of finish and order a redistribution of the purse.

(c) Should the aforementioned ruling be properly appealed, the disqualification, change in the order of finish and purse redistribution is stayed until a final adjudication and the winner must carry the win and the second-place horse is not penalized for the condition.

§ 305.58. Listing of horses.

The racing secretary shall examine all entry blanks and declarations to verify information as set forth therein and shall select the horses to start and the "also eligible" horses from the declarations in accordance with these rules.

§ 305.59. Posting of entries.

Post positions shall be determined publicly by lot in the presence of the racing secretary, assistant racing secretary, a Steward or designee and at least one trainer licensed by the Commission. Upon completion of the draw, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available to the media, if requested.

§ 305.60. Daily racing program.

The racing secretary 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 the 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 jockey named for each horse together with the weight to be carried;
- (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) A notice shall be included in the daily program that all jockeys will carry approximately 3 pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures and that jockeys may weigh in with an additional 3 pounds for inclement weather gear when approved by the Stewards; and
- (8) Other information as may be requested by the licensed racing entity or the Commission.

§ 305.61. Nominations and declarations.

The racing 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.

§ 305.62. Stakes and Entrance Money Records.

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

§ 305.63. Inspection of licenses and other documents.

The racing secretary shall have the right to inspect an owner's, trainer's or jockey's license, partnership papers, papers and documents with respect to a contract between a jockey and the jockey's employer, and papers relating to the appointment of authorized agents, jockey agents or the adoption of colors or to stable names.

HORSEMEN'S BOOKKEEPER

§ 305.71. General authority.

The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain the other records and accounts and perform the other duties as the licensed racing entity and the Commission may prescribe.

§ 305.72. Records.

- (a) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the licensed racing entity.
 - (1) The records shall include the name, mailing address, Social Security number or Federal tax identification number, and the jurisdiction or country of

residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

(2) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents.

(3) All records of the horsemen's bookkeeper including records of accounts and moneys and funds kept on deposit are subject to inspection by the Regulatory Authority at any time.

(4) The horsemen's bookkeeper and the licensed racing entity are subject to disciplinary action by the Commission for any violations of or non-compliance with the provisions of this rule.

§ 305.73. Moneys and funds on account.

(a) All moneys and funds on account for the horsemen with the horsemen's bookkeeper shall be maintained as follows:

(1) Separate and apart from moneys and funds of the licensed racing entity or any other association or entity;

(2) In a trust or similar type of account designated as Horsemen's Trust Account; and

(3) In an account insured by the Federal Deposit and Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded with proof of the bond submitted to the Commission upon request.

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

§ 305.74. Payment of purses.

(a) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other moneys that properly come into the bookkeeper's possession in accordance with these regulations.

(b) The horsemen's bookkeeper may accept moneys due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning the purse money.

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to the races have cleared the drug testing laboratory or

the split sample laboratory as reported by the Stewards or the Commission, except that minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratories.

(e) In the event a protest or appeal has been filed with the Stewards or the Commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of the dismissal or a final non-appealable order disposing of the protest or appeal.

Paddock Judge

§ 305.91. Duties of paddock Judge.

(a) The paddock Judge shall at all times be in charge of the paddock and the entire saddling area and shall:

- (1) Supervise the assembly of horses in the paddock no later than 15 minutes before the scheduled post time for each race;
- (2) Maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change in equipment to the Stewards;
- (3) Insure that all horses are properly equipped with a type of safety reins that are approved by the Commission and are originally designed and constructed to insure a secure secondary connection to the bit and reinforcement to prevent breakage;
- (4) Prohibit any change of equipment without the approval of the Stewards;
- (5) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence;
- (6) Supervise paddock schooling of all horses approved for this by the Stewards;
- (7) Report to the Stewards any observed cruelty to a horse;
- (8) Ensure that only properly authorized persons are permitted in the paddock and may exclude those unauthorized persons; and
- (9) Report to the Stewards any unusual, irregular or illegal activities.

(b) The paddock Judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

- (1) At the end of each race day, the paddock Judge shall provide a copy of the List to the Stewards.
- (2) To be removed from the paddock Judge's List, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock Judge and the Stewards that the horse is capable of performing safely in the paddock.

HORSE IDENTIFIER**§ 305.101. General authority and duties.**

(a) The Horse Identifier shall:

(1) When required, ensure the safekeeping of digital and paper registration certificates and racing permits for horses stabled or racing, or both, on licensed racing entity grounds;

(2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) Examine without physically touching every starting horse in the paddock for sex, color, markings and lip tattoo, microchip (ISO 11784), freeze brand or other identification method approved by the appropriate breed registry and the Commission for comparison with its registration certificate to verify the horse's identity.

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

CLERK OF SCALES**§ 305.111. Duties.**

The clerk of scales or the assistant clerk of scales shall have the general authority and responsibility to:

(1) Verify the presence of all jockeys in the jockeys' room at the appointed time;

(2) Verify that all the jockeys have a current jockey's license issued by the Commission;

(3) Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the Stewards immediately;

(4) Oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;

(5) Promptly report to the Stewards any infraction of the rules with respect to weight, weighing, riding equipment, safety equipment, riding crops, or conduct;

(6) Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

(7) Maintain the record of applicable winning races on all apprentice certificates at the race meeting;

(8) Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and

(9) Assume the duties of the jockey room custodian in the absence of the employee.

JOCKEY ROOM CUSTODIAN**§ 305.121. Duties of the jockey room custodian.**

The jockey room custodian shall be responsible to:

- (1) Supervise the conduct of the jockeys and their attendants while they are in the jockey room;
- (2) Keep the jockey room clean and safe for all jockeys;
- (3) Ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;
- (4) Keep a daily film list as dictated by the Stewards and have it displayed in plain view for all jockeys;
- (5) Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;
- (6) Keep unauthorized persons out of the jockey room;
- (7) Maintain segregated facilities for female jockeys and keep unauthorized individuals out of the female jockey area; and
- (8) Report to the Stewards any unusual occurrences in the jockey room.

STARTER**§ 305.131. General authority and duties.**

The Starter shall have complete jurisdiction over the starting gate, the starting of horses and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start. The decision of the Starter as to the validity of a start shall be final. In performance of the Starter's duties, the starter may:

- (1) Appoint and supervise assistant Starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the Starter may appoint qualified individuals to act as substitute assistant Starters;
- (2) Ensure that at least one assistant Starter is available for each horse in a race;
- (3) Assign the starting gate stall positions to assistant Starters and notify the assistant Starters of their respective stall positions not more than 10 minutes before post time for the race;
- (4) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the Stewards; and
- (5) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.

§ 305.132. Use of starting gate.

(a) A flat race shall be started out of a starting gate approved by the Commission. If the Starter or the Starter's assistant is unable, after reasonable efforts, to place a horse in its assigned position in the gate for a satisfactory start, or if a horse is fractious or unruly, the Starter may order the horse into a different gate position.

(b) If, after reaching the starting post, a horse is so badly injured as to make it impractical or impossible for him to run in the race, the Starter may, in the interest of saving time, excuse that horse, but shall notify the Stewards before the race starts. A horse so excused by the Starter shall be deemed excused by the Stewards.

§ 305.133. Prohibited conduct.

With respect to an official race, the assistant Starters shall not:

- (1) Handle or take charge of any horse in the starting gate without the expressed permission of the Starter;
- (2) Impede the start of a race;
- (3) Apply a whip or other device, except Steward-approved twitches, to assist in loading a horse into the starting gate;
- (4) Slap, boot or otherwise dispatch a horse from the starting gate;
- (5) Strike or use abusive language to a jockey; or
- (6) Accept or solicit any gratuity, gift or payment of any kind other than his/her regular salary, directly or indirectly, for services in starting a race.

§ 305.134. Starter's List.

No horse shall be permitted to start in a race unless approval is given by the Starter. The Starter shall maintain a Starter's List of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. The horse shall be refused entry until it has demonstrated to the Starter that it has been satisfactorily schooled in the gate and can be removed from the Starter's List. Schooling shall be under the direct supervision of the Starter.

§ 305.135. Report violations.

The Starter and assistant Starter shall immediately report any false starts, impeded starts, unfair starts or any unauthorized activities to the Stewards.

TIMER/CLOCKER**§ 305.151. Duties of timers.**

(a) The timer shall accurately record the time elapsed between the start and finish of each race.

(b) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(c) At the end of a race, the timer shall post the official running time on the infield totalisator board on instruction by the Stewards.

(d) At a racetrack equipped with an appropriate infield totalisator board, the timer shall post the quarter times (splits) for Thoroughbred races in fractions as a race is being run.

(e) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the Stewards or their designees.

(f) The timer shall maintain a written record of fractional and finish times of each race and have same available for inspection by the Stewards or the Commission on request.

§ 305.152. Duties of clockers.

(a) The clocker shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(b) Each day, the clocker shall prepare a list of workouts that describes the name of each horse which worked along with the distance and time of each horse's workout.

(c) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the Stewards and the racing secretary.

PATROL JUDGE

§ 305.171. 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 Stewards. If the track's video replay system is deemed adequate, use of patrol Judges is optional.

PLACING JUDGE

§ 305.191. Duties.

The placing Judges shall determine the order of finish in a race as the horses pass the finish line, and with the approval of the Stewards, may display the results on the totalisator board.

§ 305.192. Photo finish.

(a) In the event the placing Judges or the Stewards request a photo of the finish, the photo finish sign shall be posted on the totalisator board.

(b) Following their review of the photo finish, the placing Judges shall determine the exact order of finish for all horses participating in the race, and shall immediately post the numbers of the first four finishers on the totalisator board.

(c) In the event a photo was requested, the placing Judges shall cause a photographic or digital print of said finish to be produced. The finish photograph or digital print shall, when needed, be used by the placing Judges as an aid in determining the correct order of finish.

(d) Upon determination of the correct order of finish of a race in which the placing Judges have utilized a photographic or digital print to determine the first four finishers, the placing Judges shall cause prints of said photograph or digital print to be displayed publicly on the on-track television monitors and be provided to simulcast outlets.

§ 305.193. Dead heats.

(a) In the event the placing Judges determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall be declared.

(b) In the event one or more of the first four finishers of a race are involved in a dead heat, the placing Judges shall post the dead heat sign on the totalisator board and cause the numbers of the horse or horses involved to blink on the totalisator board.

COMMISSION VETERINARIAN

§ 305.201. Qualifications.

(a) The Commission Veterinarian shall:

(1) Be employed by the Department as a Veterinary Medical Field Officer (VMFO) 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) Each racetrack under the jurisdiction of 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 shall designate one of the Commission Veterinarians as the Chief Commission Veterinarian at that racetrack facility.

§ 305.202. Duties and responsibilities of the Commission Veterinarian.

(a) The Commission's Veterinarian, among other things, shall:

(1) Inform the Stewards 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 as set forth in § 305.203 (relating to 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 during saddling and on the racetrack during the post parade;

(5) Recommend to the Stewards 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 Stewards;

(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 implemented therein;

(12) Supervise the taking of all specimens, including but not limited to saliva, blood, urine or any other bodily fluid taken from the horse for pre-race 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.

§ 305.203. 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. The Veterinarian's List shall be published in a format as required by 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.

Cross References

This section cited in 7 Pa. Code § 305.202 (relating to duties and responsibilities of the Commission Veterinarian); and 7 Pa. Code § 407.2 (relating to Veterinarian's List).

RACETRACK VETERINARIAN

§ 305.221. General authority and duties.

(a) The racetrack track veterinarian may be present at the starting gate and may visually inspect each entrant. If, in the opinion of the racetrack veterinarian, prior to the starting gate dispatching the horses, a horse is not in condition to compete in that race, the racetrack veterinarian shall immediately notify the Stewards or the Commission Veterinarian of the horse's condition.

(b) The racetrack veterinarian shall be attendant on the Stewards and the racing secretary at scratch time each morning, and shall examine the horse that they request, and make reports to the racing officials as promptly as possible.

(c) The racetrack veterinarians shall be an employee of the licensed racing entity and shall:

- (1) Be directly responsible to the Commission Veterinarian;
- (2) Be a graduate veterinarian and be licensed to practice in this Commonwealth;
- (3) Be present at the starting gate until the horses are dispatched from the gate for the race;

(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 Stewards and to the Commission Veterinarian;

(5) Refrain from directly treating or prescribing for any horse scheduled to participate during his/her 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.

§ 305.222. Outriders.

(a) The Outriders shall make every effort to maintain the safety and orderly conduct of training and racing according to the rules, regulations and directives of the Commission, the Stewards and the licensed racing entity management.

(b) The Outriders shall report all unauthorized activities, unusual occurrences or potential rule violations to the Stewards.

(c) The Outriders shall, in cooperation with the Stewards, establish a plan to stop the running of a race should there be a loose horse, removal of starting gate malfunction or in case of any other on-track issue that endangers the safety of the participants and horses.

(d) The Outriders shall oversee and supervise all jockeys, exercise riders, pony persons and trainers when they are on the track. First-time applicants for these positions shall be observed and approved by the Outriders as a condition of licensure.

(e) The Outriders shall enforce the track and Commission regulations concerning the use of approved safety vests and protective helmets while riders are on the racetrack.

ENTRIES AND NOMINATIONS

§ 305.231. Entries.

(a) No horse shall be qualified to start in a race unless it has been properly entered and its owner, trainer, or their authorized designee have been licensed by the Commission, and evidence of workers compensation insurance carried by owners and trainers properly filed. A trainer may use the affidavit process to temporarily license an owner for purposes of entering a horse as provided for by the Commission. Overnight entries shall be made and completed 48 hours prior to the morning of the applicable race program.

(b) To compete in a race, a horse must be eligible at the time of starting that race. A horse disqualified in any jurisdiction or placed on the Stewards' List,

Starters' List or Veterinarians' List in any jurisdiction is not allowed to be entered or to start in a race without permission of the Stewards. The racing secretary shall be responsible to verify and accurately determine the horse's eligibility at the time of entry.

§ 305.232. Procedure.

(a) Entries and nominations shall be made with the racing secretary and shall not be considered until received by the racing secretary, who shall maintain a record of time of receipt of them for a period of 1 year.

(b) An entry shall be in the name of the horse's licensed owner and made by the owner, trainer or a licensed designee of the owner or trainer.

(c) Races printed in the condition book shall have preference over substitute and extra races.

(d) An entry may initially be made by telephone with the racing secretary but must be immediately confirmed in writing or facsimile machine to the racing secretary.

(e) The person making an entry shall clearly designate the horse so entered.

(f) No alteration may be made in any entry after the closing of entries, but an error may be corrected with permission of the Stewards.

(g) No horse may be entered in more than one race at the same licensed racing facility to be run on the same day on which pari-mutuel wagering is conducted.

(h) Any permitted medication or approved change of equipment must be declared at time of entry.

§ 305.233. Limitation as to spouses.

No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of the entry, unless the non-suspended spouse can demonstrate, by horse records, financial documents and other business records that they are duly licensed as a trainer by the Commission and maintain a separate business from the suspended spouse. The Stewards shall review the provided documentation.

§ 305.234. Coupled entries.

(a) The term "entry" means a horse made eligible to run in a race. When Starters in a race include two or more horses with common ownership, they shall be coupled as an entry. A wager on one horse in the entry shall be a wager on all horses in the entry. If one horse is scratched after betting has begun, the remaining horse shall run as a single betting entry.

(b) Horses owned wholly or in part by the same trainer, person or the spouse of the person shall be coupled and run as an entry.

(c) Starters in a race which include two horses of different ownership trained by the same person, or trained in the same stable shall not be coupled as an entry and shall constitute a separate wagering interest.

(d) No more than two horses having common ties through ownership or training may be entered in an overnight race. Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one of the horses must be made.

(e) The rules in subsections (a)—(d) may be waived by application and demonstration of proper cause to the racing secretary and the Stewards.

§ 305.235. Nominations.

(a) Any nominator to a stakes race may transfer or declare the nomination prior to closing.

(b) Joint nominations and entries may be made by any one of joint owners of a horse, and each owner shall be jointly and severally liable for all payments due.

(c) Death of a horse, or a mistake in its entry when the horse is eligible, does not release the nominator or transferee from liability for all stakes fees due. No fees paid in connection with a nomination to a stakes race that is run shall be refunded, except as otherwise stated in the conditions of a stakes race.

(d) Death of a nominator to a stakes race shall not render void any subscription, entry or right of entry. All rights, privileges and obligations shall be attached to the legal heirs of the decedent or the successor owner of the horse.

(e) When a horse is sold privately or at public auction or claimed, stakes engagements shall be transferred automatically to its new owner; except when the horse is transferred to a person whose license is suspended or who is otherwise unqualified to race or enter the horse, then the nomination shall be void as of the date of the transfer.

(f) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the conditions for the race. If a stakes race is not run for any reason, all the nomination fees paid shall be refunded.

§ 305.236. Closings.

(a) Entries for purse races and nominations to stakes races shall close at the time designated by the licensed racing entity in previously published conditions for the races. This time may not be less than 48 hours prior to the time of the running of the races for which entry is being made. No entry, nomination or declaration shall be accepted after the closing time, except that in the event of an emergency or if an overnight race fails to fill, the racing secretary may, with the approval of a Steward, extend the closing time.

(b) Except as otherwise provided in the conditions for a stakes race, the deadline for accepting nominations and declarations is midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

§ 305.237. Number of Starters in a race.

The maximum number of Starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of Starters may be further limited by the number of horses which, in the opinion of the Board of Stewards, after consultation with the horsemen's group and the jockeys' association, can be afforded a safe, fair and equal start. The decision of the Stewards is final and not appealable.

§ 305.238. Split or divided races.

In the event a race is cancelled or declared off, the licensed racing entity may split any overnight race for which post positions have not been drawn. Where an overnight race is split, forming two or more separate races, the racing secretary shall give notice of not less than 15 minutes before the races are closed to grant time for making additional entries to the split races.

§ 305.239. Post positions.

Post positions for all races shall be determined by lot and shall be publicly drawn in the presence of a Steward or Steward designee.

§ 305.240. Also-eligible list.

(a) If the number of entries for a race exceeds the number of horses permitted to start, the racing secretary may create and post an also-eligible list.

(b) If any horse is scratched from a race for which an also-eligible list was created, a replacement horse shall be drawn from the also-eligible list into the race in order of preference. If none is preferred, a horse shall be drawn into the race from the also-eligible list by lot.

(c) Any owner or trainer of a horse on the also-eligible list who does not wish to start the horse in the race shall so notify the racing secretary prior to scratch time for the race, thereby forfeiting any preference to which the horse may have been entitled.

(d) A horse which draws into a straightaway race from the also-eligible list shall start from the post position vacated by the scratched horse. In the event more than one horse is scratched, post positions of horses drawing in from the also-eligible list shall be determined by lot.

(e) A horse which draws into a non-straightaway race from the also-eligible list shall start from the outermost post position. In the event more than one horse is scratched, post positions of horses drawing in from the also-eligible list shall be determined by public lot.

§ 305.241. Preferred list.

The racing secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list

and have preference. The preferred list shall be maintained and all rules governing the list shall be the sole responsibility of the racing secretary.

§ 305.242. Declarations and scratches.

(a) *Declaration.* A declaration is the act of withdrawing an entered horse from a race prior to the closing of entries. The declaration of a horse before closing shall be made by the owner, trainer or their licensed designee in the form and manner prescribed in these rules.

(b) *Scratch.* A scratch is the act of withdrawing an entered horse from a contest after the closing of entries. The scratch of a horse after closing shall be made by the owner, trainer or their licensed designee, with permission from the Stewards. No horse may be scratched from an overnight race without the express approval of the Stewards.

(1) A horse may be scratched from a stakes race for any reason at any time up until 45 minutes prior to post time for that race.

(2) A horse which has been scratched, or excused from starting by the Stewards, because of a physical disability or sickness shall not be accepted until the horse has been released from the Veterinarian's List by the Commission Veterinarian.

(c) The declaration or scratch of a horse out of an engagement is irrevocable.

§ 305.243. Ineligible horses.

(a) A horse is ineligible to start in a race within this Commonwealth if:

(1) It is not stabled on the grounds of the licensed racing entity or present by the time established by the Commission;

(2) Its breed registration certificate is not on file with the racing secretary or horse identifier (unless the racing secretary has submitted the certificate to the appropriate breed registry for correction). The Stewards may waive these requirements if the information contained on the registration certificate is otherwise available and the horse is otherwise correctly identified to the Stewards' satisfaction;

(3) It is not fully identified and is tattooed on the inside of the upper lip, is microchipped with a unique microchip (ISO 11784), freeze brand or identified by any other method approved by the appropriate breed registry and the Commission;

(4) It has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo, microchip ISO 11784, freeze brand or other identification method approved by the appropriate breed registry and the Commission;

(5) It is wholly or partially owned by or is under the direct or indirect training or management of a person who for any reason is ineligible to be licensed to participate in this jurisdiction;

- (6) It is wholly or partially owned by or is under the direct or indirect management of the spouse of a person who for any reason is ineligible to be licensed or to participate in this jurisdiction;
- (7) The stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;
- (8) Its name appears on the Starter's List, Stewards' List or Veterinarian's List except when an unforeseen administrative issue occurs in removing the horse from the Veterinarian's List of another racing jurisdiction;
- (9) It is a first-time Starter and has not been approved to start by the Starter;
- (10) It is owned in whole or in part by an undisclosed person or interest;
- (11) It lacks sufficient official published workouts or race past performances;
- (12) It has been entered in a stakes race and has subsequently been transferred with its engagements, unless the racing secretary has been notified prior to the start;
- (13) It is subject to a lien which has not been approved by the Stewards and filed with the horsemen's bookkeeper;
- (14) It is subject to a lease not filed with the Stewards;
- (15) It is not in sound racing condition;
- (16) It has had a surgical neurectomy performed on a heel nerve, which has not been approved by the Commission Veterinarian;
- (17) It has been trachea tubed to artificially assist breathing;
- (18) It has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;
- (19) It has impaired eyesight in both eyes;
- (20) It is barred or suspended in any other recognized racing jurisdiction;
- (21) It does not meet the eligibility conditions of the race;
- (22) Its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;
- (23) Its owners, lessors or trainer have not completed the licensing or affidavit procedures as required by the Commission;
- (24) It is by an unknown sire or out of an unknown mare;
- (25) There is no current negative test certificate for Equine Infectious Anemia (Coggins or EIA) attached to its breed registration certificate or proof of a negative test certificate is not otherwise available if the Stewards have waived the requirement of a registration certificate; or
- (26) It has shoes (racing plates) which have toe grabs with a height greater than 2 millimeters (0.07874 inches), bends, jars, caulks, stickers or any other traction device on the front hooves while racing or training on all racing surfaces.

Cross References

This section cited in 7 Pa. Code § 305.254 (relating to timed workouts).

WEIGHTS, PENALTIES AND ALLOWANCES**§ 305.251. Weight allowances.**

(a) Weight allowance must be claimed at time of entry and shall not be waived after the posting of entries, except by consent of the Stewards.

(b) A horse shall start with only the allowance of weight to which it is entitled at time of starting, regardless of its allowance at time of entry.

(c) Horses not entitled to the first weight allowance in a race shall not be entitled to any subsequent allowance specified in the conditions.

(d) Claim of weight allowance to which a horse is not entitled shall not disqualify it unless protest is made in writing and lodged with the Stewards at least one hour before post time for that race.

(e) A horse shall not be given a weight allowance for failure to finish second or lower in any race.

(f) No horse shall receive allowance of weight nor be relieved extra weight for having been beaten in one or more races, but this rule shall not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.

(g) Except in handicap races which expressly provide otherwise, 2-year-old fillies shall be allowed 3 pounds, and fillies and mares, 3 years old and upward, shall be allowed 5 pounds before September 1 and 3 pounds thereafter in races where competing against male horses.

(h) All allowances are optional and may be waived at the time of entry by the trainer or the trainer's designee with the permission of the Stewards.

§ 305.252. Weight penalties.

(a) Weight penalties are obligatory.

(b) Weight allowance, including apprentice allowance, shall be claimed at time of overnight entry.

(c) Horses incurring weight penalties for a race shall not be entitled to any weight allowance for that race.

(d) No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

(e) Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and vice versa.

(f) The reports, records and statistics as published by Daily Racing Form, Equibase or other recognized publications shall be considered official in determining eligibility, allowances and penalties, but may be corrected.

(g) For determining weight penalties and allowances for horses that have previously won or placed in Graded or Group races, penalties in the race conditions

will only apply to Graded or Group races in Part 1 countries as recognized in the *International Catalogue Standards* (ICS) book.

§ 305.253. Scale of weights.

(a) With the exception of apprentice allowances, handicap races, 3-year-old horses entered to run in races against horses 4 years old and upwards, and the allowance provided in subsection (b) of this section, no jockey shall be assigned a weight of less than 118 pounds. For 3-year-old horses entered to run in races against horses 4 years old and upwards from January 1 through August 31, no jockey shall be assigned a weight of less than 116 pounds.

(b) Except in handicaps, fillies 2 years old shall be allowed 3 pounds, and fillies and mares 3 years old and upward shall be allowed 5 pounds before September 1, and 3 pounds thereafter in races where competing against horses of the opposite sex.

(c) A notice shall be included in the daily program that all jockeys will carry approximately 3 pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, upon Stewards' approval, jockeys may weigh in with an additional 3 pounds for inclement weather gear.

§ 305.254. Timed workouts.

In addition to the provisions of § 305.243 (relating to ineligible horses), a horse which has not started for a period of 45 days or more is ineligible to race until it has completed a timed workout satisfactory to the Stewards. A workout following the entry of a horse shall appear on the official daily racing program or electronically online in Equibase or a similar entity.

§ 305.255. Identification.

(a) The trainer or exercise rider shall bring each horse scheduled for an official workout to be identified by the clocker or clocker's assistant immediately prior to the workout.

(b) The horse shall be properly identified by its lip tattoo, unique implanted microchip (ISO 11784), freeze brand or other identification method approved by the breed registry and the Commission immediately prior to participating in an official timed workout.

(c) The trainer or trainer's designee shall be required to identify the distance the horse is to be worked and the point on the track where the workout will start.

§ 305.256. Information dissemination.

Information regarding a horse's approved timed workout(s) shall be furnished to the public prior to the start of the race for which the horse has been entered.

§ 305.257. Restrictions.

A horse shall not be taken onto the track for training or a workout except during hours designated by the licensed racing entity.

RUNNING OF THE RACE**§ 305.271. Racing equipment.**

(a) All riding crops are subject to inspection and approval by the Stewards and the clerk of scales.

(1) Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows:

- (i) Maximum weight of 8 ounces;
- (ii) Maximum length, including flap of 30 inches;
- (iii) Minimum diameter of the shaft of 3/8 inch; and
- (iv) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference.

(2) The flap is the only allowable attachment to the shaft and must meet these specifications:

- (i) Length beyond the end of the shaft a maximum of 1 inch;
- (ii) Width a minimum of 0.8 inch and a maximum of 1.6 inches;
- (iii) No reinforcements or additions beyond the end of the shaft;
- (iv) No binding within 7 inches of the end of the shaft; and
- (v) Shock absorbing characteristics similar to those the contact area of the shaft.

(b) No bridle shall exceed 2 pounds.

(c) A horse's tongue may be tied down with clean bandages, gauze or tongue strap.

(d) No licensee may add blinkers or cheek pieces to a horse's equipment or discontinue their use without the prior approval of the Starter, the paddock Judge, and the Stewards. Any request for a change must be stated at entry. Blinkers and cheek pieces may not be utilized at the same time.

(e) No licensee may change any equipment used on a horse since its last race in this Commonwealth without approval of the paddock Judge.

§ 305.272. Racing numbers.

(a) Each horse shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

(b) In the case of a coupled entry that includes more than one horse, each horse in the entry shall carry the same number, with a different distinguishing letter following the number. As an example, two horses in the same entry shall appear in the official program as 1 and 1A.

(c) Each horse in the mutuel field shall carry a separate number or may carry the same number with a distinguishing letter following the number.

§ 305.273. Jockey and apprentice license.

(a) A jockey or an apprentice jockey who wants to obtain an appropriate license from the Commission shall meet all the licensing and eligibility requirements set forth in Chapter 303 (relating to licensing, duties and responsibilities of Thoroughbred occupational licensees—temporary regulations) of these regulations.

(b) No person under 18 years of age shall be licensed by the Commission as a jockey.

(c) The Stewards may permit a jockey to ride pending action on a license application.

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

(e) A jockey may not make a bet on any horse other than the one the jockey is riding. The bet placed shall only be to “win” and shall only be placed through the owner or trainer of the horse the jockey is riding.

(f) A jockey may not solicit or accept directly or indirectly anything of value from any person for the performance of his duties other than the applicable jockey’s fee.

(g) A jockey shall not compete in any race against a horse which is trained by the jockey’s spouse or partner.

(h) It shall be unlawful and a violation of these rules for a jockey, an owner, trainer or other person authorized to handle the horse, to be in possession or control of any electrical, mechanical or similar type of stimulating or shocking device. In addition to any penalty imposed by the Stewards, the matter may be referred by the Commission to law enforcement agencies for criminal prosecution.

§ 305.274. Examination of jockeys by licensed physicians.

Before the beginning of a racing season, a jockey shall pass a physical examination given within the previous 12 months by a licensed physician affirming fitness to participate as a jockey. The Stewards may require that a jockey be reexamined and may refuse to allow the jockey to ride pending successful completion of the physical examination.

§ 305.275. Requirements for apprentice jockeys.

(a) A person 18 years of age or older who has never been licensed as a jockey in any country may apply to become an apprentice jockey. An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(b) A person desiring an apprentice jockey certificate and the privilege of riding races at tracks in this Commonwealth shall provide proof of the following:

- (1) Employment on the backside of a race track, including exercising horses on the track.
- (2) Attending and reviewing video tapes of races in jockeys' quarters, as scheduled by the Stewards.
- (3) Observing jockeys and horses break from the gate, at the start of races under the supervision of a Starter, for at least three racing days and at least five races per racing day.
- (4) Observing horses changing leads at the 1/4, 3/8 and 7/8 poles and observing horses and jockeys approaching the finish line and finishing the race.
- (5) Participating in as many schooling races as possible through the cooperation of the racing secretary and informing two or more members of the board of approval of application for apprentice license as soon as the applicant has been notified of acceptance to ride in the schooling race.
- (6) Breezing horses from the gate satisfactorily with a whip at least twice in the presence of two or more members of the board of approval.
- (7) Riding with competence in two pari-mutuel races without a whip under a temporary apprentice jockey certificate. The applicant will be observed by the board of approval during the races.

Cross References

This section cited in 7 Pa. Code § 303.32 (relating to apprentice jockeys).

§ 305.276. Apprentice jockey weight allowances in overnight races.

A certified apprentice jockey may claim the weight allowances set forth in Chapter 303 (relating to licensing, duties and responsibilities of Thoroughbred occupational licensees—temporary regulations) in all overnight races except stakes and handicaps.

Cross References

This section cited in 7 Pa. Code § 303.32 (relating to apprentice jockeys).

§ 305.277. Applications for extensions.

If an apprentice jockey is unable to ride for a period of 5 consecutive days or more after the date of the apprentice jockey's fifth winning mount because of restriction of racing, service in National armed forces, physical disablement or illness, or enrollment and attendance in an institution of secondary or higher education, the Commission may, upon the submission of appropriate documentation, extend the time during which the apprentice weight allowance may be claimed.

Cross References

This section cited in 7 Pa. Code § 303.32 (relating to apprentice jockeys).

§ 305.278. Jockey agents.

(a) A jockey may have only one agent. A jockey agent may only handle up to two jockeys and may not make or assist in making of an engagement for a jockey other than those jockeys represented by the agent.

(b) A jockey agent is prohibited from:

- (1) Being within the saddling enclosure during racing hours;
- (2) Being on the racetrack proper at the conclusion of a race;
- (3) Being in or having access to the jockey quarters during racing hours.

(c) No revocation of a jockey agent's authority is effective until the jockey notifies the Stewards in writing of this revocation.

§ 305.279. Valet-attendants.

A jockey may not have a valet-attendant other than one provided by the licensed racing entity.

§ 305.280. Jockey mount fees.

(a) In the absence of a contract or other agreement between jockey representatives, the Commission shall use the following as a guideline for establishing jockey mount fees.

<i>Purse</i>	<i>Winning mount</i>	<i>Second mount</i>	<i>Third mount</i>	<i>Fourth mount</i>	<i>Other mounts</i>
0 to \$2,499	10% of Win Purse	\$55	\$50	\$45	\$40
\$2,500 to \$4,999	10% of Win Purse	\$60—\$75	\$55—\$70	\$50—\$65	\$45—\$60
\$5,000 to \$9,999	10% of Win Purse	\$65—\$85	\$60—\$80	\$55—\$75	\$50—\$65
\$10,000 to \$24,999	10% of Win Purse	5% of Place Purse	\$90—\$100	\$70—\$90	\$65—\$80
\$25,000 to \$49,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$80—\$100	\$75—\$95
\$50,000 to \$99,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	5% of Fourth Place Purse	\$80—\$100
\$100,000 and up	10% of Win Purse	5% of Place Purse	5% of Show Purse	5% of Fourth Place Purse	\$105—\$115

(b) A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. In the event an owner or trainer elects to remove a jockey from the mount after naming a rider at the time of the draw, the Stewards may require a double jockey fee to be paid.

(c) The fee shall not be considered earned when a jockey(s), of their own free will, take themselves off their mounts, where injury to the horse or rider is not

involved. Any conditions or considerations not covered by the above rule shall be at the discretion of the Stewards. All jockey protests must be filed prior to the race.

§ 305.281. Jockey suspensions and designated races.

(a) For purposes of this subchapter, “designated race” shall mean any stakes race or associated trial in any state as designated by the Stewards.

(b) A jockey suspended for 10 days or less for a riding violation unless otherwise specified in the ruling may continue to exercise horses during training hours and may fulfill riding engagements in designated races, as designated by the Stewards at the beginning of the race meeting.

(c) The official rulings where designated races are permitted shall be stated in the initial ruling.

(d) A jockey who is serving a suspension of 10 race days or less may ride in designated races during the suspension under the following conditions:

(1) The race has been specified as a designated race by the Stewards officiating at the meeting; and

(2) The jockey is named no later than the time set for the close of entries for the designated race.

(e) When a jockey rides in a designated races the Board of Stewards, which originally imposed the suspension will designate the day to serve the additional suspension.

§ 305.282. Jockey requirements.

(a) Jockeys shall report to the jockeys’ quarters at the time designated by the licensed racing entity. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys’ quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled, except as approved by the Stewards.

(b) A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys’ quarters, must first receive the permission of the Stewards and must be accompanied by a licensed racing entity security guard.

(c) While in the jockeys’ quarters, jockeys shall have no contact or communication with any person outside the jockeys’ quarters other than Commission personnel and officials, or an owner or trainer for whom the jockey is riding, except with the permission of the Stewards. Any communication permitted by the Stewards may be conducted only in the presence of the clerk of scales or other person designated by the Stewards.

(d) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than 30 minutes before post time for each race. Only valets employed by the licensed racing entity shall assist jockeys in weighing out.

(e) A jockey must wear a safety vest when riding in any official race. The safety vest shall meet the applicable standards for safety vests as set forth in

Chapter 303 (relating to licensing, duties and responsibilities of Thoroughbred occupational licensees—temporary regulations).

§ 305.283. Weighing out.

(a) A jockey's weight shall include his/her clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, goggles, number cloth and safety equipment including helmet, vest, over-girth, reins and breast collar.

(b) Upon Stewards' approval, jockeys may be allowed up to 3 pounds more than published weights to account for inclement weather clothing and equipment.

(c) Seven pounds is the limit of overweight any horse is permitted to carry.

(d) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be re-admitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the Stewards.

§ 305.284. Paddock to post.

(a) Each horse shall carry the full weight assigned for that race from the paddock to the starting post, and shall parade past the Stewards' stand, unless excused by the Stewards. The post parade shall not exceed 12 minutes, unless otherwise ordered by the Stewards. It shall be the duty of the Stewards to ensure that the horses arrive at the starting gate as near to post time as possible.

(b) After the horses enter the track, a jockey may not dismount or entrust the horse to the care of an attendant without the prior consent of the starter, unless, it is necessary to do so because of an accident to the jockey, the horse or the equipment. During any delay during which a jockey is permitted to dismount, all other jockeys may also dismount and their horses may be attended by others. After the horses enter the track, only the jockey, an assistant starter, the Commission Veterinarian, the racing veterinarian or an outrider or pony rider may touch the horse before the start of the race.

(c) If a jockey is injured on the way to the post, the horse shall be returned to the paddock or any other area designated by the Stewards, re-saddled with the appropriate weight and remounted with a replacement jockey.

(d) After passing the Stewards' stand in parade, the horses may break formation and proceed to the post in any manner unless otherwise directed by the Stewards. Once at the post, the horses shall be started without unnecessary delay.

(e) Horses shall arrive at the starting post in post-position order.

(f) If a horse throws its jockey on the way from the paddock to the post, the horse must be returned to the point where the jockey was thrown, where it shall be remounted and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

(g) If a horse leaves the course while moving from paddock to post, the horse shall be returned to the course at the nearest practical point to that at which it left

the course and shall complete its parade to the post from the point at which it left the course unless ordered scratched by the Stewards.

(h) No person shall willfully delay the arrival of a horse at the post.

(i) The starter shall load horses into the starting gate in any order deemed necessary to ensure a safe and fair start as set forth in this chapter. Only the jockey, the racing veterinarian, the starter or an assistant starter shall handle a horse at the post.

§ 305.285. Post to finish.

(a) In addition to the duties and responsibilities of the starter as set forth in this chapter, the starter is responsible for ensuring that each participant in every race receives a fair and appropriate start. If the Stewards suspect a false start has occurred, they shall post the inquiry sign and may disqualify the horse(s), declare it a non-starter, or take no action.

(b) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the Stewards may declare this horse a non-starter.

(c) If a horse is not in the starting gate stall at the time the field is dispatched by the starter thereby causing it to be left out, the horse shall be declared a non-starter by the Stewards.

(d) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the Stewards may declare individual horses to be non-starters, exclude individual horses from all pari-mutuel pools or declare the race a “no contest.”

§ 305.286. Interference, jostling or striking.

(a) A jockey shall not carelessly or intentionally permit the horse the jockey is riding to interfere with, impede or intimidate any other horse in the race.

(b) No jockey shall carelessly or intentionally jostle, strike or touch another jockey or another jockey’s horse or equipment at any time in the race.

(c) No jockey shall unnecessarily or unreasonably cause the horse the jockey is riding to shorten its stride or pull up, so as to give the appearance of having suffered a foul.

§ 305.287. Maintaining a straight course.

(a) During the running of the race, when the way is clear, a horse may be ridden or taken to any part of the course, but a horse may not cross, weave, or swerve in front of another horse, or otherwise be ridden to either side, so as to interfere with, impede or intimidate any other horse. This conduct shall be considered a foul. The offending horse may be disqualified, if in the opinion of the Stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

(b) If the Stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.

(c) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in this manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

§ 305.288. Disqualification.

(a) If the Stewards determine that a horse shall be disqualified for interference, the Stewards may place the offending horse behind these horses as in their judgment it interfered with, or they may place the offending horse last.

(b) If a horse is disqualified for a foul, any horse or horses in the same race owned or trained by the same interests, whether coupled or uncoupled may also be disqualified.

(c) No appeal may be taken from a decision of the Stewards not to disqualify a horse.

(d) When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.

(e) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the Stewards to scratch or disqualify the horse.

(f) The Stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

§ 305.289. Multiple disqualifications.

Should the Stewards determine that there is more than one incident of interference in a race where disqualification is warranted, the Stewards shall deal with the incidents in the order in which the incident occurs during the race from start to finish; except in the case where the same horses are involved in multiple incidents. Once a horse has been disqualified, it should remain placed behind the horse with which it interfered. The Stewards shall make a conscious effort to place and maintain as placed, every and all horses placed behind others for interference.

§ 305.290. Horses shall be ridden out.

(a) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall at all times give a best effort during a race and each horse shall be ridden to win.

(b) A jockey may not intentionally ride wide on the turns, cause the horse to lose ground when there is no reasonable cause for the loss or ride in a manner inconsistent with using the best efforts of the horse.

§ 305.291. Use of a riding crop.

(a) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his/her best efforts to win. In all races where a jockey will ride without a riding crop, an announcement of this fact shall be made over the public-address system.

(b) Other than the riding crop approved by the Stewards, no electrical, mechanical or other device designed to increase or retard the speed of a horse, shall be possessed by a jockey, nor shall any electrical, mechanical device be applied by anyone to a horse at any time on the grounds of the licensed racing entity during the meeting.

(c) Riding crops shall not be used on 2-year-old horses before April 1 of each year.

(d) The riding crop shall be used during a race for safety, correction and encouragement of the horse in an appropriate, proportionate, and professional manner, taking into account the rules of racing herein. The stimulus provided by the use of the riding crop shall be monitored by the Stewards at all times so as not to compromise the health, safety and welfare of the horse.

(e) Except for extreme safety reasons all riders should comply with the following when using a riding crop:

(1) Initially showing the horse the riding crop or tapping the horse with the riding crop down, giving it time to respond before using it;

(2) Having used the riding crop, giving the horse a chance to respond before using it again;

(i) "Chance to respond" is defined as one of the following actions by a jockey:

(a) Pausing the use of the riding crop on their horse before resuming again;

(b) Pushing on their horse with a rein in each hand, keeping the riding crop in the up or down position;

(c) Showing the horse the riding crop without making contact; or

(d) Moving the riding crop from one hand to the other.

(3) Using the riding crop in rhythm with the horse's stride.

(f) When deciding whether to review the jockey's use of the riding crop, Stewards may consider how the jockey has used the riding crop during the course of the entire race, with particular attention to its use in the closing stages, and other relevant factors such as:

(1) The manner in which the riding crop was used;

(2) The purpose for which the riding crop was used;

(3) The distance over which the riding crop was used and whether the number of times it was used was reasonable and necessary; and

- (4) Whether the horse was continuing to respond.

§ 305.292. Review by Stewards.

In the event there is a review by the Stewards, use of the riding crop may be deemed appropriate in the following circumstances:

- (1) To keep a horse in contention or to maintain a challenging position prior to what would be considered the closing stages of a race,
- (2) To maintain a horse's focus and concentration,
- (3) To correct a horse that is noticeably hanging,
- (4) To assure the horse maintains a straight course, or
- (5) Where there is only light contact with the horse.

§ 305.293. Prohibition.

(a) Prohibited use of the riding crop includes but is not limited to striking a horse:

- (1) On the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
- (2) During the post parade or after the finish of the race except when necessary to control the horse;
- (3) Excessively or brutally causing welts or breaks in the skin;
- (4) When the horse is clearly out of the race or has obtained its maximum placing;
- (5) Persistently even though the horse is showing no response under the riding crop; or
- (6) Striking another rider or horse.

(b) After the race, horses will be subject to inspection by a racing or official Veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the Stewards.

(c) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave these instructions.

§ 305.294. Horse leaving the racecourse.

If a horse leaves the racecourse during a race, it must turn back and resume the race from the point at which it originally left the course.

§ 305.295. Order of finish.

(a) The official order of finish shall be decided by the Stewards. The video replay shall be available to assist in the Stewards' decision.

(b) The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.

§ 305.296. Returning after the finish.

(a) After a race has been run, the jockey shall ride promptly to the place designated by the Stewards, dismount and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

(b) If a jockey is prevented from riding to the designated unsaddling area because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales or may be excused from weighing in by the Stewards.

§ 305.297. Unsaddling.

(a) Only persons authorized by the Stewards may assist the jockey with unsaddling the horse after the race.

(b) No one shall place a covering over a horse before it is unsaddled.

§ 305.298. Weighing in.

(a) A jockey shall “weigh in” at no less than the same weight at which the jockey weighed out, and if under that weight, and after consideration of mitigating circumstances by the Board of Stewards, the jockey’s mount may be disqualified from any portion of the purse money.

(b) In the event of this disqualification, all moneys wagered on the horse shall be refunded unless the race has been declared official.

(c) A jockey’s weight shall include clothing, boots, saddle and its attachments and any other equipment, except a safety vest and helmet, the bridle, bit, blinkers, number cloth and over-girth, reins and breast collar.

(d) Upon approval of the Stewards, the jockeys may be allowed up to 3 pounds more than published weights to account for specialized inclement weather clothing and equipment.

(e) The post-race weight of jockeys includes any sweat, dirt and mud that have accumulated on the jockey, jockey’s clothing, jockey’s safety equipment and over-girth. This accounts for additional weight, depending on specific equipment, as well as weather, track and racing conditions.

§ 305.299. Dead heats.

(a) When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

(b) In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.

(c) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran a dead heat shall be deemed to have run a dead heat for first place.

(d) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the Stewards.

OBJECTIONS AND PROTESTS

§ 305.301. Stewards' inquiries.

(a) During the running of a race, the Stewards shall take cognizance of foul riding and upon their own motion or other racing official empowered by this chapter to object or complain of an occurrence during the race, shall immediately post an official inquiry and shall make every diligent effort to investigate the objection or complaint.

(b) In determining the extent of disqualification, the Stewards in their discretion may:

(1) Declare null and void a track record set or equaled by a disqualified horse, or any horses coupled with it as an entry;

(2) Affirm the placing Judges' order of finish and hold the jockey responsible if, in the Stewards' opinion, the foul riding did not affect the order of finish; or

(3) Disqualify the offending horse and hold the jockey blameless, if in the Stewards' opinion, the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

(c) No appeal may be taken from the decision of the Stewards not to disqualify a horse as a result of the running of a race.

§ 305.302. Race objections.

(a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the clerk of scales, the Stewards or their designees, by the owner, the authorized agent of the owner, the trainer or the jockey of a horse engaged in the same race.

(b) An objection following the running of any race must be filed before the race is declared official by the Stewards, whether all or some riders are required to weigh in, or the use of a "fast official" procedure is permitted. No objection shall be received once the race has been declared official.

(c) The Stewards shall take into account all information provided by race participants and matters occurring during the running of a race; shall determine all objections and inquiries and shall determine the extent of disqualification, if any, of horses in the race. This determination by the Stewards shall be final and binding.

§ 305.303. Prior objections and protest.

(a) Objections or protests to the participation of a horse entered in any race shall be made to the Stewards in writing, signed by the objector, and filed not later than 60 minutes prior to post time for the first race on the day 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 to establish probable cause for the protest and the information provided by the protestor shall be verified and signed in affidavit form. The Stewards may upon their own motion consider an objection until the time as the horse becomes a starter.

(b) An objection or 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 or not entitled to the horse, or the weight to be carried is 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;

(5) The weight carried by a horse was improper, by reason of fraud or willful misconduct.

(c) The Stewards may scratch from the race any horse which is the subject of an objection if they 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 Stewards are satisfied that the allegations are bona fide and have been duly verified by affidavit.

(e) The Stewards 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 this purse, award or prize, the Stewards or the Commission may order this 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.

CLAIMING RACES**§ 305.401. General provisions.**

(a) A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering the horse, the written consent of the holder of the claim or lien has been filed with the Stewards and the racing secretary and its entry approved by the Stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

(b) Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. However, the successful claimant may request on the claim blank or envelope at the time of the claim that the horse be tested for any test as approved by the Commission Veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test shall be the responsibility of the successful claimant.

(c) An in-foal filly or mare shall be eligible to be entered into a claiming race upon notice to the racing secretary, the Stewards and the Commission Veterinarian.

(d) The Stewards may set aside and order a claim rescinded for any horse from a claiming race run in this Commonwealth upon a showing that any party to the claim committed a prohibited action, as set forth in § 305.405 (relating to transfer of possession of a claimed horse) of this chapter, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules. Should the Stewards set aside the claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate for the health and safety of the horse.

§ 305.402. Claiming of horses.

(a) Any horse starting in a claiming race is subject to be claimed for its entered price by any:

- (1) Licensed owner;
- (2) Licensed authorized agent acting on behalf of an eligible claimant.

(b) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant at the time the horse becomes a starter as determined by the Stewards. The successful claimant shall become the owner of the horse under the provisions of this chapter.

§ 305.403. Procedure for claiming.

(a) To make a valid claim for a horse, an eligible person shall:

- (1) Have on deposit with the horsemen's bookkeeper an amount equal to the amount of the claim. Money may not accompany the claim;

- (2) Complete a written claim on a form furnished by the licensed racing entity and approved by the Commission;
 - (3) Identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;
 - (4) Place the completed claim form inside an envelope furnished by the licensed racing entity and approved by the Commission;
 - (5) Both forms and envelopes must be filled out completely and must be substantially accurate or the claim may be voided. The Stewards shall, in their sole discretion, determine what is substantially accurate;
 - (6) Have the envelope deposited in the claim box no later than 10 minutes prior to post time of the race for which the claim is entered.
- (b) After a claim has been completely deposited in the claim box, it is irrevocable by the claimant and shall not be withdrawn from the claim box until the time designated by the Stewards.
 - (c) Officials and employees of the licensed racing entity shall not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim.
 - (d) If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the Stewards or their representatives.
 - (e) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

§ 305.404. Prohibitions.

- (a) A person shall not claim a horse, directly or indirectly, in which the person has a financial or beneficial interest as an owner or trainer.
- (b) A person shall not cause another person to claim a horse for purposes of obtaining or retaining an undisclosed financial or beneficial interest in the horse.
- (c) A person may not offer or enter into an agreement for purposes of preventing another person from obtaining a horse in a claiming race.
- (d) A person shall not claim a horse or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.
- (e) A person shall not claim more than one horse in a race. No authorized agent shall submit more than one claim for the same horse in a race, even if the authorized agent represents several owners.
- (f) A person may not claim from his spouse a horse owned wholly or in part by that spouse.

§ 305.405. Transfer of possession of a claimed horse.

- (a) Upon successful claim, the Stewards or their representative shall issue an authorization of transfer of possession of the horse from the original owner to the successful claimant. Copies of the transfer authorization shall be forwarded to and maintained by the Stewards and the racing secretary. Upon notification by the

Stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price.

(b) A person shall not refuse to deliver a properly claimed horse to the successful claimant as determined by the provisions of this chapter.

(c) Delivery of a claimed horse shall take place in accordance with § 305.407 (relating to subsequent start of a claimed horse).

(d) When a horse is claimed out of a claiming race, the horse's engagements are transferred, with the horse, to the claimant.

(e) A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(f) If the claimed horse has been approved by the Stewards to run without the registration certificate on file in the racing office, then the registration certificate must be provided to the Stewards for transfer to the new owner before claiming funds will be approved for transfer by the Stewards.

Cross References

This section cited in 7 Pa. Code § 305.401 (relating to general provisions).

§ 305.406. Delivery of claimed horse.

(a) In the event a horse dies during a claiming race or is euthanized on the racetrack during a claiming race, any claim made on that horse will be declared void.

(b) In the event that a horse is vanned off the racetrack after a claiming race, that horse will be taken to the detention barn for no longer than 1 hour from post-time of the race. The successful claimant for the horse may declare the claim void at the claimant's election within 1 hour of post-time of the race, except that the claim may not be declared void if the horse was vanned off the track due solely to heat stroke or bleeding from the nostrils, as determined by the Commission Veterinarian. In the event the successful claimant exercises the claimant's discretion to declare the claim void, the horse will be returned to the custody of the original owner who entered the horse in the claiming race.

(c) If a horse is placed on the Veterinarian's List within 1 hour of post-time of the race after having been taken to the test barn under its own power or otherwise without assistance for evaluation by the Commission Veterinarian, the successful claimant may declare the claim null and void at his or her election. Except that, the claim may not be declared null and void if the horse is placed on the Veterinarian's List due solely to heat stroke or bleeding from the nostrils, as determined by the Commission Veterinarian. In the event the successful claimant exercises his/her discretion to declare the claim void, the horse will be returned to the custody of the original owner who entered the horse in the claiming race.

§ 305.407. Subsequent start of a claimed horse.

For a period of 20 days after the claim, a claimed horse may not start in a race in which the determining eligibility price is less than 25% more than the price at which it was claimed. The day claimed does not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so that the horse may start on the 21st calendar day following the claim for any claiming price. This section does not apply to starter allowance or starter handicaps.

Cross References

This section cited in 7 Pa. Code § 305.405 (relating to transfer of possession of a claimed horse).

§ 305.408. Subsequent sale and transfer of claimed horse.

When a horse is claimed, it may not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from date of claim, nor may it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period, nor may it race elsewhere until the end of the race season in progress or for a period of 60 days, whichever occurs first. The Commission may waive this section upon application and demonstration by the requestor that the waiver is in the best interest of the requestor, the licensed racing entity, and horse racing in general in this Commonwealth.

§ 305.409. Posting of claiming price.

The claiming price of each horse in a claiming race shall be printed on the program and claims for the horse shall be the amount so designated.

§ 305.410. Starting in claiming races.

In claiming races not more than two horses in the same interest or under control of the same trainer can start.

§ 305.411. Foal certificate.

The foal certificate of a claimed horse shall remain in the custody of the racing secretary or his representative until the new owner removes the horse from the track.

§ 305.412. Cancellation of claiming race results.

If the Stewards, within 24 hours after the running of a race, believe that the lease, sale or entry of a horse was not made in good faith but was made for the purpose of obtaining the privilege of entering a claim, they may disallow the claim and order the return of a horse that may have been delivered and refer the case to the Commission for further action.

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