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#### **REGISTRATION AND LICENSURE**

##### **§ 183.1. Registration.**

All matters relating to the registration of standardbred horses, unless otherwise provided for herein, shall be governed by the Rules of the United States Trotting Association. Pennsylvania stallions, in order to be eligible for Pennsylvania Sire Stakes for any given year, shall have on file a Stallion Certificate of Eligibility no later than December 1 of the preceding year with the Pennsylvania State Harness Racing Commission and a Stallion-Jack License Application with the Pennsylvania Department of Agriculture.

##### **Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).



**§ 183.2. Licensure.**

No person shall participate in the affairs of any association as director, officer, agent, or employe of such association without first receiving a license from the Commission. Nor shall any person participate in any harness horse race meet as an official, owner, driver, trainer, assistant trainer, groom, or be the holder of any concession or be an employe of any concessionaire unless such person shall first have received a license from the Commission.

(1) The Commission may issue such temporary license or such restricted license as it may deem necessary and desirable.

(2) The Commission may allow an Owner by Agent Agreement for no more than a 60-day period.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**VIOLATIONS****§ 183.11. Liability.**

A person or association licensed by the Commission or a person or association subject to the jurisdiction of the Commission violating this part shall be liable and subject to penalties unless otherwise limited in and by this part. It is the duty and responsibility of these persons and associations to know the provisions of this part.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.12. Attempt to violate.**

An attempt to violate the law or this part falling short of actual accomplishment, shall constitute an offense and, upon conviction, is punishable as if consummated.

**§ 183.13. Penalties.**

(a) The penalties for violation of the law or this part is as follows:

- (1) Denial, revocation or suspension of license.
  - (2) Monetary fines not exceeding \$5,000 for each violation or forfeiture of purse, or both.
  - (3) Suspension from one or more activities at one or more tracks.
  - (4) Expulsion from harness racing in this Commonwealth.
  - (5) A combination of violations set forth in paragraphs (1)—(4).
- (b) A penalty of suspension of days will be applied only to racing days.

**TRACKS****§ 183.21. Display of license.**

During the course of its race meetings, an association shall display the license issued by the Commission for the current year.

**§ 183.22. Judge's stand.**

The judge's stand shall be so located and constructed as to afford the officials thereupon an unobstructed view of the entire track, and no obstruction may be permitted upon the track or the center field which shall obscure the judges' vision of a portion of the track during the race.

**§ 183.23. Bona fide contest.**

Races shall be bona fide contests with the winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No arrangement for equal distribution of the purse money among the contestants is permitted.

**§ 183.24. Default in payment of purses.**

(a) An association or officer that defaults in the payment of purses will be penalized.

(b) Other than a stake or futurity as covered in subsection (a), no association may enter an agreement with an organization requiring a deduction from the purse payable to owners of money winning horses, unless the agreement provides that a deduction may be made only from those owners entitled to winnings who have expressly consented to the deduction.

**§ 183.25. Financial obligations.**

(a) No permits may be issued under the provisions of the Commission to a person, firm or corporation engaged in the conducting of harness racing on a commercial basis solely with a view to profit unless and until the person, firm or corporation has filed with the Commission:

(1) An accurate financial statement, prepared and certified by a certified public accountant in accordance with sound accounting practice, showing the net worth of the applicant for the permit to be of the amount that the applicant can reasonably be expected to be able to meet certain financial obligation hereinafter referred to, owed to aggrieved parties, and incurred in the actual conduction of the racing meeting the granting of racing dates for which is being applied.

(2) A statement as to how soon after salaries, wages and purses which may become owing by the applicant shall become due and payable.

(b) If, upon examination of such financial statement, the Commission in its discretion should entertain reasonable doubt as to the financial ability of the

applicant to meet and discharge all such financial obligations, after taking into consideration the duration of the racing meetings for which dates are sought, the periods of time elapsing between the dates such financial obligations become owing and the dates upon which they become due and payable, the size of the track and plant of the applicant, the probable amounts of such financial obligations, and the probable volume of pari-mutuel or certificate wagering, then, in such event, the Commission may require the filing of a surety bond with the Commission as set forth in this section. In no event shall a person, firm, or corporation having a net worth of less than \$100,000 be issued such a permit unless the applicant therefor has filed a surety bond with the Commission as set forth in this section.

(c) In the event that the Commission shall determine, in connection with any application for a permit, that a surety bond as set forth in this section shall be filed with the Commission, such bond shall be in favor of the Harness Racing Commission as obligee, for the use and benefit of all aggrieved parties, shall have sureties to the satisfaction of the Commission, shall be an amount not to exceed \$1 million, and shall be conditioned upon payment by the permit holder of all financial obligations. Provided, however, that no bond shall be required under the provisions of this rule in the case of an applicant who has filed with a nationally recognized association of horsemen a bond for substantially equivalent coverage to that herein provided for, the obligee in which is such association for the use and benefit of substantially the same categories of persons.

**§ 183.26. Claims for unpaid purses.**

Claims for unpaid purses shall be filed with the Commission and with the United States Trotting Association. The Commission and the United States Trotting Association may release any performance bond that has been required 60 days after the closing of the meet.

**§ 183.27. Indemnity by the association.**

At a meet of an association, liability shall attach to an association for a race promoted by others, as if the race had been offered by such association.

**§ 183.28. Dishonored checks.**

When an association pays any purse by check, which upon presentation is dishonored, the matter shall immediately be referred to the Commission for disposition.

**§ 183.29. Racing for less than advertised purse.**

No association shall conduct any race for less than said advertised minimum purse without the prior approval of the Commission. An association may be fined the difference between the advertised minimum and the lesser purse for which such race was conducted and the proceeds of such fine shall be distributed among

the money winning horses in proportion to their respective winnings. In addition, an association may also be subject to such other penalties as the Commission may deem proper.

**§ 183.30. Stall applications.**

(a) Conditions contained in stall applications shall be submitted to the Executive Secretary for approval prior to issuance or publication.

(b) The Executive Secretary shall be notified of the names of applicants approved for admission to the grounds prior to their notification.

**§ 183.31. Awards.**

Except as provided in this chapter, no association shall advertise to pay or pay any awards other than to the owners of money winning horses. Awards may be made to drivers of horses breaking or equaling track or world records, or to leading drivers providing such awards are announced prior to the meetings. All such awards must have Commission approval.

**§ 183.32. Paddock.**

(a) Every association shall provide paddock or receiving barn containing a minimum of 72 stalls and a minimum of six retention stalls.

(b) The paddock or receiving barn must be completely enclosed with a man-tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.

(c) Horses must be in the paddock at the time prescribed by the Presiding Judge, but in any event not less than 1 hour but not more than 2 hours prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post.

(d) The persons entitled to admission to the paddock shall be as follows:

(1) Owners of horses competing on the date of the race and whose horses are in the paddock.

(2) Trainers of horses competing on the date of the race and whose horses are in the paddock.

(3) Drivers of horses competing on the date of the race and whose horses are in the paddock.

(4) Grooms and caretakers of horses competing on the date of the race and whose horses are in the paddock.

(5) Officials whose duties require their presence in the paddock or receiving barn.

(6) Such other persons as are authorized by the Commission.

(e) No driver, trainer, owner-trainer, groom or caretaker once admitted to the paddock or receiving barn shall leave the same other than to warm up said horse until such race, or races, for which he was admitted is contested, provided however, that in the event of an emergency, trainers or grooms may leave the pad-

dock but only with the permission of the paddock judge, in which case the paddock judge shall maintain a written record thereof. Such record shall be delivered to the presiding judge.

(f) No person except an owner who has another horse racing in a later race, or an official, shall return to the paddock until all races of that program have been completed.

(g) No more than two members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any racing day, except by permission of the presiding or paddock judge, or written approval by the Commission.

(h) During racing hours each association shall provide the services of a blacksmith within the paddock.

(i) During racing hours each association shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.

(j) Each association shall see that the provisions of this section are rigidly enforced.

(k) The paddock at all times shall be under the supervision of the paddock judge.

(l) Inspector; racing equipment. Every association shall employ a man in the paddock who shall be responsible for maintaining a card which will show a list of all equipment worn, including shoes, and the tattoo number for each horse racing at the meeting. Each time a horse races the equipment inspector shall identify the horse by checking the lip tattoo and shall compare the equipment actually being used on the horse with the approved equipment listed on the card. Any discrepancies discovered through these investigations shall be reported immediately to the presiding judge and his ruling in these matters shall be final.

#### Cross References

This section cited in 58 Pa. Code § 183.70 (relating to duties of paddock judge).

### § 183.33. Photo finish; head numbers; saddle pads; starting gate.

At all associations, a photo finish, head numbers, saddle pads and a starting gate must be used. Whenever the judges use a photograph to determine the order of finish, it shall be posted for public inspection. Photo finish equipment shall not be acceptable unless a spinner or target is used therewith. All head numbers and saddle pads shall be maintained in a good and satisfactory condition and replaced as necessary.

### § 183.34. Interference with race officials.

Although associations are obligated to supervise their meetings, their interference with the proper performance of duties of any official is prohibited.

**§ 183.35. Drivers' stand.**

Each association shall provide a stand located conveniently to the gate through which the horses enter the race track from the paddock or receiving barn, for the use of drivers scheduled to race. The stand shall permit a clear and adequate view of the race course and shall be properly maintained for the comfort of the drivers.

**§ 183.36. Post parade from paddock.**

At a time designated by the presiding judge, the paddock judge shall cause all horses entered in such heat or dash to be formed in a parade line. Such horses shall be attended by their drivers unless specifically excused by the paddock judge. All horses in heat or race shall parade from the paddock upon the track and before the grandstand not later than 5 minutes before post time. A horse failing to parade without being excused by the judges may be scratched from the race or its driver or trainer may be penalized. Drivers shall not engage in conversation during the post parade.

**§ 183.37. Requirements for admission of horses to Pennsylvania Pari-Mutuel Racing Association plants.**

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

- (1) The horse was examined thoroughly within 30 days preceding the date of admission.
- (2) The horse was free of any evidence of infectious, contagious, or transmissible disease and was afebrile at the time of the examination.
- (3) The horse was free of ectoparasites at the time of the examination.
- (4) The horse has not, within the past 2 weeks, been exposed to other horses with any known infectious, contagious or transmissible diseases.
- (5) No horse shall be admitted to the grounds under the jurisdiction of the Commission without a certificate that a negative Coggins test has been completed within a period to be specified by the Commission and by laboratories approved by the Commission.

(b) Any horse not having the required health certificate will be unloaded in a quarantine area to be designated by the association. A health certificate meeting the requirements of this rule must be obtained within 24 hours from the time of admission, or the horse must be removed from the premises. A veterinarian will be available on the premises or on call for the purpose of examining the horse and issuing the certificate. If a horse, upon examination, is found to have clinical evidence of infectious, contagious, or transmissible disease, he shall be promptly

removed from the premises and the stall in which he has been stabled and the area immediately surrounding it should be sprayed with a disinfectant, as prescribed by the veterinarian of the Commission.

(c) Each racing association shall be responsible for enforcing this rule subject to supervision by designated officials of the Commission.

(d) Any violation of the provisions of this section shall subject the trainer or his designated substitute, if such designation has been made, to those penalties and other provisions of the law and the provisions of this part governing violations of Commission rules.

#### Cross References

This section cited in 58 Pa. Code § 183.125 (relating to return of eligibility certificates—E.I.A.).

### § 183.38. Stable roster requirements.

Each employer of grooms at a pari-mutuel race track shall be required to submit to the Commission office a stable roster with the name of each employe and license number. He shall inform the Commission promptly of any changes. If any employer does not comply with this requirement a fine may be imposed against him.

### § 183.39. Removal of horses from the grounds.

No horse shall be ordered off the grounds without at least 72 hours' notice, excluding Sunday, to the person in charge of the horse.

### § 183.40. Breath analyzer requirements.

Drivers, judges, starters, starting gate drivers and marshals shall be required to submit to a breath analyzer test at each racing program in which they participate. If the results of such test show a reading of .035% or more of alcohol in the blood, none of the above named herein shall be permitted to participate in the racing program. Upon any violation of this rule a report shall be made to the Commission and the United States Trotting Association.

#### Cross References

This section cited in 58 Pa. Code § 183.258 (relating to breath analyzer test).

## RACE OFFICIALS

### § 183.51. State Harness Racing Commission.

The Commission shall have general jurisdiction over all harness horse racing activities in which pari-mutuel wagering is conducted in the Commonwealth of Pennsylvania and of all the associations, employes and patrons associated therewith.

**§ 183.52. Required presence of officials in race.**

In every race except in qualifying races there shall be present a presiding judge and two associate judges in the judge's stand, and all other race officials as defined in § 181.1 (relating to definitions), with the exception of the track veterinarian and the equipment inspector.

**§ 183.53. Approval by Commission; officials' school.**

All race officials shall be approved and licensed by the Commission. No race official, with the exception of a timer, will be considered for approval unless he has attended a United States Trotting Association Officials' School or such other school designated by the Commission and has satisfactorily passed a written or oral examination, or both, at the conclusion of such school.

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

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

**§ 183.55. Removal of official.**

Any official may be fined, suspended or his license may be denied or revoked at any time for incompetency, failure to follow or enforce the provisions of this part, or any conduct detrimental to the sport. No race official shall, on any day upon which he is required to officiate, drink alcoholic beverages within 4 hours prior to the time he should begin performing his duties as an official.

**§ 183.56. Disqualification of an official.**

In the event of the disqualification of an official, the Commission shall be so notified immediately. The Commission shall thereafter appoint a substitute.

**§ 183.57. Conflict of interest.**

No employe, officer or racing official of any licensed association shall directly or indirectly be the owner of any horse racing at such meeting, nor shall he participate financially directly or indirectly in the purchase or sale of any horse racing at such meeting.

**§ 183.58. Admission to judges' stand.**

Only the judges, the clerk of course, timers, official announcer, officials and Directors of the United States Trotting Association and the Commission or its authorized representatives shall be allowed in the judges' stand during a race. No exceptions shall be permitted.



**§ 183.59. Decorum of officials.**

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

**§ 183.60. Presiding judge.**

The Commission shall approve and license a presiding judge for all licensed harness race meetings. The presiding judge shall enforce the rules and regulations of the Commission and shall render daily reports of the activities and conduct of such race meetings to the Commission. The presiding judge shall have supervision over all other licensed race officials. He shall, in writing, notify the Commission of all violations of any rules by an association, its officers or other race officials, giving detailed information thereof. A copy of such notice shall be sent by him to the United States Trotting Association. He shall be responsible for maintenance of the records of the racing meet and he shall take charge of the declaration box. He shall establish and maintain post time. In addition, he shall supervise:

- (1) The maintenance of the judges' books, the steward's list and the accident reports and daily reports of the Commission.
- (2) The preparation, delivery and posting of all notices of penalties, rulings and decisions relative to racing.
- (3) The procedures prescribed by this chapter with respect to investigations and hearings.
- (4) The driver's meetings prescribed by this chapter.
- (5) The handling of declarations to start.
- (6) All announcements over the public address system pertaining to the race program.
- (7) The coupling of horses accepted for entry where it is necessary to protect the public interest.
- (8) The declarations as provided for under §§ 183.191—183.206 (relating to declaration to start and drawing horses).

**§ 183.61. Power of judges.**

Collectively, presiding judge and associate judges shall have the authority to:

- (1) In cases in which the judges determine that a serious offense may have been committed, the judges may immediately place offending persons on suspension. In any case an oral report followed by a written report shall be made to the executive secretary of the Commission. In cases in which the judges determine that minor violations have occurred, the judges may impose a sentence not to exceed 10 days or a fine, or both.
- (2) Determine all questions of fact relating to the race.

(3) Decide any difference between parties to the race or any contingent matter which shall arise which is not otherwise provided for in the provisions of this part.

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

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

(6) Control the horses, drivers, trainers, grooms and assistants and punish any person who shall fail to comply with the orders of the judges.

(7) Examine under oath all parties connected with a race as to any wrong or complaint. Any person required to appear before the judges for a hearing or examination who shall fail to appear after due notice in writing may be penalized.

(8) Consider complaints of foul from the patrols or drivers in the race and no others.

#### § 183.62. Duties of judges.

It shall be the duty of the judges to:

(1) Exclude from the race any horse that in their opinion is improperly equipped, dangerous or unfit to race. A horse is unfit to race if he is sick, has impaired vision in both eyes, is weak, or extremely lame. No horse shall race with a tube in its throat. When a driver or owner reports to the presiding judge that his horse is unfit to race, ill, or otherwise physically incapable of racing, the presiding judge shall call for an examination of the horse by the Commission veterinarian. The said veterinarian shall examine such horse and submit an oral report of his findings to the presiding judge immediately, followed by a written report within 24 hours to the presiding judge.

(2) Investigate any apparent or possible interference or other violation of the provisions of § 183.281 (relating to driving procedures), whether or not a complaint has been made by a driver.

(3) Investigate any act of cruelty, seen by them or reported to them, toward a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall penalize the offending person.

(4) Immediately thereafter or on the day of the race the judges shall fill out a complete accident report and mail the report to the Commission and the United States Trotting Association.

(5) Grant a hearing at a designated time in accordance with the provisions of §§ 183.451—183.466 (relating to practice before the Commission) before a penalty may be imposed upon any party. All three Judges should be present if possible, and at least the Presiding Judge and one Associate Judge must be present at all hearings. The judges may inflict the penalties prescribed by the provisions of this chapter. All penalties shall be recorded in accordance with the provisions of §§ 183.451—183.466. Such penalty is effective from the time the penalized party receives notice thereof in accordance with the provisions of §§ 183.451—183.466.

**§ 183.63. Procedure of judges.**

It shall be the procedure of the Judges to:

- (1) Be in the stand 15 minutes before the first race and remain in the stand for ten minutes after the last race and at all times when the horses are upon the track.
- (2) Observe the preliminary warming up of the horses and scoring, noting the behavior of horses, lameness, equipment, conduct of drivers, changes in odds and any unusual incident pertaining to horses or drivers participating in races.
- (3) Have the bell rung or give other notice at least 10 minutes before a race or heat. Any driver failing to obey this summons may be punished and his horse may be ruled out by the Judges and considered drawn.
- (4) Designate one of their members to lock the pari-mutuel machines immediately upon the horses reaching the official starting point. The presiding judge shall designate the post time for each race and the horses will be called at such time as to preclude excessive delay after the completion of scoring.
- (5) Be in communication with the patrol judges where patrol judges are used, by use of telephonic or radio devices, from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the rules shall be reported by the patrol judge witnessing the incident and written record made of same. The judges assigned to the starting gate shall be in telephonic or radio communication with the judges' stand.
- (6) Post the objection sign, or inquiry sign, on the odds board in the case of a complaint or possible rule violation, and immediately notify the announcer of the objection and of the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed and the "Official" sign flashed. The "Official" sign shall not be displayed until all horses and drivers of the race have returned to the place designated by the judges and saluted. Horses and drivers unable to finish the race are excepted. In all instances the judges shall post the order of finish and the official sign as soon as they have made their decision.
- (7) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish.

The Judges shall examine the photo and after a decision is made, a copy or copies shall be made, checked by the presiding judge, and posted for public inspection.

(8) Sign the judges' book after each race, verifying the correctness of the record by the clerk of the course.

**§ 183.64. Duties of patrol judges.**

(a) They shall observe all activity on the race track at all times during the racing program. There shall be not less than two patrol judges except in cases where patrol judge is stationed in starting gate. They shall immediately report to the presiding judge:

- (1) Any action on the track which could improperly affect the result of a race.
- (2) Every violation of the racing rules.
- (3) Every violation of the rules of decorum.
- (4) The lameness or unfitness of any horse.
- (5) Any lack of proper racing equipment.

(b) The patrol judges shall, furthermore:

- (1) Be in telephonic or radio communication with the judges during the course of every race and shall immediately advise the judges of every rule violation, improper act, or unusual happening which occurs at their station.
- (2) Submit individual daily reports of their observations of the racing to the presiding judge.
- (3) When directed by the Executive Secretary, or the presiding judge, attend hearings or inquiries on violations and testify thereat under oath.

**§ 183.65. Absent officials.**

If any race official is absent or incapacitated, the Executive Secretary of the Commission may appoint a substitute at such meeting. Notice of such appointment shall be given immediately to the United States Trotting Association.

**§ 183.66. Starter.**

The Commission shall approve and license a starter for all licensed harness race meetings. The starter shall be under the jurisdiction of the presiding judge at all times.

**§ 183.67. Duties of starter.**

The starter shall be in the stand or starting gate 15 minutes before the first race. He shall have control over the horses and, subject to the provisions of §§ 183.451—183.466 (relating to practice before the Commission), have authority to assess fines or suspend drivers, or both, with the approval of the presiding judge, for any violation of the provisions of this chapter from the formation of the parade until the word "go" is given. He shall notify the judges and the driv-

ers of penalties imposed by him. He shall report violations of the provisions of this chapter, giving detailed information.

**§ 183.68. Duties of the clerk of the course.**

The clerk of the course shall:

- (1) At the request of the judges assist in drawing positions.
- (2) Keep the judges' book and record therein:
  - (i) All horses entered and their eligibility numbers.
  - (ii) Names of owners and drivers and driver's license numbers.
  - (iii) A record of each heat, giving the position of the horse at the finish.
  - (iv) Drawn or ruled out horses.
  - (v) Time in minutes, seconds and fifths of seconds.
- (3) Check eligibility certificates before the race and, after the race, enter all information provided for thereon, including the position of the horse in the race if it was charted.
- (4) Record all protests, fines, penalties and appeals on forms provided by the presiding judge, and see that the judges' book is properly signed.
- (5) Forward the judges' book from all extended pari-mutuel meetings the day following each racing day.
- (6) Notify owners and drivers of penalties assessed by the officials.
- (7) Upon request, assist judges in placing horses.
- (8) After the race, return the eligibility certificate to the owner of the horse or his representative.

**§ 183.69. Duties of timers.**

- (a) At each race or performance against time there shall be at least one timer in the judges' or timers' stand. He shall sign the judges' book for each race or performance against time verifying the correctness of the record. All times shall be announced and recorded in fifths of seconds. An approved electronic or electric timing device must be used.
- (b) If at any time the electronic or electric timing device should fail, the decision of the manual timer as to the time of the heat or dash shall be official.
- (c) The timer shall be in the stand 15 minutes before the first heat or dash is to be contested. He shall start his watch when the first horse leaves the point from which the distance of the race is measured. The time of the leading horse at the quarter, half, three-quarters, and the finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

**§ 183.70. Duties of paddock judge.**

Under the direction and supervision of the presiding judge, the paddock judge shall have complete charge of all paddock activities as outlined in § 183.32 (relating to paddock). The paddock judge shall:

- (1) Get the fields on the track for post parades in accordance with the schedule given to him by the presiding judge.
- (2) Inspect horses for changes in equipment, broken or faulty equipment, head numbers, and saddle pads.
- (3) Supervise paddock gate men.
- (4) Check horses and drivers in and out.
- (5) Direct the activities of the paddock blacksmith.
- (6) Immediately notify the presiding judge of anything that could in any way change, delay, or otherwise affect the racing program.
- (7) See that only properly authorized persons are permitted in the paddock.
- (8) Supervise the identification of horses in the race.
- (9) Notify the presiding judge of any change of racing equipment or shoes before the race.
- (10) Inspect and supervise the maintenance of all emergency equipment kept in the paddock.
- (11) Notify judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race.
- (12) Notify judges of all trainers and grooms who leave the paddock in an emergency.
- (13) Supervise and maintain cleanliness of paddock.
- (14) Supervise the conduct of all persons in the paddock.
- (15) Report any cruelty to any horse that he observes to the presiding judge.

**§ 183.71. Program director.**

Each association shall designate a program director.

- (1) It shall be the responsibility of the program director to furnish the public complete and accurate past performance information as required by the provisions of § 183.92 (relating to program information).
- (2) No person shall act as a program director at a pari-mutuel meeting unless he has secured a license from the Commission.

**§ 183.72. Photo finish.**

- (a) Every association shall provide photo finish service of a type and quality approved by the Commission as an aid to the judges in determining the order of finish.
- (b) Whenever the judges call for a photo finish picture to determine the order of the finish they shall cause the word "photo" to be flashed on the infield board and to remain there until the order of finish is determined.
- (c) In the event of an electrical or mechanical failure of the photo finish camera, or if a distorted, deceptive or otherwise inadequate picture is developed, the Judges shall decide the order of finish and such decision shall be final.

**§ 183.73. Duties of race secretary.**

The race secretary of each association must be licensed and approved by the Commission and it shall be his duty to do the following:

- (1) To receive and to keep safe the eligibility certificates of all horses competing at the race track or stabled on grounds owned or cared for by any association and to return same to the owner of a horse or his representative upon their departure from the grounds.
- (2) To be familiar with the age, class and competitive ability of all horses racing at the track.
- (3) To classify and reclassify horses in accordance with the provisions of this chapter.
- (4) To list horses in the categories for which they qualify and to cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others.
- (5) To write conditions and to schedule the daily racing programs to be presented at the race track and to post same not less than 18 hours before declarations close.
- (6) To provide for the listing of horses in the daily program; to examine all entry blanks and declarations; to verify all information set forth therein; to select the horses to start and the also eligible horses from the declarations in accordance with the rules governing these functions.
- (7) To examine nominations and declarations in early closing events, late closing and stake events; to verify the eligibility of all declarations and nominations, and to compile lists thereof for publication.
- (8) To establish standards for horses. The standards shall be posted at a place in which declarations are made and printed on all conditions and qualifying books.

**§ 183.74. Commission veterinarian.**

(a) The Commission shall designate a duly licensed veterinarian at each association track who shall be known as the Commission veterinarian. His compensation shall be fixed and paid by the Commission.

(b) The Commission veterinarian, unless otherwise directed by the Commission, shall exclusively perform the duties of his office for the Commission and shall not render his professional services to any horsemen on the grounds of the association to which he is assigned during the course of the meeting except in cases of emergency and only as long as the emergency exists. The Commission veterinarian shall:

- (1) Examine such horses as the presiding judge may request him to examine and report the findings of such examination to the presiding judge.

(2) Re-examine and approve for release from the steward's list all horses that have been placed thereon for being lame, sick or injured, before they may be declared in to race again.

(3) Observe the training and warming up of the horses stabled at a licensed race meeting and examine any horse which shall appear ill or infirm, and report thereon to the presiding judge.

(4) Observe the horses in the paddock and while warming up for the racing program and investigate into and examine such horses as appear to him, or are reported to him, to be ill or infirm. He shall report his findings to the presiding judge.

(5) Supervise the taking of blood, urine, or such other samples from the horses as may be directed by the Commission or the presiding judge and be responsible for the proper storing and delivery thereof to the laboratory designated by the Commission and the maintenance of required reports.

#### **§ 183.75. Charter.**

The charting of races shall be done only by a charter licensed by the Commission.

#### **§ 183.76. Department of Revenue.**

The Department of Revenue shall have authority to prescribe the forms and the system of accounting to be employed by the association, and through its representatives shall, at all times, have power of access to, and examination of any equipment relating to wagering. The Department of Revenue shall have the power to examine, or cause to be examined, the books and records of the association.

### **IDENTIFICATION OF HORSES**

#### **§ 183.91. Records.**

No horse will be permitted to race at an Association track without an eligibility certificate, issued for the current year by the United States Trotting Association and approved by the Commission. Horses must race under the name of the bona fide owner. Horses under lease must race in the name of the lessee and a copy of the lease must be recorded with the United States Trotting Association and with the Commission.

#### **§ 183.92. Program information.**

(a) A printed program shall be available to the public at all meetings where purses are offered.

(b) All programs shall furnish:

- (1) Horse's name and sex.
- (2) Color and age.



- (3) Sire and dam.
- (4) Owner's name.
- (5) Driver's name and colors.
- (6) Trainer's name.
- (7) Type of race and horses, as follows:
  - (i) Claiming races, the price for which the horse is entered to be claimed shall be indicated. If claimed, later programs shall indicate it.
  - (ii) Conditioned races, overnights and others. The basic condition shall be indicated adjacent to each past performance line.
- (8) At least the last six performances and accurate chart lines (Reference should be made to § 183.197(d) (relating to qualifying races)). An accurate chart line shall include: date of race, place, size of track if other than half-mile, symbol for freelegged pacers, track condition, type of race, distance, the fractional times of the leading horse including race time post position at 1/4, 1/2, 3/4 stretch with lengths behind the leader, finish with lengths behind the leader, individual time of the horse, closing dollar odds, name of the driver, names of the horses placed first, second and third by the judges. The standard symbol for "breaks," "interference" and "parkouts" shall be used where appropriate. Other generally accepted standard symbols shall be used where necessary along with the proper explanations to the public.
- (9) Information indicating drivers racing with a provisional license.
- (10) Information indicating pacers that are racing without hobbles.
- (11) Summary of starts in purse races, best win time and earnings for the current and preceding year. For purpose of the summary, the best win of a horse may be earned in either a purse or nonpurse race. Time trial performance records may be included in the performance lines in a race program, provided six charted race lines are carried when available.
- (12) On a separate page, the date of the Annual License of the association, the names of the Commission officials, the names of the officers and directors of the association, and the names of the racing officials for the meeting.
  - (i) Failure to furnish reliable program information may subject the association or Program Director, or both, to the penalties provided for under the law and the provisions of this chapter.
  - (ii) Owners, drivers or others found guilty of providing inaccurate information on the performance of a horse, or of attempting to have misleading information given on a program may be penalized.
  - (iii) When nonbetting races are to be held on the same day immediately before or after the regularly scheduled races and such races are scheduled before the programs are printed, the association shall make available to the public printed program information in the same manner and form as in the case of scheduled races where purses are offered.
- (13) Each program shall carry the speed ratings of every pari-mutuel track.

(14) Each program shall contain the following information regarding the rules, regulations and laws governing the following:

- (i) The starting rule.
- (ii) The breaking rule.
- (iii) Rules governing the use of the photo finish.
- (iv) Rules regarding and governing various forms of multiple wagering including the Daily Double.
- (v) Law regarding payment of certain wagers as required by the IRS.

**Cross References**

This section cited in 58 Pa. Code § 183.71 (relating to program director).

**§ 183.93. Examination of horses or records.**

Any association official, representative of this Commission, representative of the United States Trotting Association, owner or driver, may, for cause, call for information concerning the identity and eligibility of any horse on the grounds of an association and may examine such horse or his eligibility certificate with a view to establishing the identity or eligibility of the horse.

**§ 183.94. Unlicensed charting.**

No official, clerk or person shall enter a chart line on an eligibility certificate when the race has not been chartered by a licensed charter.

**§ 183.95. Withholding eligibility certificate or registration.**

No person shall withhold an eligibility certificate or registration certificate from the owner of a horse, after proper demand has been made for the return thereof.

**§ 183.96. Owner's and trainers' reports on ownership and control of horses.**

Within 72 hours after arrival at an association track, every owner or trainer, or both, shall file a list, in duplicate, in the office of the race secretary, naming all horses under his ownership or control at such race track. One copy of such list shall be maintained in the office of the race secretary and the duplicate thereof filed with the presiding judge of such meeting.

**§ 183.97. Tattoo.**

No horse shall be permitted to start in any type of race under the jurisdiction of the Commission unless he has been tattooed.

**RACING, FARM OR STABLE NAMES****§ 183.111. Registration.**

(a) The provisions of these §§ 183.111—183.113 (relating to racing, farms, or stable names) shall be in accordance with United States Trotting Association Rule 8.

(b) A racing, farm, corporation, or stable name may be used by the owners or lessees of horses if currently registered with The United States Trotting Association. The names of all persons interested in the stable or operating thereunder shall be listed in such registry.

**§ 183.112. Limitations.**

No more than one stable may be registered under the same name. The Commission may prohibit the use of any name which is misleading to the public or unbecoming to the sport.

**Cross References**

This section cited in 58 Pa. Code § 183.111 (relating to registration).

**§ 183.113. Liabilities.**

All persons listed in a registered stable shall be liable for entry fees and all penalties against horses raced under such stable name. If one of the persons listed under such stable name is suspended, all the horses in such stable shall be suspended.

**Cross References**

This section cited in 58 Pa. Code § 183.111 (relating to registration).

**ELIGIBILITY AND CLASSIFICATION****§ 183.121. Registration of ownership.**

All horses shall be registered in current ownership in accordance with the conditions provided in Rule 26 of the United States Trotting Association as required in PSHRC Rule 2. The owner or owners shall, upon the request of the Commission or its authorized representatives, produce a valid registration certificate.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.122. Issuance of eligibility certificates.**

All matters relating to the issuance, procedures and fees for eligibility certificates shall be governed in accordance with U.S.T.A. Rule 9, including information required from horses racing at Canadian tracks and horses that have raced in a country other than Canada.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.123. Tampering with eligibility certificates.**

No unauthorized person shall tamper with eligibility certificates. Any winnings, after the tampering, may be ordered forfeited and the offending party may be fined or suspended, or both.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.124. Corrections on eligibility certificates.**

Corrections on said certificates may be made only by one of the judges, the Commission or a representative of the United States Trotting Association. Persons making corrections shall affix their initials and date thereon.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.125. Return of eligibility certificates—E.I.A.**

If an eligibility or validation certificate has been issued and it is determined thereafter that the horse for which the certificate has been issued has equine infectious anemia or is a carrier thereof, the certificate must be returned immediately by the holder to the United States Trotting Association and the horse must vacate the premises as required under the provisions of § 183.37 (relating to requirements for admission of horses to Pennsylvania Pari-Mutuel Racing Association plants).

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.126. Telegraphic declarations.**

(a) No horse shall be declared in to race except as hereinafter stated without first having an eligibility certificate placed on file with the race secretary. Telegraphic declarations may be sent and accepted in accordance with § 183.191 (relating to declaration), without penalty, provided the declarer furnishes adequate program information, but the eligibility certificate must be presented when the horse arrives at the track and before he races.

(b) The race secretary shall check each certificate and certify to the Judges as to the eligibility of all the horses.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.127. Conditioned races.**

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

(1) Conditions shall be limited to the money earnings of the horses in a specified period of time or number of starts.

(2) Primary conditions shall be nonwinners or winners of more than a stated amount of money.

(3) Not more than two also eligible conditions shall be used in writing the condition of any overnight event.

(4) Age and sex allowances shall apply to the primary condition and shall not be considered an also eligible condition.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.128. Time records or bars prohibited.**

No time records or bars shall be used as an element of eligibility.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.129. Date eligibility determined.**

Horses must be eligible when entries close, but winnings on the closing date of eligibility shall not be considered.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.130. Conflicting conditions.**

In the event there are conflicting published conditions and neither is withdrawn, the more favorable to the nominator shall govern.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.131. Overnight events, standards.**

The race secretary shall prescribe standards to determine whether a horse is qualified to race in overnight events at a meeting.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.132. Posting of overnight conditions.**

Condition books containing at least three days' racing programs shall be available to horsemen at least 24 hours prior to taking declarations on races contained therein. Conditions for overnight events must be posted at least 18 hours before entries close. Substituted races may be used only when regularly scheduled races fail to fill.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

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

(a) In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

- (1) Stakes and futurities.
- (2) Early closing and late closing events.
- (3) Conditioned races.
- (4) Claiming races.
- (5) Preferred races limited to the fastest horses at the meeting. These may be free-for-all races, JFA, or Invitationals. Horses to be used in such races shall be posted in the office of the Race Secretary and listed with the Presiding Judge. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the Preferred list. Twelve such races may be conducted during a 6-day period of racing at tracks distributing more than \$100,000 in overnight purses during such period, and not more than ten such races shall be conducted at other tracks during a 6-day period of racing, provided that at least two of these races are for 3-year-olds, 4-year-olds, or combined 3 and 4-year-olds. At tracks which race less than 5 days per week, not more than ten such races may be conducted during a 6-day period. Purses offered for such races shall be at least 15% higher than the highest purse offered for a condition race programmed the same racing week.

(b) No 2-year-old or 3-year-old will be eligible to be placed on the Preferred list to race against older horses until it has won seven races, unless requested by the owner or authorized agent. The owner or authorized agent may withdraw such request at his discretion.

(c) Where a meeting is in progress in December and continues in January of the subsequent year, races and earnings won at the meeting may be computed in determining whether a horse may be placed on the preferred list.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions); and 58 Pa. Code § 183.135 (relating to named races).

**§ 183.134. Dashes and heats.**

Any dash or any heat shall be considered as a separate race for the purpose of conditioned racing.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.135. Named races.**

Named races are not permitted except for the fastest horses at a meeting as set forth in § 183.133(e) (relating to types of races to be offered).

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

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

For all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in, except that a race secretary must establish a preference system for races as provided for in § 183.200 (relating to preference). However, when necessary to fill a card, not more than one race per day may be divided into not more than two divisions after preference has been applied, and the divisions may be selected by the racing secretary.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.137. Posting requirements.**

(a) Names of all horses shall be posted by gait with the following information:

- (1) Lifetime winnings.
  - (2) Season's winnings.
  - (3) Winnings at the meeting.
  - (4) Wins during the season.
  - (5) Age, gait and sex.
  - (6) Previous year's earnings.
  - (7) Date of last win.
- (b) There shall be a separate posting of 2, 3 and 4-year-olds.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.138. Rejection of declaration.**

(a) The racing secretary may reject the declaration on any horse whose eligibility certificate was not in his possession on the date the condition book is published.

(b) The racing secretary may reject the declaration on any horse whose past performance indicates that he would be below the competitive level of other horses declared, provided the rejection does not result in a race being cancelled. Before doing so, and before post positions for the race have been drawn, the owner or trainer of such horse or horses shall be called to the office and duly advised of the action to be taken.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions); and 58 Pa. Code § 183.151 (relating to claiming regulations and procedures).

**§ 183.139. Substitute and divided races.**

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

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.140. Opportunities to race.**

A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race. Claiming races may be carded to the proportion of racing program of each week as the number of claiming authorizations on file with the Racing Secretary bears to the total number of horses on file which are qualified and available for racing.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.141. Qualifying races.**

A horse winning a qualifying race shall not be deprived by reason of such performance of his right to start in an event limited to maidens.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.142. Horses prohibited from racing in overnight events.**

Any person named in paragraphs (1)—(5) or a member of his immediate family shall not race or permit or cause to be raced any horse in which he has any interest, either direct or indirect, at a racing meet conducted by that Association except in stakes or futurities:

- (1) Employe of the Association.



- (2) Official of the Association.
- (3) Vendor engaged in business on the said premises.
- (4) Veterinarians practicing on the said premises.
- (5) Stockholders who own 10% or more of the issued stock of the Association conducting the meet.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.143. Supplemental purse payments.**

Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed, and will appear on the eligibility certificate issued for the subsequent year. Such distribution shall not affect the current eligibility until placed on the next eligibility certificate by the United States Trotting Association.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**CLAIMING RACES**

**§ 183.151. Claiming regulations and procedures.**

(a) A current member or associate member of the United States Trotting Association or a current licensee of this or another jurisdiction may claim any horse in a claiming race if the member, associate member or licensee has on credit, with the association conducting the race, an amount equal to the specified claiming price plus the applicable tax and requisite fees for transfer of title.

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

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

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

(e) The association shall provide for an agent who shall, immediately after closing the claim box, deliver it to the presiding judge. The association's auditor, or the auditor's agent, shall be prepared to state whether the claimant has on credit, with the association, the amount equivalent to the specified claiming price. A race official may not give information on claims filed until after the race.

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

(g) A horse claimed shall be delivered immediately by the original owner to the successful claimant upon authorization of the presiding judge. The horse's halter shall accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. Every horse claimed shall race for the interest and for the amount of the owner who declared it in the event. Title to the claimed horse, subject to the conditions and provisions of subsection (h) and § 183.152 (relating to blood sample required where horse is claimed), shall be vested in the successful claimant from the word "go." The successful claimant shall become the owner of the claimed horse, whether it be alive or dead, sound or unsound, or injured during the race or after it.

(h) A post-race urine or blood test, or both, shall be taken from each horse claimed out of a claiming race. The claim shall be voidable at the claimant's discretion if the forensic analysis by the Commission's laboratory results in a positive test for a prohibited substance, as provided in § 183.352 (relating to post-race saliva, urine and blood tests). The claimant shall notify the Presiding Judge in writing within 24 hours of the intention to void the claim and return the claimed horse to the original owner. The claimant shall immediately sign over to the original owner the necessary certificates of ownership of the claimed horse. This subsection does not relieve the original trainer/owner of the responsibility for the condition of the claimed horse during the trainer/owner's control or care or custody of the horse.

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

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

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

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

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

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

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

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

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

(r) Subject to the conditions of subsection (h) and § 183.152, the association shall pay the claiming price to the owner at the time the registration certificate is delivered for presentation to the successful claimant.

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

(t) Except as provided in § 183.138(a) and (b) (relating to rejection or declaration), a horse owner is not prohibited from determining the price for which that owner's horse shall be entered.

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

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

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

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

(y) Whenever possible, claiming races shall be written to separate horses 5-year-old and up from young horses and to separate males from females. If sexes are mixed, mares may be given a price allowance.

#### Source

The provisions of this § 183.151 amended April 15, 1994, effective April 16, 1994, 24 Pa.B. 1960. Immediately preceding text appears at serial pages (51823) to (51826).

#### Cross References

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.152. Blood sample required where horse is claimed.**

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

(b) Pending the receipt of a negative test for Equine Infectious Anemia, the monies paid for the claimed horse shall be held by the association. In the event of a positive test for Equine Infectious Anemia, the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse.

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

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions); and 58 Pa. Code § 183.151 (relating to claiming regulations and procedures).

**STAKES AND FUTURITIES****§ 183.161. Filing conditions; bonds; nomination list; financial statement; forms; estimated purse.**

(a) The Rules of the United States Trotting Association shall govern, with the exception of Stakes and Futurities, established by statutes of the Commonwealth.

(b) Rules and regulations of Stakes and Futurities which are not under the jurisdiction of the United States Trotting Association shall be promulgated by the Commission.

(c) All licensed associations that conduct Stakes and Futurities shall submit all conditions and requirements for approval by the Commission.

**NOMINATIONS AND SUSTAINING PAYMENTS****§ 183.171. Nominations and sustaining payments.**

United States Trotting Association Rule 12, Subsection 4, pertaining to Early Closing Events, Stakes and Futurities is incorporated herein and made a part hereof and shall govern matters related hereto, except that any matter necessitating action by an official of the United States Trotting Association shall be referred to the Commission. All nomination blanks and list of nominations must be submitted to the Commission for approval.

**STARTERS REQUIRED: SPLIT RACES****§ 183.181. Number of starters to be specified in overnight events; when race must be contested; declaration moneys.**

(a) Associations must specify how many starters are required for overnight events and after the condition is fulfilled, the event must be contested except when declared off as provided in §§ 183.221 and 183.222 (relating to postponement; and rain checks).

(b) In early closing events or late closing events, if five or more separate interests are declared in to start, the race must be contested except when declared off as provided in §§ 183.221 and 183.222. Stakes and Futurities must be raced if one or more horses are declared in to start except when declared off as provided in §§ 183.221 and 183.222.

(c) In an early closing event, if less horses are declared in than are required to start and all declarers are immediately so notified, the horse or horses declared in on the grounds and ready to race shall be entitled to all of the declaration money and forfeits from each horse named.

**§ 183.182. Elimination heats or two divisions.**

(a) In any stake event or futurity where the number of horses declared in to start exceeds 14, the race may at the option of the association be raced in elimination heats or divisions. The association exercising such option, however, must do so before positions are drawn. In the event a stake or futurity is split into divisions, the added money for each division shall be at least 20% of all nominations, sustaining and starting fees paid into such stake or futurity, but shall not exceed the advertised added money for a single division if the conditions of the stake so provide.

(b) When the race is an early closing or a late closing event, the race may be divided by lot and at least 50% added to the advertised purse as provided in subsection (a). If three or more divisions are necessary, the track shall add an amount sufficient to allow each division to race for at least 75% of the purse originally advertised.

(c) In an added money closing event or stake with a value of \$20,000 or less, the race may be divided and raced in divisions and each division raced for equal share of the total purse if the advertised conditions so provide, provided, however, extended meetings shall add an additional amount so that each division will race for 75% of the advertised added money.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.183. Elimination plans.**

The rules of the United States Trotting Association shall govern.

**Cross References**

This section cited in 58 Pa. Code § 181.1 (relating to definitions).

**§ 183.184. Overnight events.**

No more than eight horses shall be allowed to start in overnight events upon which there is pari-mutuel wagering. No horse shall be entered in more than one event on the same program except when the conditions of the race provide that it shall be contested in two or more heats. Trailers may be permitted whenever nine or more horses are allowed to start under this section. No coupled entries shall be permitted in overnight events.

**DECLARATION TO START AND DRAWING HORSES****§ 183.191. Declaration.**

(a) The declaration time shall be 9 a.m. prevailing time. The association shall provide a locked box with an aperture through which declarations shall be deposited.

(b) Declarations by mail or telegraph or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawing shall be final. When an association requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(c) After the declaration to start has been made, no horse shall be drawn except by permission of the judges.

(d) Prior to the opening of the declaration box, when futurities, stakes, early closing, or late closing events are programmed, the presiding judge shall communicate with the racing secretary to ascertain if any declarations by mail, telegraph or otherwise are in his office and not deposited in the box. If there are such declarations, the presiding judge shall see that they are declared and drawn in the proper event.

(e) To avoid conflicts and misunderstandings, when the time of declaration of any race is stated in days or hours prior to the day of the race, it shall be construed to exclude Sunday.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge); 58 Pa. Code § 183.126 (relating to telegraphic declarations); and 58 Pa. Code § 183.202 (relating to driver information).

**§ 183.192. Form of declaration.**

All declarations must:

- (1) Be made in writing on forms approved by the Commission.
- (2) Be signed by the owner or his authorized agent in writing, except as provided in Early Closing Events, Stakes and Futurities.

- (3) State the name, license number, and address of both the owner and the agent of the registered stable or of the lessee.
- (4) State name, color, sex, age, sire and dam of the horse.
- (5) Name the event or events in which the horse is to be entered.
- (6) Comply with the provisions where declarations are in overnight events.
- (7) State the name, license number and registered racing colors of the driver.
- (8) State the name and license number of the trainer.
- (9) State if pacer is racing free legged or in hopples.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.193. Responsibility of declaration box.**

The declaration box shall be the charge of the presiding judge.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.194. Declaration box and drawing of horses at extended pari-mutuel meetings.**

(a) The declaration box shall be opened by the presiding judge at the advertised time and the presiding judge will be responsible to see that at least one horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the declaration box shall be denied the privilege of being present. Under the supervision of the presiding judge, all declarations shall be listed.

(b) The racing secretary shall verify eligibility, ascertain preference, and select starters. The judges will then draw post positions. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(c) Upon receiving a request by the racing secretary, the presiding judge, in his discretion, may open the declaration box prior to the time of closing and give the racing secretary the opportunity to process declarations contained therein. Information as to names of horses declared shall not be given by the racing secretary or his assistants until after the time for declaration has passed.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.195. Certification of eligibility.**

The race secretary shall be responsible for certifying the eligibility of each horse to each race to the judges.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.196. Error in declaration.**

Where a horse properly declared, other than by telephone, is omitted from the race by error of the association, the horse may be added to the race but given the outside post position, provided however, that the error is discovered prior to the publication of the official program and said program discloses such position.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.197. Qualifying races.**

Declarations for overnight events shall be governed by the following:

(1) Within 2 weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the presiding judge or an associate judge. No horse shall be permitted to race at a pari-mutuel track who does not have at least one charted line by a licensed charter at the gait chosen. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo-finish shall be in use.

(2) A horse that does not show a charted line for the previous year must go a qualifying race as set forth in paragraph (1).

(3) Any horse that fails to race within 30 days after having started in the current year must go a qualifying race as set forth in paragraph (1). However, at any race meeting this period can be extended to 60 days upon receiving approval of the Commission. The time period allowed shall be counted from the date of the last race to and including the date of declaration. Horses entered and in to go in race or races which are cancelled due to no fault of their own, shall be considered to have raced in that race. In such cases preference shall revert back to the last purse race and no start shall be counted for conditioned purposes.

(4) When a horse has raced at a charted meeting during the current year and then goes to meetings where races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines. The consolidated line shall carry date, place, time, driver, finish, track conditions and distance if race is not at 1 mile.

(5) The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, he may be required to go a qualifying race.

(6) The judges may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which he will compete.



(7) The judges may institute standards or guidelines relating to the performance of the horse which could cause him to qualify. However, such guidelines and standards must be approved by the Commission.

(8) To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting.

(9) If a horse takes a win race record in a qualifying race, such record must be prefaced with the letter "Q" where it appears, except in the case where, immediately prior to or following the race, the horse taking the record has been submitted to an approved test. It will be the responsibility of the presiding judge to report the test on the judge's sheet.

(10) Races conducted for the purpose of qualifying drivers only need not be charted, timed or recorded.

#### Cross References

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge); and 58 Pa. Code § 183.92 (relating to program information).

### § 183.198. Coupled entries.

(a) When the starters in a race include two or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one horse in the "entry" shall be a wager on all horses in the "entry." Provided, however, that when a trainer enters two or more horses in a stake, early closing, futurity, free-for-all or other special event under bonafide separate ownership, such horses may, at the request of the association and with the approval of the Commission, be permitted to race as separate entries. The association must make its request to the Commission through the Executive Secretary of the Commission. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and their post positions shall be drawn by lots. The provisions of this subsection also shall apply to elimination heats.

(b) No driver shall drive a horse in a race in which there shall start another horse which he in any way represents or handles or in which he has an interest unless the horses are coupled as an entry.

#### Cross References

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge); and 58 Pa. Code § 185.163 (relating to sale of pari-mutuel tickets).

### § 183.199. Also eligibles.

Not more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one or

more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the office of the Race Secretary. All horses on the also eligible list not moved in to race shall be released at the designated scratch time prescribed by the Presiding Judge of the meet. Also eligibles shall be considered as if they were drawn to race.

#### Cross References

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

### § 183.200. Preference.

- (a) Preference shall be given in all overnight events according to the last previous purse race of a horse during the current year. The preference date on a horse that has been programmed to race and then scratched is the date of the race from which he was scratched.
- (b) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date and preference applied accordingly.
- (c) Where the word “preferred” is used in a condition, it shall not supersede date preference.
- (d) The horse having raced closest to the drawing shall have the least preference.

#### Cross References

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge); and 58 Pa. Code § 183.136 (relating to selection of drawing of horses).

### § 183.201. Steward’s List.

- (a) A horse may be placed on the Steward’s List if:
  - (1) it is dangerous.
  - (2) unmanageable.
  - (3) sick.
  - (4) lame.
  - (5) unable to qualify.

- (6) otherwise unfit.
- (7) unable to meet the standards and guidelines of the judges.
- (b) The horse must be placed on the Steward's List by the presiding judge and declarations on such horse shall be refused.
- (c) Owners and trainers shall be notified in writing of such action and the reason for such action.
- (d) The clerk of the course shall make a note on the Eligibility Certificate of such horse showing the date the horse was placed on the Steward's List, the reason therefore and the date of removal if the horse has been removed.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.202. Driver information.**

Declarations shall contain the information required in § 183.191 (relating to declaration). Drivers may be changed without permission until scratch time as designated by the presiding judge. No driver shall be changed thereafter except by permission of the judges and only then for good cause. When a nominator starts two or more horses, the Judge shall approve or disapprove the second, third, and if needed, other drivers.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.203. Withdrawal of horses due to bad weather or track conditions.**

It shall be the duty of the presiding judge to call a meeting of all horsemen on the grounds before the opening of an extended pari-mutuel meet for the purpose of electing a member and an alternate to represent them on matters relating to the withdrawal of horses due to bad weather or track conditions.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.204. Questionable track conditions.**

In case of questionable track conditions, the presiding judge shall call a meeting consisting of an authorized representative of management, the duly elected member of the horsemen, and himself.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.205. Unpermitted withdrawals.**

Upon unanimous decision of this committee of three that track conditions are safe for racing, no unpermitted withdrawals may be made.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**§ 183.206. Permitted withdrawals.**

(a) Any decision other than unanimous by this committee will allow any entrant to scratch his horse or horses after posting 10% of the purse to be raced for. If the number of withdrawals received shall cause the field to be less than five separate betting interests, then the track management shall have the right to postponement of any early closing event or stake and cancellation of an overnight event.

(b) Said money posted shall be forwarded to the Commission and shall be retained as a fine, or refunded to the individual after a decision, based on a hearing by the Commission, has been made as to whether the withdrawal was for good cause. The procedure as set forth in this section shall apply only to the withdrawal of horses properly declared in and does not relate to postponement which is covered elsewhere.

**Cross References**

This section cited in 58 Pa. Code § 183.60 (relating to presiding judge).

**POSTPONEMENT****§ 183.221. Postponement.**

(a) United States Trotting Association Rule 15, section 1, is incorporated herein and made a part hereof and shall govern matters related hereto, except that any matter necessitating action by an official of the United States Trotting Association shall be referred to the Commission.

(b) Each association shall report any postponement to the Commission in an expeditious manner.

**Cross References**

This section cited in 58 Pa. Code § 183.181 (relating to number of starters to be specified in overnight events; when race must be contested; declaration moneys).

**§ 183.222. Rain checks.**

In the event of cancellation of any program after the completion of 50% or more of the races scheduled to be run on each program, no rain checks or other similar forms of deferred admissions shall be issued or if issued on admittance, no rain checks will be validated. In the event of cancellation of any program before the completion of 50% or more of the races scheduled to be run on such program, rain checks or other similar forms of deferred free admission shall be issued but no rain check or other form of deferred free admission shall be valid beyond the close of the meeting at which it is issued.

**Cross References**

This section cited in 58 Pa. Code § 183.181 (relating to number of starters to be specified in over-night events; when race must be contested; declaration moneys).

**STARTING****§ 183.231. Starting gate.**

(a) The Starter, under the direction, supervision and control of the presiding judge shall have control of the horses from the formation of the parade until he gives the word "go."

(b) After the preliminary warming up scores or score, the starter shall notify the drivers to come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.

(c) The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.

(d) Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained:

(1) For the first 1/8 mile, not less than 11 miles per hour.

(2) For the next 1/16 of a mile not less than 18 miles per hour.

(3) From that point to the starting point, the speed will be gradually increased to maximum speed.

(e) The starting point will be a point marked on the inside rail at a distance of not less than 200 feet from the first turn. The starter shall give the word "go" at the starting point.

(f) When a speed has been reached in the course of a start there shall be no decrease except in the case of a recall.

(g) In case of a recall a light plainly visible to the driver shall be flashed and a recall sounded. Whenever possible, the starter shall leave wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his discretion to close the wings of the gate.

(h) There shall be no recall after the word "go" has been given. Any horse, regardless of his position or an accident shall be deemed a starter from the time he entered into the starter's control unless dismissed by the starter.

(i) The starter shall endeavor to get all horses away in position and on gait but no recall shall be had for a bad actor or breaking horse.

(j) The starter shall sound a recall only for the following reasons:

(1) A horse scores ahead of the gate.

(2) There is interference.

(3) A horse has broken equipment.

(4) A horse falls before the word "go" is given.

(5) When a horse fails to come to the gate before the gate reaches the pole no more than 1/8 or less than 1/16 of a mile before the start, the field may be

turned. The term “failure to come to the gate” shall be interpreted to mean that the horse stops, turns, and goes in a direction opposite from that of the starting gate, or is hopelessly outdistanced.

(6) Each Association must specify in writing to the Commission the exact distance prior to the commencement of their meet and have it clearly defined in their program.

(k) Penalties may be imposed against any driver by the starter, with the approval of the presiding judge, for:

- (1) Delaying the Start.
- (2) Failing to obey the starter’s instructions.
- (3) Rushing ahead of the inside or outside wing of the gate.
- (4) Coming to the starting gate out of position.
- (5) Crossing over before reaching the starting point.
- (6) Interference with another driver during the start.
- (7) Failure to come up into and stay in position.

(l) No person shall be allowed to ride in the starting gate except the starter and his driver or operator, and a patrol judge, unless permission has been granted by the Commission.

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

#### **§ 183.232. Number of scores.**

Horses shall be permitted to take one or two scores before going to the post and upon completion of the scores, the horses shall be gathered by the starter and immediately moved into their positions behind the gate. Horses shall not be held in excess of 2 minutes before post time except when delayed by an emergency.

#### **§ 183.233. Vacancy in a tier.**

In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill up the vacancy.

#### **§ 183.234. When race starts; drivers mounted at finish.**

The horses shall be deemed to have started when the word “go” is given by the starter and all the horses must go the course except in the event of an accident in which case the judges may deem it impossible to go the course. Drivers must be mounted at the finish of the race or the horse shall be placed as not finishing.

**§ 183.235. Unmanageable horses.**

If in the opinion of the judges or the starter a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the starter will notify the judges who will in turn notify the public.

**Cross References**

This section cited in 58 Pa. Code § 183.236 (relating to placing bad acting horses on outside positions).

**§ 183.236. Placing bad acting horses on outside positions.**

At nonwagering meetings the starter may place a bad acting horse on the outside at his discretion. At pari-mutuel meetings, such action may be taken only where there is time for the starter to notify the judges who in turn will notify the public prior to the sale of tickets on such race. If tickets have been sold, the bad acting horse must be scratched under the provision of § 183.235 (relating to unmanageable horses).

**§ 183.237. Starting gate requirements.**

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

**§ 183.238. Gate malfunctions.**

Every licensed Starter is required to check his starting gate for malfunctions before commencing any meeting, and to practice procedures to be followed in the event of a malfunction. Both the starter and driver must know the emergency procedures and the starter is responsible for the training of his driver.

**§ 183.239. Operation of starting gate.**

The association may employ additional persons to assist the starter in the performance of his duties and such personnel shall be licensed and approved by the Commission.

**§ 183.240. Positions in winning heat.**

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

**§ 183.241. Starting without gate.**

If due to an emergency it is impractical to start the horses with a mobile gate the horses may be started under United States Trotting Association Rule 16, sections 4 and 5. No horses shall be started using an overhead or snap barrier.

**§ 183.242. Refunds of entry money.**

No refunds of entry money can be made for any purposes once the entered horse is in the control of the Starter except as provided in United States Trotting Association Rule 12, section 2.

**OWNERS, DRIVERS, TRAINERS AND GROOMS****§ 183.251. Application for license.**

Every person desiring to be an owner, trainer, driver, or groom, at a race meeting licensed by the Commission shall be required to obtain a license from the Commission. Applications may be filed at any Commission office.

**§ 183.252. Application and qualifications for a driver's license.**

All license requirements will be in accordance with the United States Trotting Association Rule 17, except a restricted license as provided for in the United States Trotting Association Rule A-1, section 3.

(1) The Commission shall deem a driver as qualified to compete if he has obtained a United States Trotting Association license, either Provisional (P), Restricted (V), or Full Drivers (A). In cases where drivers are provisional (P), it shall be so noted on the program. In addition to any other requirements mentioned herein the applicant shall:

- (i) Furnish a complete application form.
- (ii) Produce a driver's license for the current year issued by United States Trotting Association.

(2) All penalties imposed on any driver will be recorded on the reverse side of his United States Trotting Association driver's license by the presiding judge.

(3) In the event any person is involved in an accident on the track, the Commission may order such person to submit to a physical examination and such examination must be completed within 30 days from such request or his license may be suspended until compliance therewith.

(4) Such license shall be presented to the clerk of course before driving.

**§ 183.253. Trainers; application for license.**

(a) The Commission shall deem a trainer as qualified for licensing if he has obtained a United States Trotting Association Trainers License for the current year. However, if the applicant satisfies the Commission that he possesses the



necessary qualifications both mental and physical, to perform the duties required, a license may then be issued valid for the horses owned wholly or in part by such applicant.

(b) All other requirements will be in accordance with the United States Trotting Association Rule 17 for a trainers license.

**§ 183.254. Grooms; applications for license.**

An applicant for a license as a groom must satisfy the Commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a groom. Applicants between the ages of 16 and 18 years of age must submit Pennsylvania State working papers or an "Educational Certificate" together with their application. No license shall be issued to applicants under 16 years of age.

**§ 183.255. Suspension or revocation of drivers', trainers' or grooms' license.**

The license of any driver, trainer or groom may be suspended, revoked or a money fine may be imposed, at any time for:

- (1) Failure to obey the instructions of a racing official.
- (2) Failure to drive in a race when programmed, unless excused by the presiding judge.
- (3) Consumption of intoxicating beverages within 4 hours of the first post time of the program on which he is carded to drive.
- (4) Appearing in the paddock in an unfit condition to perform his duties.
- (5) Fighting.
- (6) Assault upon any other person.
- (7) Offensive or profane language.
- (8) Smoking while on the race track in silks and during actual racing hours.
- (9) Warming up a horse without silks at any time after the admission gates are open.
- (10) Disturbing the peace.
- (11) Refusal to take a breath analyzer test.
- (12) Refusal, when requested by the Commission to submit evidence of physical and mental ability or to submit to a physical examination, or both.
- (13) Failure to participate in post parade, unless specifically excused by presiding judge.
- (14) Any other act or conduct detrimental to the sport.
- (15) Violation of any rule of the Commission.
- (16) Falsifying or misrepresenting answers on the application for license.
- (17) Failure to name a driver at the properly prescribed time of the race meet.

**§ 183.256. Reinstatement of license of drivers, trainers and grooms.**

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

**§ 183.257. Required time drivers should be present in paddock prior to race.**

Drivers shall be in the paddock at least 1 hour before post time for the races in which they are scheduled to drive.

**§ 183.258. Breath analyzer test.**

(a) Breath analyzer tests shall be taken in accordance with § 183.40 (relating to breath analyzer requirements).

(b) Trainers and grooms designated by the presiding judge or a Commission official shall take a breath analyzer test.

**§ 183.259. Wearing distinguishing colors.**

(a) Drivers must wear distinguishing colors. No driver shall be permitted to start in a race or other public performance unless in opinion of the judges he is properly dressed.

(b) When drivers are participating in races during inclement weather, they shall wear rain suits of their registered colors, or suits made of a transparent material through which their colors may be distinguished.

(c) Those drivers not complying with above requirements must race in their regular colors.

(d) All drivers in a race must wear white driving pants.

**§ 183.260. Wearing colors at betting window, grandstand, clubhouse or bar.**

No driver wearing colors shall appear at a betting window, grandstand or clubhouse, or at a bar in a restaurant dispensing alcoholic beverages.

**§ 183.261. Registered colors.**

No driver or trainer shall be allowed to drive in any race or public performance, or to otherwise appear on the race track during the racing program unless wearing his own or his owner's registered colors. No driver may appear in colors registered in the name of another, without the special permission of the presiding judge.

**§ 183.262. Safety helmets.**

No driver will be permitted to drive in a race unless he is wearing a protective safety helmet of a type satisfactory to the Commission and constructed with a hard shell and containing adequate padding and an adequate chin strap in place.

**§ 183.263. Limitations on use of hand holders.**

Drivers shall not put their hands or wrists through the handholders while competing in races.

**§ 183.264. Drivers' meetings.**

(a) Before the first heat or race at any meeting is contested the racing officials and drivers shall meet at a time and place to be designated by the presiding judge. Notice of the time and place of such meetings shall be published on the bulletin board in the office of the race secretary and declaration room at least 48 hours prior to the meeting, and shall be announced over the public address system 1 hour prior to the meeting.

(b) The officials will announce any special rules affecting the race meeting and shall explain such of the rules of racing as shall be requested, especially those of an interpretative nature. At the conclusion of such meeting special rules shall be posted on the bulletin board in the declaration room and an appropriate number of copies shall be given to the horsemen's representative. Drivers shall be responsible for knowing the rules of racing.

(c) No driver shall be permitted to drive unless he has attended the meeting or has met with the officials. It shall be the duty of the driver to request a meeting. Upon request it shall be incumbent upon the presiding judge or associate judges to explain the rules.

**§ 183.265. Removal and substitution of drivers.**

If the Judges believe a driver is unfit or incompetent to drive, or if he refuses to comply with the direction of the judges, or is reckless or unmannerly in his conduct, he may be removed and penalized and another driver may be substituted at any time. Compensation of a substitute driver may be fixed at the discretion of the judges. No driver shall, without sufficient reason, decline to be substituted by the judge. The substitution of a driver for a valid reason may not be cause for the scratching of a horse as it shall be presumed wagers are made on the horse.

**§ 183.266. Owners; application for license.**

Every owner desiring to enter a harness horse at a race meeting licensed by the Commission shall be required to obtain a license from the Commission. The application shall be on forms provided by the Commission. "Owner" includes sole owner, part owner or lessee of a horse.

**§ 183.267. Qualifications for owner's license.**

Every applicant for a license as an owner in addition to other requirements in this chapter shall be in accordance with the following:

- (1) Be at least 18 years of age unless a parent or legal guardian expressly assumes responsibility for an applicant who is under 18 years of age.

- (2) Submit evidence of good moral character.
- (3) Furnish a completed application form.
- (4) If a horse is owned jointly by two or more parties all parties shall comply with paragraphs (1)—(3).
- (5) If a horse is owned in whole or in part by a corporation, all officers and directors shall comply with paragraphs (1)—(3). In addition, all shareholders shall comply with paragraphs (1)—(3), unless requirements are waived by the Commission.
- (6) No corporation or partnership or registered stable of more than ten persons formed after April 1, 1962, will be acceptable either to race or to lease horses for racing.
- (7) For the purposes of determining the maximum of 10 persons described in paragraph (6), who can be involved in the ownership or lease of a horse for racing purposes, blood relatives of a single family including father, mother, brother, sister, aunts, uncles, grandparents, nieces and nephews shall be regarded collectively as one shareholder, partner or member as the case may be.
- (8) In the event that an owner is not licensed, the Commission may, upon receipt of a security deposit, permit a licensed agent to act as representative for the owner. Should the owner fail to obtain a license within the prescribed period, not to exceed a 60-day period, the security deposit will be forfeited. Only those persons having an owner, trainer or driver's license valid for the current racing year shall be eligible to act as an agent for an owner.

### § 183.268. Suspension or revocation of owners' licenses.

The license of an owner may be suspended, revoked or a money fine may be imposed for:

- (1) Failure to obey the instructions of a racing official.
- (2) Failure to race his horse when programmed, unless excused by the presiding judge.
- (3) Misconduct or acts detrimental to the sport.
- (4) Violation of any rule of the Commission.
- (5) Falsifying or misrepresenting answers on an application for an owner's license.

#### Notes of Decisions

The fact that a horse trainer has a duty to guard against drug administration, 58 Pa. Code § 183.357, and that a veterinarian has a duty to prevent a drugged horse from racing, 58 Pa. Code § 183.356, does not relieve an owner of responsibility for administration of medication that resulted in a positive test since the regulations clearly also provide that fine or suspension may be imposed on "any person," 58 Pa. Code § 183.268, or the "person or persons having control or custody," 58 Pa. Code § 183.352(b). *Reichard v. State Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

Although Commission erroneously discussed Petitioner's liability in terms of being a trainer rather than horse owner or veterinarian, Petitioner was still liable as the person having control of the horse, 58 Pa. Code § 183.352(b), and under the standards for a veterinarian, 58 Pa. Code § 183.356 or a licensed owner, 58 Pa. Code § 183.268. *Reichard v. State Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

**§ 183.269. Reinstatement of owner's license.**

A license may be reinstated by the Commission, in its discretion, upon application and upon terms as the Commission may prescribe.

**§ 183.270. Trainers' duty regarding racing of horses.**

A trainer is responsible for the timely attendance of his horse when it is being raced, and he shall attend his horse in the paddock to supervise the preparation of the horse when it is in the paddock until his horse's race commitments are completed, except when permission to leave is granted by the paddock judge.

**§ 183.271. Absence of trainer; notice; substitute trainer.**

If a licensed trainer is to be absent from the track where employed, the presiding judge shall be immediately notified in writing and at that time a licensed substitute trainer, acceptable to the presiding judge, shall be appointed to assume responsibility for the horses racing during the absence of the regular trainer. The name of the substitute trainer shall appear on the program if possible. The presiding judge shall be advised immediately when the regular trainer is present and resumes his duties.

**§ 183.272. Insurance and Workmen's Compensation.**

Every owner, driver or trainer who employs or hires a person required by the laws of the Commonwealth to be covered by Workmen's Compensation shall furnish proof satisfactory to the Commission that the owner, driver or trainer has adequate Workmen's Compensation Insurance in Pennsylvania. No person who employs or hires a person required by the laws of the Commonwealth to be covered by Workmen's Compensation may be licensed, unless the person is carrying adequate Workmen's Compensation Insurance.

**RACING AND TRACK RULES**

**§ 183.281. Driving procedures.**

Although a leading horse is entitled to any part of the track except after selecting his position in the home stretch, neither the driver of the first horse nor any other driver in the race shall commit any of the following acts which shall be deemed violations of the driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near him that in altering his position he compels the horse behind him to shorten his stride, or causes the driver of the other horse to pull him out of his stride.
- (2) Jostle, strike, hook wheels or interfere with another horse or driver.
- (3) Cross over sharply in front of a horse or field of horses, in a reckless manner, endangering other drivers.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by "putting a wheel under him."
- (6) "Carry a horse out" or "sit down in front of him," take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses.
- (7) Lay off a normal pace and leave a hole when it is well within the horse's capacity to keep the hole closed.
- (8) Cause any horse or field of horses to excessively slow down. Drivers of trailing horses failing to properly contest an excessively slow pace may be penalized.
- (9) Let a horse pass inside needlessly.
- (10) Commit any act which shall impede the progress of another horse or cause him to "break."
- (11) Change course after selecting a position in the home stretch and swerve in or out, or bear in or out, in such manner as to interfere with another horse or cause him to change course or take back.
- (12) Drive in a careless or reckless manner.
- (13) Whipping under the arch of the sulky shall be punished by a fine or suspension, or both.
- (14) The brutal use of a whip or crop, punching, jabbing or kicking a horse or using a whip so as to interfere with or cause disturbance to any other horse or driver in a race is prohibited and shall be considered a violation of this rule.

#### Notes of Decisions

A videotape and the testimony of a presiding judge regarding petitioner's failure to "close a hole" in a race and the manner in which his whip managed to elude his grasp was substantial evidence of violations of the regulations. *Frizalone v. Harness Racing Commission*, 535 A.2d 288 (Pa. Cmwlth. 1987).

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

### § 183.282. Complaints by drivers, judges stand.

Complaints by drivers of foul driving or other misconduct during the heat or dash shall be made at the termination of the heat or dash, unless the driver is prevented from doing so by accident or injury. At the conclusion of each heat or

dash, every driver shall return to a point designated by the presiding judge to be dismissed by the judges. A driver desiring to enter a claim of foul or another complaint of violation of the rules shall indicate to a judge his desire to enter a claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges stand where and when the complaint shall be immediately considered. In cases of injury to either horse or driver or broken equipment, the driver may approach the nearest official on foot and indicate his desire to enter a claim of foul. Otherwise he shall make the claim before dismounting. The judges may not cause the official sign to be displayed until the complaint has been entered and considered. After being dismissed by the judge, drivers shall return to the paddock and remain there until the race is made official.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.283. Violations involving coupled entries; complaints; penalties.**

If any of the above violations are committed by a person driving a horse coupled as an entry in the betting, the judges may set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise, penalties may be applied individually to the drivers of an entry.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.284. Placing offending horse.**

In case of interference, collision or violation of this part, the offending horse may be placed behind the unoffending horses in the heat or dash, and in the event the collision or interference prevents a horse from finishing the heat or dash, the offending horse may be disqualified from any winnings and the driver may be penalized. In the event a horse is set back under this section he shall be placed behind the horses with whom he interfered.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.285. Fraudulent or unsatisfactory driving.**

(a) Every heat or dash in a race shall be contested by every horse in the race and every horse shall be driven to the finish.

(b) If the judges believe that a horse is being driven, with a design to prevent his winning a heat or dash which he was evidently able to win; or is being raced so as to perpetrate or aid in a fraud, they shall consider it a violation and the driver, and anyone in concert with him, may be fined, suspended, or expelled and the matter referred to the Commission.

(c) In the event a drive is unsatisfactory due to carelessness or indifference, or is being raced in an inconsistent manner compared to an established pattern of prior performances, and the judges believe that there is no fraud, they may forthwith impose a penalty.

#### Notes of Decisions

A videotape and the testimony of a presiding judge regarding petitioner's failure to "close a hole" in a race and the manner in which his whip managed to elude his grasp was substantial evidence of violations of the regulations. *Frizalone v. Harness Racing Commission*, 535 A.2d 288 (Pa. Cmwlth. 1987).

#### Cross References

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

### § 183.286. Failure to finish.

If for any cause other than being interfered with, broken equipment or unavoidable accident, a horse fails to finish after starting a heat or dash, that horse shall be ruled out.

#### Cross References

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

### § 183.287. Shouting.

Continuous loud shouting is forbidden in a race.

#### Cross References

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

### § 183.288. Whips.

Drivers will be allowed whips not to exceed 4 feet, 8 inches, plus a snapper not longer than 8 inches.

#### Cross References

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

### § 183.289. Use of goading devices and the like.

The possession or use of a goading device, chain or mechanical devices or appliances, other than the ordinary whip or crop upon any horse in a race shall constitute a violation of these §§ 183.281—183.302 (relating to racing and track rules).

### § 183.290. Hopples.

No horse shall wear hopples in a race unless he starts in same in the first heat or dash and having so started he shall continue to wear them to the finish of the race. Any person found guilty of removing or altering a horse's hopples during a



race, or between races, for the purpose of fraud, shall be penalized. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by the permission of the judges. Any horse habitually racing free legged shall not be permitted to wear hobbles in a race except with the permission of the Judges.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.291. Head poles.**

No horse shall be permitted to wear a head pole protruding more than 10 inches beyond his nose.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.292. Breaking.**

(a) When a horse breaks from its gait in trotting or pacing, the driver shall at once, where clearance exists, take the horse to the outside and pull it to its gait.

(b) The following shall be considered violations of section 12Q:

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

(c) If there has been no failure on the part of the driver in complying with subsection (b)(1)—(3), the horse may not be set back unless a contending horse on his gait is lapped on the hind quarter of the breaking horse at the finish.

(d) The judges may set any horse back one or more places if in their judgment any of the violations listed in this section have been committed, and the driver may be penalized.

**Source**

The provisions of this § 183.292 corrected August 2, 1996, effective November 1980, 26 Pa.B. 3636. Immediately preceding text appears at serial pages (51852) to (51853).

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like); and 58 Pa. Code § 183.294 (relating to calling and noting breaks).

**§ 183.293. Fraudulent breaking.**

If a driver causes or allows his horse to break for the purpose of fraudulently losing a heat or dash, he shall be liable to the penalties hereunder.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like); and 58 Pa. Code § 183.294 (relating to calling and noting breaks).

**§ 183.294. Calling and noting breaks.**

To assist in determining the matters contained in §§ 183.292 and 183.293 (relating to breaking; and fraudulent breaking) it shall be the duty of one of the judges to call out every break made and the clerk shall at once note the break and character of it in writing.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.295. Time between heats.**

The time between heats for any distance up to and including a mile shall be not less than 40 minutes. For a distance in excess of 1 mile the time shall be established by the presiding judge but shall not be less than 40 minutes. No heat or dash shall be called after sunset where the track is not lighted for night racing.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.296. Right of the course.**

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

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.297. Accidents.**

In the case of accidents, only so much time shall be allowed before continuing as the judges may deem necessary and proper.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.298. Finishing.**

A driver must be mounted in his sulky at the finish of the race or the horse must be placed as not finished.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.299. Wheel discs and guards.**

It shall be the responsibility of the owner and trainer to provide every sulky used in a race with unicolored or colorless wheel discs on the inside and outside

of each wheel of a type approved by the Commission. In his discretion, the Presiding Judge may order the use of mud guards.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.300. Registration of denerved horses.**

All denerved horses entered in any claiming race must be registered with the Commission veterinarian on forms provided by the Commission for that purpose. No unregistered denerved horse shall be entered in a claiming race, nor shall a horse be registered as denerved when, in fact, it has not been. No high nerved horses shall be entered in any race. The Commission veterinarian shall inform the presiding judge of such horses and it shall be the duty of the judge to post the list of denerved horses, racing at the meeting, on the bulletin board in the declaration room.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**§ 183.301. Mares in foal.**

No mares known to be in foal shall be entered in claiming races.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to goading devices and the like).

**§ 183.302. Spayed mares.**

The fact that a mare has been spayed must be noted on the registration certificate, and the eligibility certificate. It shall be the responsibility of the owner to report the fact that the mare has been spayed to the United States Trotting Association and return its papers for correction. A list of spayed mares shall be posted by the race secretary on the bulletin board in the declaration room.

**Cross References**

This section cited in 58 Pa. Code § 183.289 (relating to use of goading devices and the like).

**PLACING, CONDITIONS AND PURSES**

**§ 183.311. Heat racing.**

All heat racing shall be raced under Rule 19 of the United States Trotting Association Rules and Regulations.

**§ 183.312. Computation and payment of purses.**

(a) Any racing association which has an agreement with the horsemen to pay purses of an established percentage of the Association's share of the revenue

obtained from the money wagered, shall each week post a statement of the previous week's handle, the proposed allotment to horsemen and the amount of purses paid. Such posting shall be on the bulletin board in the entry room.

(b) Any association sponsoring stakes races or early closing events may withhold, during any current meeting, an amount sufficient to compensate the association for the costs of such races and events. However, in no event shall the money due the horsemen in purses above that amount be allowed to exceed \$25,000.

**§ 183.313. Delivering of winnings to owners.**

Winnings from horses shall not be delivered to any owner until the owner has first been duly licensed by this Commission for the current season.

**§ 183.314. Deductions.**

All purses contested for shall be distributed according to the conditions of the race. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payments to be made to owners of money winning horses.

**§ 183.315. Special awards.**

Except for awards to be made to drivers of horses breaking or equalling track or world records, or to leading drivers at a race meeting, no association shall advertise to pay or pay any awards other than to the owners of money winning horses.

## DECORUM

**§ 183.331. Improper language.**

(a) No owner, trainer, driver, groom or any other person shall use improper language to any race official, or be guilty of any improper conduct toward such officials or persons serving under their order when such improper language or conduct has reference to the administration of the course or of any race thereon.

(b) The same shall apply to the Commission and its representatives in the performance of their duties.

### Cross References

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.332. Assault and battery.**

No person shall commit an assault and battery on any driver, trainer, groom, racing official or Commission employe, on the grounds of a racing association, or on a racing official or Commission employe who is in the performance of his official duties.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.333. Threats to impede race.**

No owner, trainer, driver or groom shall threaten to commit or shall commit or shall conspire with others to commit any act intended to impede, embarrass, or prevent the conduct or continuation of any race meeting.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.334. Award as condition for starting.**

No owner, agent or driver who has declared a horse shall thereafter demand of the association a bonus of money or other special award or consideration as a condition for starting the horse.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.335. Wagers forbidden.**

(a) No owner, trainer, driver, agent, employe or groom shall place a wager on any other horse in any race in which he shall start a horse owned, trained, or driven by him, or which he in any way represents or handles as a starter. Nor shall he cause such a wager to be placed on his behalf.

(1) The provisions of these §§ 183.331—183.343 (relating to decorum) shall be interpreted to mean no owner, driver, agent, employe or groom shall bet his horse in Exacta type wagering except to win, nor shall he cause such a wager to be made on his behalf.

(2) In Trifecta type wagering such person or persons may purchase separate tickets betting their horse to win and then in combination with any other horses desired. No boxing of combinations shall be permitted.

(3) It shall be presumed that a wager made in Quiniella type wagering is a win wager.

(b) Employes or officers of an association engaged in the active management of the association, working in the publicity or public relations department, paddock area, pari-mutuel department, program department, security department or department of the race secretary are prohibited from making wagers or causing wagers to be made at any race meeting conducted by such association.

(1) All concession employes who are not permitted to wager under terms of any contract covering their employment or by reason of any policy established by their employer or employers as a condition of employment shall not be permitted to wager or cause wagers to be made on races conducted at the tracks where they are employed while on the premises performing their duties.

**Notes of Decisions***Character and General Fitness*

Where applicant for a harness racing license admitted placing a bet for a friend, using the applicant's own money for the wager and where after the race the applicant cashed the tickets, the Racing Commission was correct in finding that the character and fitness of the applicant were consistent with neither the public interest nor the best interests of racing in Pennsylvania. *Belote v. State Harness Racing Commission*, 688 A.2d 264 (Pa. Cmwlth. 1997); appeal denied, 699 A.2d 736 (Pa. 1997).

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

Any misconduct on the part of a licensee, patron or participant, fraudulent in its nature or injurious to the sport, although not specified in this subpart, is forbidden. Any person or persons who, individually or in concert with one another, shall fraudulently and corruptly, by any means, affect the outcome of any race or affect a false registration or commit any other act injurious to the sport, shall be guilty of a violation.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.337. Conspiracy to commit violations.**

(a) If two or more persons shall combine and confederate together in any manner, regardless of where the said persons may be located, for the purpose of violating any of the provisions of this subpart and shall commit some act in furtherance of the said purpose and plan, it shall constitute a conspiracy and therefore a violation.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.338. False testimony.**

When an oath is administered by a judge, representative of this Commission, notary public, or any other person legally authorized to administer oaths and the party knowingly swears false or withholds information pertinent to an investigation conducted under the provisions of this part, he shall be penalized.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.339. Misconduct and association with undersirables, bribery.**

(a) The Commission may impose the penalties as prescribed by law if it finds that any licensee or other person subject to the jurisdiction of the Commission:

- (1) Is associating, consorting or negotiating with bookmakers, touts or other persons of similar pursuits.

- (2) Is associating, consorting or negotiating with persons who have been convicted of a crime.
- (3) Is guilty of a fraud or has attempted any fraud or misrepresentation in connection with racing, breeding or otherwise.
- (4) Has violated any law, rule or regulation with respect to racing in any jurisdiction.
- (5) Has violated any rule, regulation or order of the Commission.





(b) The Commission may impose the penalties as prescribed by law if it finds that the experience, character or general fitness of any person is such that his or their participation in harness racing or related activities would be inconsistent with the public interest, convenience or necessity or with the best interests of racing generally.

(c) When any licensee or person subject to jurisdiction of the Commission shall be approached with an offer or promise of a bribe or with a request or a suggestion for a bribe or for any improper, corrupt or fraudulent act or practice in relation to a race or racing or with a suggestion that any race be conducted otherwise than in accordance with the rules and regulations of this Commission, it shall be the duty of such licensee or person to report such suggestion, offer, promise or bribe immediately to the Commission. Failure to so report shall subject such person or persons to the penalties prescribed by law and by these rules.

#### Cross References

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

### § 183.340. Undesirable persons.

Persons employed as security personnel shall possess the powers and duties of a peace officer with respect to the enforcement of the criminal laws of the Commonwealth within the race meeting grounds or enclosure. Such designated persons are also authorized and empowered to interrogate and eject from the race meeting grounds or enclosure any person suspected of violating any rule or regulation promulgated by the Commission. The Commission and any association licensed by the Commission may refuse admission to and eject from enclosure of the race track operated by any association, any person whose presence there is, in the sole judgment of the association or Commission, inconsistent with the orderly or proper conduct of a race meeting or whose presence or conduct is deemed detrimental to the best interest of harness racing.

#### Cross References

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

### § 183.341. Prohibition of wagering by certain officials and employes.

No Commissioner, secretary, deputy, officer, representative, employe or counsel of the Commission or any race official shall wager upon the outcome of any race conducted by an association.

#### Cross References

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.342. Conduct.**

All licensees and employes of the Commission are required to conduct themselves in a forthright, gentlemanly manner at all times while on or near the premises of an association during the operation of a licensed harness race meeting.

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.343. Financial responsibility.**

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

**Cross References**

This section cited in 58 Pa. Code § 183.335 (relating to wagers forbidden).

**§ 183.344. Searches within track premises.**

In order to assist in detection of illegal pari-mutuel betting by racing personnel, effectively prevent the use of improper racing devices, restrict the possession of dangerous weapons on racing premises, control the expanded traffic in unlawful drugs and drug related paraphernalia, maintain proper and adequate supervision of racing, and enforce the laws of this Commonwealth, the Commission, or its representatives, shall have the right and privilege to conduct a search within the areas of the track premises which any owner, trainer, driver, groom, vendor of racing equipment and service, or other licensee acting in their behalf, may occupy and to control including all personal property and effects and as a result of the search, the Commission, or its representatives, shall have the power and authority to seize an article, within the areas, which may be forbidden or be in violation of the rules and regulations of the Commission.

**Source**

The provisions of this § 183.344 adopted January 18, 1980, effective January 19, 1980, 10 Pa.B. 217.

**§ 183.345. Prohibition.**

(a) On the day a horse is programmed to race, no veterinarian or other person, singly or in concert with another person, unless otherwise provided by the Commission, shall prescribe for or administer to the programmed horse, a drug, medicant, stimulant, depressant, hypnotic or narcotic.

(b) A person licensed by this Commission who witnesses an act proscribed by subsection (a), shall report immediately to the presiding judge or State veterinarian the activity which he has witnessed and the person engaged therein.

(c) If, however, an emergency arises which involves the life or health of a horse so programmed, a person responsible for the horse or a veterinarian may

prescribe for or treat the horse; he shall report the matter to the presiding judge or State veterinarian at the track as soon as practicable.

**Source**

The provisions of this § 183.345 adopted September 26, 1980, effective September 27, 1980, 10 Pa.B. 3797.

**MEDICATION, PRERACE AND POST-RACE TESTING, PENALTIES  
FOR VIOLATIONS**

**§ 183.351. Prerace testing program.**

A prerace testing program may be established at a track designated by the Commission. The Commission shall operate the field laboratory located at the track and shall approve the reference laboratory affiliated with the program. For prerace testing the following procedures shall apply; all other testing regulations set forth in this section and not inconsistent with the herein prerace testing provisions shall remain in full force and effect and be used. Commission may charge fees to the associations for prerace testing.

(1) Blood samples shall be taken of every horse programmed to race, prior to the race in which it is programmed, for the purpose of determining the presence of any drug, stimulant, sedative, depressant or medicine.

(2) Blood samples shall be taken by the Commission veterinarian. The times at which the horses in each race shall be delivered to the paddock for the taking of the samples, as well as related procedures, shall be prescribed by the Commission veterinarian.

(3) Permission for the taking of prerace blood samples is mandatory and a horse may not be allowed to race if the taking of the sample is refused unless the Commission veterinarian, for good cause in his judgment, excuses the taking of the sample. During the taking of a sample the trainer or groom must be in attendance to manage the horse.

(4) Post-race urine, saliva or blood samples will also be taken of winning horses and other horses which may be designated under the provisions hereinafter set forth.

(5) Urine or saliva samples, or both may be taken of a horse whenever the prerace test is positive or when a blood sample has not been taken, or a urine, saliva and blood sample may be taken whenever, in the judgment of the Commission veterinarian or the Director of the field laboratory, a urine, saliva and blood sample is required for further analysis.

(6) Analyses of samples, prerace and post-race, taken under this section, may be made at the field laboratory and at the reference laboratory.

(7) Whenever there is a positive test result of a prerace test, the director of the field laboratory shall immediately notify the Commission veterinarian and the presiding judge and the presiding judge shall scratch the horse. If said posi-

tive test result is the only test result within 12 months prior to the present violation, the Judges presiding at the racing program may impose a fine in the amount of not less than \$100 nor more than \$250 dollars on the licensee and person, or both having control or care or custody, or both, of the horse which has the positive test or the person may be suspended and the matter referred to the Commission for hearing. If the present positive test is the second violation or more within 12 months prior to the present violation, the licensee and person or persons, charged with the violation shall be suspended and the matter referred to the Commission for hearing. The horses being trained by any person suspended under this section and §§ 183.352—183.363 may be assigned another trainer approved by the Presiding Judge having jurisdiction over the racing program or by the Commission.

(8) In a laboratory analysis of a specimen or sample of saliva, urine or blood, a positive result is the presence of a substance foreign to the natural horse except where tolerances and standards for such substance is established by the Commission.

(9) A person administering a drug, stimulant, sedative or depressant which results in a positive test shall be considered in violation of this section and §§ 183.352—183.363; subject to a fine or a suspension, or both.

(10) As a prerequisite to participating in a racing meet where prerace testing is in effect, a declaration of acceptance is required. The signer consents, both for himself or as the authorized agent of the owner of the horse, to permit a licensed veterinarian to obtain blood sample in the paddock prior to the race for the purpose of testing the sample before the race. The signer for himself and as agent for the owner of the horse hereby directs and consents to the scratching of the horse from the race in the event that the test is positive.

#### Source

The provisions of this § 183.351 amended September 28, 1979, effective September 29, 1979, 9 Pa.B. 3323.

#### Notes of Decisions

The fact that a horse trainer has a duty to guard against drug administration, 58 Pa. Code § 183.357, and that a veterinarian has a duty to prevent a drugged horse from racing, 58 Pa. Code § 183.356, does not relieve an owner of responsibility for administration of medication that resulted in a positive test since the regulations clearly also provide that fine or suspension may be imposed on any individual, 58 Pa. Code § 183.351(a), a licensed owner, 58 Pa. Code § 183.268, or the individual having control or custody, 58 Pa. Code § 183.352(b). *Reichard v. Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

#### Cross References

This section cited in 58 Pa. Code § 183.355 (relating to control of horse, presumption of knowledge); and 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**§ 183.352. Post-race saliva, urine and blood tests.**

(a) The winning horse in every heat or race or performance against time shall be subjected to a saliva, urine or blood test for the purpose of determining thereby the presence of a drug, stimulant, sedative, depressant or medicine. In addition, the judges at a meeting may order another horse in a heat or race to be subjected to the saliva, urine or blood test or another test for the purpose of determining thereby the presence of a drug, stimulant, sedative, depressant or medicine. Samples of saliva, urine or blood shall be taken by the Commission veterinarian or a person appointed by the Commission under the supervision of the Commission veterinarian. Commission laboratory shall conduct post-race testing and may charge fees.

(b) Whenever there is a positive result of a post-race test the purse shall be redistributed. If said positive test result is the only test result within 12 months prior to the present violation, the judges presiding at the racing program may impose a fine in the amount of not less than \$100 nor more than \$250 on the licensee or person having control or care or custody of the horse which has the positive test or the person may be suspended and the matter referred to the Commission for hearing. If the present positive test is the second violation or more within 12 months prior to the present violation, the licensee or person, charged with the violation shall be suspended and the matter referred to the Commission for hearing. The horses being trained by a person suspended under this rule may be assigned another trainer approved by the presiding judge having jurisdiction over the racing program or by the Commission.

**Source**

The provisions of this § 183.352 amended September 28, 1979, effective September 29, 1979, 9 Pa.B. 3323.

**Notes of Decisions**

Harness racing officials have discretion to impose either a monetary fine or suspension for horse trainer's first offense of having control, care or custody of horse which tested positive for drugs. *Delker v. Harness Racing Commission*, 581 A.2d 258 (Pa. Cmwlth. 1990); affirmed 590 A.2d 1360 (Pa. 1991).

Although Commission erroneously discussed Petitioner's liability in terms of being a trainer rather than horse owner or veterinarian, Petitioner was still liable as the person having control of the horse, 58 Pa. Code § 183.352(b), and under the standards for a veterinarian, 58 Pa. Code § 183.356 or a licensed owner, 58 Pa. Code § 183.268. *Reichard v. Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

The fact that a horse trainer has a duty to guard against drug administration, 58 Pa. Code § 183.357, and that a veterinarian has a duty to prevent a drugged horse from racing, 58 Pa. Code § 183.356, does not relieve an owner of responsibility for administration of medication that resulted in a positive test since the regulations clearly also provide that fine or suspension may be imposed on "any person", 58 Pa. Code § 183.351(a), a licensed owner, 58 Pa. Code § 183.268, or the "person or persons having control or custody," 58 Pa. Code § 183.352(b). *Reichard v. Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

**Cross References**

This section cited in 58 Pa. Code § 183.151 (relating to claiming regulations and procedures); 58 Pa. Code § 183.351 (relating to prerace testing program); and 58 Pa. Code § 183.355 (relating to control of horse, presumption of knowledge).

**§ 183.353. Presence of owner, trainer or authorized agent; split sample.**

(a) During the taking of the saliva, urine and blood sample by the Commission Veterinarian, or a person appointed by the Commission under the supervision of the Commission veterinarian, the owner, trainer or authorized agent of an owner may be present at all times. The absence of the owner, trainer or authorized agent of an owner shall not invalidate the procedures followed in taking the sample, nor shall the absence be the grounds for objection to Commission action based on a laboratory report resulting from the test of a sample taken in the absence of the owner, trainer or their authorized agent. The sample so taken shall be placed in two containers and shall be sealed and the evidence of the sealing indicated thereon by the signature of the Commission veterinarian or his assistant. The owner, trainer or their authorized representative may be present at the sealing of the split of the sample. The absence of the owner, trainer or their authorized agent may not in any way invalidate the procedures followed in splitting the sample nor shall the absence be the basis for objection to Commission action based on a laboratory report resulting from the test of split samples taken in the absence of the owner, trainer or their authorized agent. One part of the sample is to be placed in a depository under the supervision of the presiding judge, another agency the Commission may designate, or both, to be safeguarded until the time as the report on the chemical analysis of the other portion of the split sample is received.

(b) Should a prerace or post-race test be classified as positive, the Presiding Judge shall fix a time and place for hearing thereon for the day next following the day of receiving the positive report. In the event that the hearing should fall on a Sunday, the hearing shall be held the following day. Parties shall be afforded the opportunity to present testimony relating to the alleged violation. At the hearing or not later than noon of the day following the hearing the person charged with the violation shall elect whether to exercise a right and privilege to have the portion of the specimen known as a "split sample" sent to the Commission reference laboratory or to another laboratory which has been approved by the Commission for additional testing. Election may be stated on the record of the hearing or notice given in writing. If the owner or trainer does not claim the split sample for the purpose of having another laboratory conduct a test, the owner or trainer shall execute a waiver that the split sample will not be used in the proceeding. Failure to use the split sample shall not infringe upon a right or privilege of appeal. The owner or trainer shall bear costs of the independent test on that portion of the specimen which is known as the "split sample," including costs of packing and transportation, if any.

**Source**

The provisions of this § 183.353 amended September 26, 1980, effective September 27, 1980, 10 Pa.B. 3797. Immediately preceding text appears at serial page (51866).

**Notes of Decisions**

The fact that a horse trainer has a duty to guard against drug administration, 58 Pa. Code § 183.357, and that a veterinarian has a duty to prevent a drugged horse from racing, 58 Pa. Code § 183.356, does not relieve an owner of responsibility for administration of medication that resulted in a positive test since the regulations clearly also provide that fine or suspension may be imposed on “any person,” 58 Pa. Code § 183.268, or the “person or persons having control or custody,” 58 Pa. Code § 183.352(b). *Reichard v. Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

**Cross References**

This section cited in 58 Pa. Code § 183.355 (relating to control of horse, presumption of knowledge).

**§ 183.354. Post-race positive tests.**

Whenever a positive test discloses the presence of a drug, stimulant, sedative or depressant, the laboratory shall immediately notify the Commission.

**Cross References**

This section cited in 58 Pa. Code § 183.355 (relating to control of horse, presumption of knowledge).

**§ 183.355. Control of horse, presumption of knowledge.**

Whenever the test described in this section and §§ 183.351—183.354 discloses the presence of a drug, stimulant, depressant or sedative, in an amount whatsoever, it shall be presumed that the same was administered by the person having the control or care or custody, or both, of the horse and that the administering was done with the intent to affect the speed or condition of the horse and the result of the race in which it participated.

**Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**§ 183.356. Responsibility of a veterinarian.**

No veterinarian shall permit a horse in his care to be started if he knows or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has received a drug, stimulant, sedative, depressant, medicine or other substance that could result in a positive test.

**Notes of Decisions**

Although Commission erroneously discussed Petitioner's liability in terms of being a trainer rather than horse owner or veterinarian, Petitioner was still liable as the person having control of the horse, 58 Pa. Code § 183.352(b), and under the standards for a veterinarian, 58 Pa. Code § 183.356 or a licensed owner, 58 Pa. Code § 183.268. *Reichard v. Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

**Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**§ 183.357. Responsibility of a trainer.**

A trainer shall be responsible for the condition of the horses trained by him. No trainer shall start a horse or permit a horse in his custody to be started if he knows or if by the exercise of reasonable care he might have known or have cause to believe, that the horse has received a drug, stimulant, sedative, depressant, medicine or other substance that could result in a positive test. Every trainer shall guard or cause to be guarded each horse trained by him in a manner and for a period of time prior to racing the horse so as to prevent a person from administering a drug, stimulant, sedative, depressant or other substance resulting in a positive test.

**Notes of Decisions**

The Commission is not bound to accept its hearing officer's finding regarding whether horse trainer had administered narcotic to race horse. The Commission did not abuse its discretion by suspending the trainer's license for 2 years based on the administration of a narcotic to one of her horses. *Delker v. Harness Racing Commission*, 581 A.2d 258 (Pa. Cmwlth. 1990); affirmed 590 A.2d 1360 (Pa. 1991).

The fact that a horse trainer has a duty to guard against drug administration, 58 Pa. Code § 183.357, and that a veterinarian has a duty to prevent a drugged horse from racing, 58 Pa. Code § 183.356, does not relieve an owner of responsibility for administration of medication that resulted in a positive test since the regulations clearly also provide that fine or suspension may be imposed on "any person," 58 Pa. Code 183.351(a), a licensed owner, 58 Pa. Code § 183.268, or the "person or persons having control or custody," 58 Pa. Code § 183.352(b). *Reichard v. Harness Racing Commission*, 499 A.2d 727 (Pa. Cmwlth. 1985).

A trainer's argument that he could not be punished for merely failing to guard his horse without proof that he knew his horse had been drugged was without merit. *Marusco v. Harness Racing Commission*, 448 A.2d 662 (Pa. Cmwlth. 1982).

**Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**§ 183.358. Refusal to submit to test.**

No owner, trainer, driver or agent of the owner, having the care, custody, or control of a horse shall refuse to submit the horse to a saliva test or other tests as provided in this chapter or ordered by the judges.



**Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**§ 183.359. Report by veterinarians.**

(a) Every veterinarian practicing on the grounds of the Association shall keep a log of his activities which shall state:

- (1) The name of the horse treated by him.
- (2) The nature of the ailment of the horse.
- (3) The type of treatment prescribed and given by him to the horse.
- (4) The date and time of treatment.

(b) Every veterinarian shall, within 24 hours after treatment, report to the Commission office at the track the administering of a medication by him to a horse, whether it be by injection, or orally or otherwise.

(c) After a horse has been declared to start in a race, every veterinarian shall immediately report to the Presiding Judge a medication given by him and a copy of said report filed with the Commission office.

(d) Every veterinarian is responsible for removing from the track and destroying by burning or other approved method, all disposable instruments he has used at the track.

**Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**§ 183.360. Use of instruments.**

Every veterinarian practicing on the grounds of an Association, and every other person authorized to use instruments referred to in this section, shall conform to the following:

- (1) Use a new, unused, one-time disposable hypodermic needle for the administration of each injection of medication or another substance to a horse and shall forthwith, after each injection, dispose of the needle in a manner approved by the Commission.
- (2) Use a new, unused, disposable, one-time syringe for each injection that can be administered with a syringe and shall after each use, dispose of the syringe in a manner approved by the Commission.
- (3) Use a new, unused, disposable, one-time scalpel for each treatment of a horse requiring the use of an instrument, provided the disposable scalpel is adequate for the particular operation to be performed. After completion of each treatment, the veterinarian shall dispose of the scalpel in a manner approved by the Commission.
- (4) Use other new, unused, one-time disposable instruments as may be developed whenever the instruments are adequate for the treatments to be administered and dispose of them in a manner approved by the Commission.

(5) Nondisposable hypodermic syringes, nondisposable scalpels, lip tattoo equipment, forceps, and other types of instruments used in connection with the examination and treatment of, or administration of a medication or other substance to horses, including surgical tattooing, dental, and similar items, shall be properly cleaned and sterilized after each use in an autoclave approved by the Commission for a minimum period of time as established by the Commission and under pressure of 15 pounds per square inch.

(6) Each Association will furnish an autoclave of a type, model and capacity to be approved by the Commission and will maintain the autoclave at a convenient location on the premises of the Association so that each veterinarian will have ready access to the autoclave.

(7) Violations of this section may subject the veterinarian to expulsion from Association tracks and to other penalties prescribed by these sections.

#### **Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

### **§ 183.361. Winnings when rule is violated.**

All winnings of a horse in a race in which an offense was detected under any provisions of these §§ 183.351—183.363 (relating to medication, pre-race and post-race testing, penalties for violations) shall be forfeited and redistributed among the remaining horses in the race entitled to same. No such forfeiture and redistribution of winnings shall affect the distribution of the pari-mutuel pools, when such distribution of pools is made upon the official placing at the conclusion of the heat or dash.

### **§ 183.362. Authorization for possession of hypodermic needle or hypodermic syringe.**

No one except a physician, Commission Veterinarian, or a veterinarian licensed by the Commission may have a hypodermic needle or hypodermic syringe of any kind, type or description on his person or in his custody, control or possession or in the custody, control or possession of any of his employes except upon written authorization from the Commission.

#### **Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

### **§ 183.363. Injections.**

The drug, Butazolidin (Phenylbutazone), will be administered by injection only and not administered orally. All injections must be given by a veterinarian

licensed to practice by this Commission. Violations of this rule will subject the violator to a fine or suspension, or both.

**Cross References**

This section cited in 58 Pa. Code § 183.361 (relating to winnings when rule is violated).

**TIME AND RECORDS**

**§ 183.371. Electric timer; manual timer.**

In every race or performance against time, the time of each heat or dash shall be taken by an approved electric timing device and placed in the record in minutes, seconds and fifths of seconds and on the decision of each heat the time thereof shall be publicly announced or posted. In addition to the approved electric timing device, one manual timer shall be employed. No unofficial timing shall be announced or admitted to the record. If at any time the automatic timing device should fail, the decision of the manual timer as to the time of such heat or dash shall be official. If the manual timer fails to act, no time shall be announced or recorded for that heat or dash.

**§ 183.372. Error in announcement of time.**

In any case of alleged error in the record, announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor said horse or owner, except upon the sworn statement of the judges and timers who officiated in the race, and then only with the approval of the Commission.

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

In order that the performance thereon may be recognized, published as official, or both, every association shall forthwith cause to be filed with the Commission and The United States Trotting Association the certificate of a duly licensed civil engineer or land surveyor that he has, subsequently to January 1, 1963, measured the said track from wire to wire 3 feet out from the pole or inside hub rail thereof and certifying in linear feet the result of such measurement. Each track shall be measured and recertified in the event of any changes or relocation of the hub rail.

**§ 183.374. Leading horse timed.**

The leading horse shall be timed and his time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless a horse is declared a winner by reason of the disqualification of a breaking horse on which he was lapped.

**§ 183.375. Time in dead heat.**

In case of a dead heat, the time shall constitute a record for the horses making the dead heat and both shall be considered winners.

**§ 183.376. Time taken from starting point.**

The time shall be taken from the first horse leaving the starting point, from which the distance of the race is measured, until the winner reaches the wire.

**§ 183.377. Fraudulent misrepresentation of time.**

Any person who shall be guilty of fraudulent misrepresentation of time or the alteration of the record thereof in any public race or performance against time shall be penalized and the time declared not a record.

**§ 183.378. Time performance.**

A record can be made only in a public race or performance against time. In a performance against time the United States Trotting Association Rule 24 shall apply.

**FINES, SUSPENSIONS, EXPULSIONS AND APPEALS****§ 183.391. Suspension pending payment of fines.**

All persons who shall have been fined under these rules shall be suspended until said fine shall have been paid in full, or other arrangements have been made with the Commission.

**§ 183.392. Record and payment of fine.**

Written or printed notice of all fines and other penalties imposed by the judges or starter shall be delivered to the person penalized, notice shall be posted immediately at the office of the association, and notice shall be forwarded immediately to the Commission and the United States Trotting Association by the Presiding judge or clerk of the course. All fines which are collected shall be reported and paid to the Commission upon the day collected.

**§ 183.393. Suspension for less than 5 days; completing engagement.**

When the penalty is for a driving violation and does not exceed in time a period of 5 racing days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. Such driver may drive in Stakes, Futurities, Early Closing and feature races, during a suspension of 5 days or less, but the suspension will be extended one day for each date he drives in such a race. All suspensions shall apply only to racing days.

**§ 183.394. Meaning of suspension or revocation.**

Whenever the penalty of suspension or revocation is imposed, it shall mean unconditional exclusion and disqualification from time of receipt of written notice from any participation, either directly or indirectly, in the privileges and uses of the course and grounds of an association during the progress of a race

meeting, unless otherwise specifically limited when such penalty is imposed. A suspension, revocation or denial of a license, or expulsion of either a husband or wife may apply in each instance to both the husband and wife. The penalty becomes effective when notice is given unless otherwise specified.

**§ 183.395. Competition by horse owned or controlled by a person under suspension, and the like.**

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

**§ 183.396. Fraudulent transfer of horse.**

The fraudulent transfer of a horse by any person or persons under suspension in order to circumvent said suspension shall constitute a violation.

**§ 183.397. Association permitting suspended person or disqualified horse to compete.**

No association shall permit a suspended, disqualified or excluded person to drive in a race, or a suspended or disqualified horse to start in a race or a performance against time.

**§ 183.398. Notice of exclusion.**

Whenever a person is excluded from a track by an association, the Commission shall be notified. The Commission in turn shall notify all other associations in the Commonwealth and may notify the United States Trotting Association.

**§ 183.399. Employment or retention of excluded person.**

No expelled, suspended, disqualified or excluded person shall act as an officer of an association. An association shall not, after receiving notice of such penalty, employ or retain in its employ, an expelled, suspended, disqualified or excluded person at or on the track during the progress of a race meeting.

**§ 183.400. Stay of enforcement.**

In the event a penalty is imposed by the officials, the Commission may grant a stay of the enforcement of such penalty until an appeal, if filed, is decided.

(1) The appeal will be filed on form called a "Notice of Appeal and Request for a Stay" provided by the Commission or upon presentation of a similar request in writing. The stay, if granted, will be at such a time or for such a duration designated by the Executive Secretary of the Commission. The Commission may require the posting of suitable security, which may be withheld in whole or in part if the appeal was frivolous or without foundation.

(2) The appeal must be filed within ten days after written notice of the decision or penalty from which the appeal is taken. It shall be filed at any Commission office, but in cases in which it is filed at a track office of the Commission, the main Commission office in Harrisburg, Pennsylvania shall be notified by telephone.

(3) The reasons stated in the appeal must be specific.

**§ 183.401. Penalties by other jurisdictions.**

All penalties imposed by the United States Trotting Association or the racing commissions of the various states shall be recognized and enforced by the Commission unless application is made for a hearing before the Commission at which time the applicant may show cause as to why such penalty should not be enforced against him in this Commonwealth. If a hearing is granted, the Commission may delay enforcement of the penalty.

**§ 183.402. Dishonored checks.**

Any person who pays an entry, a fine or other claim to the Commission or any entry, claim, or fine to an association or racing official by a draft, check, order or other paper, which upon presentation is protested, payment refused, or otherwise dishonored, may, by order of the Commission, be subject to a fine not exceeding the amount of said draft, check or order, and the winnings of the horse or horses declared illegal and said persons and horses suspended until the dishonored amount and fine are paid and the illegal winnings returned.

**§ 183.403. Modification of penalty imposed by another jurisdiction.**

When the Commission receives notice that a person or horse, or both, has been penalized by a State racing commission or by the United States Trotting Association, the Commission may, for good cause shown and upon consideration of the record of the proceedings had before such other State racing commission or by the United States Trotting Association, modify or so mould the penalty imposed to define the applicability thereof within this jurisdiction. Provided further that, whether or not a penalty has been imposed by another racing commission or the United States Trotting Association, this Commission may make original inquiry and take original jurisdiction in any case.

**§ 183.404. Appeal to Commission from rulings of officials.**

(a) All decisions and rulings of the Executive Secretary of the Commission, judges or other race officials of any race may be appealed to the Commission within 10 days after notice of such decision or ruling. The appeal may be taken upon any question in the conduct of a race, interpretation of the rules, decisions relative to the outcome of a race, application of penalties or other action affecting owners, drivers or horses, but it must be based on a specific charge which, if true, would warrant modification or reversal of the decision.

(b) The Commission may vacate, modify or increase any penalty imposed by the judges. In the event an appellant fails to appear at the hearing on his appeal without good cause, he may be further penalized. The Commission will have the right to review any decisions or penalties imposed by the officers of the United States Trotting Association, officials of the racing meets or of the district board.

**§ 183.405. Appeals to be in writing.**

All appeals shall be in writing and sworn to before a Notary Public, one of the judges of the meeting or a Commission representative.

**§ 183.406. Hearing of appeals.**

All appeals shall be heard promptly.

**PROTESTS**

**§ 183.421. Protests.**

Protests may be made only by an owner, manager, trainer or driver of one of the contending horses at any time before the winnings are paid. Protests shall be reduced to writing and sworn to before a judge of the meeting or a Notary Public, and shall contain at least one specific charge which, if true, could prevent the horse from winning or competing in the race.

**§ 183.422. Testimony under oath.**

The judges shall, in every case of protest, demand that the driver and the owner or owners, if present, immediately testify under oath and, in case of their refusal to do so, the horse shall not be allowed to start or continue in the race, but shall be ruled out, with a forfeit of entrance money.

**§ 183.423. Continuing race under protest.**

Unless the judges find satisfactory evidence to warrant excluding the horse, they shall allow him to start or continue in the race under protest, and the premium, if any is won by that horse, shall be held by the Association until the Commission has determined the merits of the protest.

**§ 183.424. False protests, failure to protest.**

Any person found guilty of protesting falsely and without cause or merely with intent to embarrass a race, or who does not file a protest notwithstanding that he has knowledge which would warrant the filing thereof, shall be penalized hereunder.

**§ 183.425. Purse held in trust where appeal or protest filed.**

In case of an appeal or protest, the purse money affected shall be deposited by the association in a Trust Fund pending the decision of the appeal.

**§ 183.426. Refusal to accept protest or act as witness.**

No judge may refuse to accept a protest or appeal or act as a witness for a person seeking to swear to a protest or appeal.

**DISTRIBUTION OF POOLS****§ 183.441. Distribution of pools.**

No protest, appeal or other of these rules shall affect the distribution of the pari-mutuel pools when such distribution is made upon the official placing at the conclusion of the heat or dash.

**PRACTICE BEFORE THE COMMISSION****§ 183.451. Definitions.**

The following words and terms, when used in these §§ 183.451—183.466 (relating to practice before the Commissioners) shall have the following meanings, unless the context clearly indicates otherwise:

*Adjudication*—Any final order, decree, decision, determination or ruling by the Commission affecting the rights, privileges, immunities or obligations of any licensee.

*Applicant*—One who requests permission, authorization, or approval.

*Charge*—Any allegation in the citation of specific illegal or unethical conduct on the part of the licensee, or a violation of the Law or the Rules and Regulations promulgated thereunder.

*Citation*—A notice of the time and place of hearing and a formal listing by the Commission of any charges against any licensee.

*Commission*—Pennsylvania State Harness Racing Commission.

*Complainant*—One who complains of any commission regulation or general order or anything done, omitted or about to be done or omitted in violation, or claimed violation, of any law which the Commission has jurisdiction to administer or of any Commission rule, regulation or order.

*Complaint*—Any written statement of facts under oath submitted by any person which accuses the licensee of any violation of the law or of the rules and regulations promulgated thereunder.

*Information*—Any data indicating any violation of the law or of the Rules and Regulations promulgated thereunder which are collected by or presented to the Commission.

*Intervener*—One permitted to intervene in any proceeding.

*Licensee*—Any person holding a license issued by the Commission.

*Party*—Includes the Commonwealth, the Commission, complainant, and an applicant who is refused a license, a licensee whose license is suspended or revoked or any person designated in a citation as the respondent.



*Person*—Includes any individual or organized group of any character including partnership, corporations or other forms of association.

*Petitioner*—One seeking relief not otherwise classified herein.

*Pleading*—Any application, complaint, petition, answer, protest or reply.

*Proof of Service*—A certificate of service signed by a party or by his attorney, specifying the time and manner of service and the parties served.

*Respondent*—One against whom a complaint is filed or against whom an investigation or other proceeding on Commission motion is addressed.

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

### § 183.452. Dockets.

The official docket and all original papers pertaining to any proceeding instituted before the Commission shall be kept at the principal office of the Commission in Harrisburg, Pennsylvania. Such papers and instruments are available for public viewing but may not be removed from the dockets.

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); 58 Pa. Code § 183.67 (relating to duties of starter); and 58 Pa. Code § 183.451 (relating to definitions).

### § 183.453. Complaints.

Complaints shall be filed with the Commission at its principal office in Harrisburg, Pennsylvania. Complaints shall contain all pertinent information known to the complainant.

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); 58 Pa. Code § 183.67 (relating to duties of starter); 58 Pa. Code § 183.451 (relating to definitions); and 58 Pa. Code § 183.456 (relating to refusal, suspension or revocation of license with prior hearing).

### § 183.454. Refusal, suspension or revocation of license without prior hearing.

(a) Where a license is to be refused, suspended or revoked, the Commission may either refuse, suspend, or revoke such license for cause without a prior hearing.

(b) Notice by the Commission that an application for a license is refused or that a license has been suspended or revoked shall be in writing and shall contain the reasons for such refusal, suspension or revocation.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); 58 Pa. Code § 183.67 (relating to duties of starter); 58 Pa. Code § 183.451 (relating to definitions); and 58 Pa. Code § 183.455 (relating to hearing demanded by applicant or licensee).

**§ 183.455. Hearing demanded by applicant or licensee.**

(a) An applicant who has been refused a license or a licensee whose license has been suspended or revoked under § 183.454 (relating to refusal, suspension or revocation of license without prior hearing) may demand a hearing. The Commission shall promptly give notice of a time and place for such hearing.

(b) A demand for a hearing must be received by the office of the Commission, Harrisburg, Pennsylvania, no later than the tenth day after the application for a license has been refused or a license has been suspended or revoked. The ten days shall begin to run from the day notification of such refusal, suspension or revocation is served.

(c) Unless a stay of the order of the Commission is granted, the determination to refuse, suspend, or revoke a license shall remain in full force and effect pending final determination on the hearing.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); 58 Pa. Code § 183.67 (relating to duties of starter); and 58 Pa. Code § 183.451 (relating to definitions).

**§ 183.456. Refusal, suspension or revocation of license with prior hearing.**

(a) Upon receipt of a complaint filed under the provisions of § 183.453 (relating to complaints) or upon information, the Commission shall decide whether a citation should be issued against the licensee. Such citation may be signed by the Commission Chairman or the Executive Secretary of the Commission.

(b) The citation shall recite:

(1) The time, place and nature of the hearing.

(2) The provisions alleged to have been violated.

(3) A clear and concise factual statement sufficient to inform each party with reasonable definiteness of the type of acts or practices alleged to have been committed.

(c) In fixing the times and place for hearings, due regard shall be had for the convenience of the parties and their representative.

**Notes of Decisions**

A "Procedure Before Judges" notice does not have to include a "clear and concise factual statement sufficient to inform with reasonable definiteness of the type of acts or practices alleged to have been committed." *Frizalone v. Harness Racing Commission*, 535 A.2d 288 (Pa. Cmwlth. 1987).

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.457. Motion to strike, dismiss or amplify.**

(a) A party deeming a pleading insufficient in form may file with the Commission a motion to strike. A party deeming a pleading insufficient in substance, or desiring to question the jurisdiction of the Commission, may file with the Commission a motion to dismiss.

(b) A party deeming the allegations of fact in a pleading to be so insufficiently averred that adequate answer to the pleading is impossible, may file with the Commission a motion for amplification or for more specific allegations.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.458. Appearances.**

(a) An individual or member of a partnership named a party in a proceeding before the Commission may appear on behalf of himself or of the partnership upon adequate identification. A party corporation or association may be represented by a bona fide officer thereof upon showing of adequate authorization.

(b) A party may be represented by an attorney admitted to practice before the Supreme Court of Pennsylvania or the highest appellate court of another state. The attorney shall file his appearance with the Commission.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.459. Service.**

The Commission shall serve a copy of a citation or notice of hearing upon each respondent, together with a notice to satisfy the citation or answer the same in writing within 10 days after such service except when otherwise designated by the Commission. Personal service or service by registered or certified mail shall be proper. When service is by mail, the date of mailing shall be the date of service. When any party has been represented by an attorney, service upon such attorney shall be deemed service upon the party.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.460. Continuances.**

(a) Applications for continuance made prior to the hearing shall be in writing, shall set forth the reasons therefore, and shall be filed with the Commission in Harrisburg 4 days prior to the time fixed for hearing. Notice of such application shall be given to all parties or their attorneys. At the time of the hearing, applications for continuance may be made orally.

(b) When application is made for a continuance because of the illness of an applicant, licensee, witness or counsel, such application shall be accompanied by a medical certificate attesting to such illness and inability to appear.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.461. Investigations.**

No process, requirement of a report, inspection or other investigative act or demand shall be issued, made or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain, or procure, on payment of lawfully prescribed costs, a copy or transcript thereof.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.462. Witnesses and subpoenas.**

(a) Witnesses at all hearings shall be examined orally under oath or affirmation and a record of the proceeding shall be made and kept by the Commission. If any witness resides outside the Commonwealth, or through illness or other cause is unable to testify before the Commission or its trial examiner, his testimony may be taken within or without this Commonwealth in a manner substantially similar to that prescribed by the Pennsylvania Rules of Civil Procedure for the taking of depositions.

(b) Subpoenas as authorized by law shall be issued in blank over the seal of the Commission to any party, upon demand made to the Commission in Harrisburg, Pennsylvania.

(c) Witness and mileage fees shall be paid by the party at whose instance the witnesses are called.

**Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

**§ 183.463. Commission hearings.**

(a) The Commission, or any member thereof, may conduct hearings or the Commission may designate the Executive Secretary, General Counsel or any other qualified person to act as a hearing examiner.

(b) Members, officers or agents presiding at hearings shall have authority to:

- (1) Administer oaths and affirmations.
- (2) Issue subpoenas authorized by law.
- (3) Rule upon offers of proof and receive relevant evidence.
- (4) Take or cause depositions to be taken whenever the ends of justice would be served thereby.
- (5) Regulate the course of the hearing.
- (6) Hold conferences, where appropriate, for the settlement or simplification of issues by consent of the parties.
- (7) Dispose of procedural requests or similar matters.
- (8) Participate in making decisions.
- (9) Take any other action authorized by these rules.

(c) A decision shall be made and an adjudication issued thereon solely on the basis of the evidence introduced at the hearing and from all other documents and matters of record introduced into evidence.

(d) Proponents of the hearing shall have the burden of proof.

(e) Technical rules of evidence need not be followed at the hearing, but all testimony shall be taken under oath and all irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(f) At any time after the service of process any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be delivered with the request. The Commission shall thereafter rule on the request and designate the time for reply.

(g) Bills of particulars may be required or denied by the Commission in its discretion in any manner, hearing or controversy pending before it.

(h) If, at the time and place scheduled for hearing, all parties to the record are not in attendance whether in person or by counsel, the matter may be heard ex parte.

(i) A licensee who shall have been cited to show cause why his license should not be suspended or revoked may waive in writing the hearing fixed thereon. Such waiver shall constitute an admission of the charges contained in the citation and an authorization to the Commission to enter a final order or decree.

(j) Contemptuous conduct shall be ground for exclusion from the hearing.

(k) Motions made during a hearing and objections with respect to the conduct of a hearing, including objection to the introduction of evidence, shall be stated orally and shall be included in the record of the hearing. Argument shall not be

included in the record unless the Commission member, officer or agent presiding at the hearing shall so direct.

(l) At the conclusion of the hearing, all parties shall be afforded an opportunity thereafter to submit briefs and requests for findings of fact and conclusions of law prior to adjudication. Copies of any brief or requests so submitted shall be served upon all parties to the proceedings and proof thereof filed with the Commission. On the basis of such briefs or requests, any party may request oral argument before the Commission. Upon such request or upon his own motion, the Commission member, officer or agent presiding at the hearing, may order oral argument, upon due notice to all parties of the time and place of argument.

(m) Any petition for further hearing, for reopening or for rehearing, reconsideration or modification of a Commission order must be filed within the 30-day period allowed for an appeal from an adjudication and shall be in writing setting forth in numbered paragraphs the findings or orders of the Commission that may be involved, the points relied upon by the petitioner, appropriate record reference, and specific requests for the findings or orders desired. If the petition be for further hearing or for reopening the proceeding to take further evidence, the nature and purpose of the evidence to be adduced must be briefly stated.

(n) The Commission may, and upon its own motion reopen a hearing after notice to all parties and take further testimony at any time in which the record is within its control.

(o) A record of all testimony and exhibits, together with all papers, documents of record, and requests filed in the proceedings, shall constitute an exclusive record for decision. The record may either be in the form of a stenographic transcript or a recording of the proceedings preserved on tape, wire or other suitable recording device. The Commission shall not be required to make a transcript of the stenographic notes or recording unless an appeal is filed with the Commonwealth Court of Pennsylvania. Transcripts shall be available at prevailing rates. No partial transcripts or transcripts of uncompleted hearings shall be furnished. Where any Commission decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

#### **Cross References**

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

#### **§ 183.464. Decisions.**

(a) Within 30 days after the conclusion of the hearing, the Commission shall issue a written order. The Commission may also, in its discretion, render a written adjudication including a statement of findings of fact and conclusion of law, with the reasons or basis therefor. All orders and adjudications shall be based

upon a consideration of the whole record and be supported by reliable, probative and substantial evidence. A minority opinion may be submitted and shall become part of the record.

(b) All orders and adjudications shall be served upon all the parties or their counsel. If service is made by mail, the date of mailing will be the date of service.

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

### § 183.465. Appeals.

(a) Within 30 days after service of a final adjudication or order of the Commission, or the imposing of a monetary fine, or of an order of the Commission refusing a petition for rehearing or reconsideration, or of an order following a rehearing or reconsideration, any party shall have the right of appeal therefrom to the Commonwealth Court of Pennsylvania. Such appeal shall be reviewable in accordance with the act of June 4, 1945 (P. L. 1388, No. 442) (71 P. S. §§ 1710.1—1710.51) (Repealed) otherwise known as the Administrative Agency Law.

(b) Parties interested jointly, severally, or otherwise in the same adjudication may join in an appeal therefrom even though all of the interested parties do not join.

(c) A fine may be collected in an action of assumpsit.

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

### § 183.466. Consolidation or severance.

Any two or more proceedings may be consolidated by the Commission in its discretion, and proceedings may be severed.

#### Cross References

This section cited in 58 Pa. Code § 183.62 (relating to duties of judges); and 58 Pa. Code § 183.67 (relating to duties of starter).

## PROCEDURE BEFORE JUDGES

### § 183.481. Notice required.

Before any penalty may be imposed by a Judge under the provisions of this subpart, notice in writing must be given to the party to be charged with a violation.

**Cross References**

This section cited in 58 Pa. Code § 183.482 (relating to contents of notice).

**§ 183.482. Contents of notice.**

The notice required by § 183.481 (relating to notice required) hereof shall indicate:

- (1) The infraction for which he is charged.
- (2) The time and place of hearing.

**§ 183.483. Presence of judges at hearing.**

At least the presiding judge and one associate judge shall be present at a hearing.

**§ 183.484. Testimony.**

All testimony at such hearing shall be given under oath and a record shall be made of the hearing either by use of a tape recorder or the transcript of a court reporter.

**§ 183.485. Hearing.**

No final determination shall be made by the Judges until the hearing is completed and all the evidence has been received and the party charged has been given the opportunity to hear all of the evidence presented against him in order to offer an explanation or defense thereto.

**§ 183.486. Original record.**

The original record of the hearing shall be preserved for 30 days. It shall be delivered to the Commission upon request. The record shall state the date and manner that written notice thereof was given.

**§ 183.487. Review and appeal.**

The Commission may investigate, consider and review any decision or ruling of the judges upon its own motion or upon the request of an aggrieved party. An appeal by an aggrieved party from the decision or ruling of judges must be made in writing within ten days following service of written notice of such decision or ruling. The appeal must be sworn to before a Notary Public or one of the judges presiding at the meeting.

**AUTHORITY OF SECRETARY****§ 183.501. Executive Secretary of the Commission.**

(a) The Executive Secretary appointed by the Commission shall be representative at large of the Commission. He shall have general supervision over all race officials, licensees and employes or appointees of the Commission. He shall



supervise the licensing of all those persons required to be licensed by the Commission and supervise the security provisions of all associations. He shall generally supervise the conduct of the racing, the pari-mutuel operations and the testing of horses. His authority is extended to cover all powers and duties of the Commission, subject to review by the Commission, and except for such limitations expressly stated in the law. He shall have the authority to conduct inquiries and in connection therewith to issue subpoenas to compel the attendance of witnesses and the production of all relevant and material reports, books, papers, documents, correspondence and other evidence. He shall at all times have access to all parts of the course, plant and grounds, including the pari-mutuel department. The compensation of the Executive Secretary shall be fixed and paid by the Commission.

(b) The Executive Secretary of the Commission shall have authority to issue orders of the Commission and to certify copies of all papers and documents which are a part of any files or records of the Commission.

(c) The Executive Secretary of the Commission shall be responsible for the efficient and orderly discharge of all administrative matters including the keeping of Commission journals, the minutes of Commission meetings and files. He shall be permitted to attend all hearings, meetings and deliberations of the Commission.

(d) The Commission may appoint such Deputies and Assistants to the Executive Secretary or stewards as it may deem necessary who shall have the same authority as the Executive Secretary in his absence but such assistants, deputies or stewards shall be junior in authority to the Executive Secretary at all times.

(e) The Executive Secretary may suspend, refuse, revoke and/or fine any licensee for just cause and the applicant may appeal the decision of the Executive Secretary to the Commission.

#### CONSTRUCTION AND AMENDMENTS OF RULES

##### § 183.511. Construction and amendments of rules.

(a) The provisions of this part are intended to aid the efficient operation of the Commission and the orderly administration of the law. They shall be liberally construed for the accomplishment of these purposes and may be waived or suspended by the Commission at any time and in any proceeding unless such action results in depriving a party of substantial rights.

(b) Any rule or regulation may be amended or rescinded by the Commission at any time in accordance with law.

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