



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 70—Conduct of Races

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

Chapter 70—Conduct of Races

11 CSR 45-70.010 Rules of Racing—Harness

PURPOSE: This rule adopts rules of racing for harness racing.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost not more than the actual cost of reproduction.

(1) Eligibility and Classification.

(A) A horse is ineligible when—

1. The horse's United States Trotting Association (U.S.T.A) or Canadian Trotting Association (C.T.A.) eligibility certificate has been determined not to be proper or in order;

2. The horse has not been registered as standard or nonstandard with the United States Trotting Association;

3. The horse is not fully identified by an official tattoo on the inside of the upper lip;

4. With respect to a horse who is entered for the first time, the nominator has failed to identify the horse by name, color, sex and age and the names of his/her sire and dam as registered;

5. The horse is brought to the paddock not in the care of its trainer or his/her licensed designee;

6. The horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo;

7. The horse is wholly or partially owned by a disqualified person or is under the management of a disqualified person;

8. The horse has no current negative Coggins test certificate attached to the registration certificate;

9. The stakes or entrance money for the horse has not been paid;

10. The horse appears on the starter's list, judges' list or veterinarian's list;

11. The horse is owned in whole or in part by an undisclosed person or interest;

12. The horse is subject to a lease not filed with the judges;

13. The horse is not in sound racing condition;

14. The horse has been nerved by surgical neurectomy, except in the case of heel nerves upon commission veterinarian approval;

15. The horse has been trachea-tubed to artificially assist his/her breathing;

16. The horse has been blocked with alcohol or otherwise drugged to desensitize the nerves above the ankle; and

17. The horse has impaired eyesight in both eyes.

(B) All matters relating to registration of standardbred horses shall be governed by Rule 26 of the United States Trotting Association.

(C) The association may refuse to accept any declaration without the eligibility certificate for the proper gait first being presented. Telegraphic or telephone declarations may be accepted without penalty, provided the declarer furnished adequate program information, but the eligibility certificate must be presented when the horse arrives at the track before s/he races. The racing secretary shall check each certificate and certify to the judges as to the eligibility of all horses. Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in normal preference cycles. Where the word preferred is used in a condition it shall not supersede date preference.

(D) Date When Eligibility is Determined.

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

2. In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

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

(F) Prior to the declaration, owners of horses having Canadian eligibility certificates shall furnish the racing secretary a Canadian eligibility certificate completely filled out for the current year, with a U.S.T.A. Validation Certificate attached.

(G) Horses coming from a country other than Canada shall provide the following information certified by the trotting association or governing body of that country from which the horse comes: The number of starts during the preceding and current years together with the number of firsts, seconds and thirds and the total amount of money won during this period.

(H) For purposes of eligibility, a racing season or racing year shall be the calendar year. In recording winnings, gross winnings

will be used and odd cents will be dropped and disregarded.

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

(J) 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. The distribution shall not affect the current eligibility until placed on the next eligibility certificate.

(K) The racing secretary may reject the declaration on any horse whose—

1. Eligibility certificate was not in his/her possession on the date the condition book is published; or

2. Past performance indicates that s/he would be below the competitive level of other horses declared.

(2) Substitute races may be provided for each day's program and shall be so designated.

(3) A horse qualifying in a qualifying race for which no purse is offered shall not be deprived, by reason of this performance, of his/her right to start in any conditioned race.

(4) The definition of the word start in any type of condition unless specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

(5) All entries must—

(A) Be made in writing;

(B) Be signed by the owner or his/her authorized agent, except as provided in this rule;

(C) Have listed the name and address of both the bona fide owner and agent or registered stable name or lessee;

(D) Be given the name, color, sex, sire and dam of horse; and

(E) Have named the event(s) in which the horse is to be entered.

(6) Starting fees shall be due at time of declaration and payable not later than one (1) hour prior to post time of the race to be contested. The starting fee will not be refunded if the horse fails to start unless the horse dies between time of declaration to start and start of race.

(7) Receipt of Entries.

(A) All entries not actually received at the hour of closing shall be ineligible, except entries by letter bearing postmark not later than the following day (omitting Sunday) or



entries notified by telegraph, the telegram to be actually received at the office of sending at or before the hour of closing, stating such information as required in this rule. Whenever an entry or payment in a stake, futurity or early closing race becomes pay-able on a Sunday or a legal holiday that falls on Saturday, the payment is due on the following Monday and if made by mail shall be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, the payment is due on Tuesday and if made by mail must be postmarked on or before the following Wednesday.

(B) When an entry is received bearing the postage meter date without any postmark, the postage meter date shall be considered to be a postmark for the purpose of this rule if the letter is actually received within seven (7) days following the closing date of the event. Receipt subsequent to this time of an entry by letter bearing the metered postmark date shall not be a valid entry. The metered date must conform to the postmark date as previously set forth in order to be valid.

(C) A complete list of nominations to any late closing race or early closing event shall be published within twenty (20) days after the date of closing and mailed to each nominator. If subsequent payments are required, a complete list of those withdrawn or declared out shall be made within fifteen (15) days after the payment was due. If the event does not fill, each nominator shall be notified within ten (10) days and refund of nomination fees shall accompany the notice.

(8) Transfer Provisions for Change of Gait.

(A) If conditions published for early closing events allow transfer for change of gait, the transfer shall be to the slowest class for which the horse is eligible at the adopted gait; eligibility to be determined at time of closing of entries. The race to which transfer may be made must be the one nearest the date of the event originally entered.

(B) Two (2)-year olds, three (3)-year olds or four (4)-year olds entered in classes for their age may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event originally entered; entry fees to be adjusted.

(9) Declarations.

(A) Unless otherwise specified in the conditions, the declaration time shall be 9:00 a.m.

(B) No horse shall be declared to start in more than one (1) race on any one (1) racing day.

(C) The association shall provide a locked box with an aperture through which declarations shall be deposited.

(D) No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present when declarations are drawn. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, the preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(E) Declarations by mail, telegraph or telephone, actually received and evidence of which is deposited in the box before the time specified to declare, shall be drawn in the same manner as the others.

(F) Drawings shall be final unless there is conclusive evidence that a horse properly declared was omitted from the race through the error of an association or its agent or employee in which event the horse shall be added to the race but given the last post position, provided the error is discovered prior to scratch time or the printing of the program, whichever is sooner. However, in the case of early closers of more than ten thousand dollars (\$10,000) and stake and futurity races, the race shall be redrawn.

(10) Qualifying Races.

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

(B) The judges may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which s/he will compete, in the event adequate competition is not available for a qualifying race. A horse that is on the judge's list for breaks or refusing to come to the gate must qualify in a qualifying race.

(C) Where a race is conducted for the purpose of qualifying drivers only, the race need not be charted, timed or recorded.

(D) If a horse takes a win race record in a qualifying race, the record must be prefaced with the letter "Q" wherever it appears.

(E) Any horse that fails to race at a charted meeting within thirty (30) days after having started in a current year shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start.

(11) Coupled Entries.

(A) When the starters in a race include two (2) 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 (1) horse in the entry shall be a wager on all horses in the entry.

(B) If the race is split into two (2) or more divisions, horses in an entry shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions shall be drawn by lot. The previous provision shall also apply to elimination heats.

(C) The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to protect the public interest.

(12) Preference.

(A) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which s/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) If an error has been made in determining or posting a preference date and this error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one (1) hour of the announcement of the draw. If in fact a preference date error has occurred, the race shall be redrawn.

(13) A horse that is unfit to race because s/he is dangerous, unmanageable, sick, lame or unable to show a performance to qualify for races at the meeting or otherwise unfit to race at the meeting may be placed on a judge's list by the presiding judge and declarations on the horse shall be refused. When any horse is placed on the judge's list, the clerk of the course shall make a note on the eligibility certificate of the horse showing the date the horse was put on the judge's list, the reason and the date of removal if the horse has been removed.

(14) Starting.

(A) The starter shall have control of the horses from the formation of the parade until s/he gives the word go.

(B) After one (1) or two (2) preliminary warming up scores, the starter shall notify the drivers to proceed to the starting gate. During or before the parade, the drivers shall be informed as to the number of scores permitted.



(C) The horses shall be brought to the starting gate as near one-quarter (1/4) of a mile before the start as the track will permit.

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

(E) There shall be no recall after the word go has been given and any horse, regardless of his/her position or an accident, shall be deemed a starter from the word go.

(F) The starter may sound a recall only for the following reasons:

1. A horse scores ahead of the gate;
2. There is interference;
3. A horse has broken equipment; and
4. A horse falls before the word go is given.

(G) No persons shall be allowed to ride in the starting gate except the starter and his/her driver or operator and a patrol judge, unless permission has been granted by the commission.

(H) Horses may be held on the backstretch not to exceed three (3) minutes awaiting post time, except when delayed by an emergency.

(I) In the event there are two (2) 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.

(J) 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. A horse shall be considered unmanageable if the horse causes more than one (1) recall in the same dash or heat and the horse may be excused by the starter.

(K) The starter may place a bad acting horse on the outside at his/her discretion. This action may be taken only where there is time for the starter to notify the judges who will in turn notify the public prior to the sale of tickets on the race. If tickets have been sold, the bad acting horse shall be scratched under the previously mentioned provisions.

(L) The horse winning a heat shall take the pole (or inside position) for the succeeding heat, unless otherwise specified in the published conditions and all others shall take their positions in the order they were placed in the last heat. When two (2) or more horses

shall have made a dead heat, their positions shall be settled by lot.

(15) Racing and Track Rules.

(A) Although a leading horse is entitled to any part of the track, except after selecting his/her position in the home stretch, no driver shall—

1. Change either to the right or left during any part of the race when another horse is so near him/her that in altering his/her position s/he compels the horse behind him/her to shorten his/her stride or causes the driver of the other horse to pull him/her out of his/her stride;

2. Jostle, strike, hook wheels or interfere with another horse or driver;

3. Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;

4. Swerve in and out or pull up quickly;

5. Crowd a horse or driver by putting a wheel under him;

6. Carry a horse out 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 or do any other act which constitutes what is popularly known as helping;

7. Let a horse pass inside needlessly;

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

9. Commit any act which shall impede the progress of another horse or cause him/her to break;

10. 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/her to change course or take back;

11. Drive in a careless or reckless manner;

12. Whip under the arch of the sulky;

13. Kick the horse; and

14. Drivers must set or maintain a pace comparable to the class in which they are racing. Failure to do so by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing or general outcome of the race will be considered a violation of this section.

(16) Complaints and Reports of Interference.

(A) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of the rules, before dismounting must indicate to the judges his/her desire to

enter the claim or complaint and immediately upon dismounting shall proceed to the telephone or judges' stand where and when the claim, objection or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until the claim, objection or complaint shall have been entered and considered.

(B) It is the duty of every driver to report, to the official designated for such purpose as promptly as possible after the conclusion of a race in which s/he has participated, any material interference to him/herself or his/her horse by another horse or driver during a race.

(C) In the case of interference, collision or violation of any of the previously mentioned restrictions, the offending horse may be placed back one (1) or more positions in that heat or dash and in the event the collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings. In the event a horse is set back, under these provisions, s/he shall be placed behind the horse with whom s/he interfered;

(D) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven or has been driven with design to prevent his/her winning a heat or dash which s/he was evidently able to win or is being raced in an inconsistent manner or to perpetrate or to aid a fraud, they shall consider it a violation.

(E) If, in the opinion of the judges, a driver is for any reason unfit or incompetent to drive or refuses to comply with the directions of the judges or is reckless in his/her conduct and endangers the safety of horses or other drivers in the race, s/he may be removed and another driver substituted at any time after the positions have been assigned in a race. The substitute driver shall be properly compensated.

(F) If, for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

(G) Loud shouting or other improper conduct is forbidden in a race. After the word go is given, both feet must be kept in the stirrups until after the finish of a race.

(H) Drivers shall be allowed whips not to exceed four feet eight inches (4'8"), plus a snapper not longer than eight inches (8").

(I) The brutal use of a whip or crop or excessive or indiscriminate use of the whip or crop shall be considered a violation. Welts, cuts or whip marks on a horse resulting from whipping shall constitute a prima facie violation of this section. Drivers are prohibited



from whipping under the arch of the sulky, kicking, punching or jabbing a horse or using the whip so as to interfere with or cause disturbance to any other horse or driver in a race.

(J) No horse shall wear hobbles in a race unless s/he starts in the same in the first heat and having so started, s/he shall continue to wear them to the finish of the race. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by 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. No horse shall be permitted to wear a head pole protruding more than ten inches (10") beyond its nose.

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

1. The following shall be considered violations:

A. Failure to properly attempt to pull the horse to its gait;

B. Failure to take to the outside where clearance exists; and

C. Failure to lose ground by the break.

2. Any breaking horse shall be set back when a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

3. Any horse making a break which causes interference to other contending horses may be placed behind all offended horses; if there has been no failure on the part of the driver of the breaking horse, no fine or suspension shall be imposed on the driver as a consequence of the interference.

4. If, in the opinion of the judges, a driver allows his/her horse to break for the purpose of fraudulently losing a heat, then s/he shall be liable to the penalties elsewhere provided for fraud and fouls.

(17) 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.

(18) A driver must be mounted in his/her sulky at the finish of the race or the horse must be placed as not finishing.

(19) It shall be the responsibility of the owner and trainer to provide every sulky used in a race with colored or colorless wheel discs on the inside and outside of the wheel of a type approved by the commission. The presiding judge may order the use of mud guards.

(20) Only sulkies of the conventional dual-shaft and dual-hitch type shall be permitted in any races. A conventional type sulky is one having two (2) shafts which must be parallel to and securely hitched on each side of the horse. No point of hitch or any part of a shaft shall be above a horizontal level equal to the lowest point of the horse's back.

(21) Timing and records.

(A) In every race, the time of each heat shall be accurately taken by an approved electric timing device and placed in the record in minutes, seconds and fifths of seconds and upon the decision of each heat, the time shall be publicly announced or posted. No unofficial timing shall be admitted to the record and when the timers fail to act no time shall be announced or recorded for that heat.

(B) 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 a horse or owner, except upon the sworn statement of the judges and timers who officiated in the race.

(C) The leading horse shall be timed and his/her time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless the horse is lapped on the hind quarter of the winner.

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

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

(22) Each competing horse shall be equipped with numbers of style, type and design approved by the judge. Numbers shall be so arranged that coupled entries may be distinguished as such and also horses coupled in the field as such. Head numbers and saddle pads shall be used.

(23) Paddock Rules.

(A) The association shall provide a paddock which shall be completely enclosed with a man-tight fence and each opening through the fence shall be policed by a person(s) licensed by this commission to exclude unauthorized personnel. A daily record of all persons entering or leaving the paddock from one (1) hour prior to post time until all races of that program have been completed shall be maintained on forms approved by the commission.

(B) Horses must be in the paddock at the time prescribed by the presiding judge, but in any event at least one (1) hour 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.

(C) Only owners, trainers, drivers and grooms of horses competing on the date of the race and officials shall have access to the paddock during the time period prescribed in subsection (23)(B).

(D) No driver, trainer, groom or caretaker, once admitted to the paddock or receiving barn, shall leave the area other than to warm-up the horse until such race(s) for which s/he was admitted is contested.

(E) 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 the program have been completed.

AUTHORITY: section 313.540, RSMo 1986. This rule originally filed as 12 CSR 50-70.010. Emergency rule filed June 20, 1986, effective June 30, 1986, expired Oct. 13, 1986. Original rule filed Oct. 16, 1986, effective Feb. 12, 1987. Moved to 11 CSR 45-70.010, effective Aug. 28, 1995.*

**Original authority: 313.540, RSMo 1986.*

11 CSR 45-70.011 Rules of Racing—Thoroughbred and Quarter Horse

PURPOSE: This rule adopts rules for the conduct of thoroughbred and quarter horse racing and related subjects.

(1) A horse is ineligible to start a race when—

(A) The horse is not stabled on the grounds of the licensed association or facilities approved by the association at least seventy-two (72) hours prior to the race;

(B) The horse is not registered by The Jockey Club if a thoroughbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa, the Arabian Horse Club Registry of America if an arabian, the American Paint Horse Association if a paint, the Pinto Horse Association of America, Inc. if a pinto and if the registration certificate is not on file with the racing secretary or horse identifier;

(C) The horse is not fully identified by an official tattoo on the inside of the upper lip;

(D) With respect to a horse who is entered for the first time, the nominator has failed to identify the horse by name, color, sex and age and the names of his/her sire and dam as registered;



(E) A horse is brought to the paddock and is not in the care of and saddled by a trainer or assistant trainer;

(F) A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any association or regulatory agency;

(G) A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry of racing of some other horse under the name of the horse in question;

(H) A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person;

(I) A horse has no current negative Coggins test certificate attached to the registration certificate;

(J) The stakes or entrance money for the horse has not been paid;

(K) A horse appears on the starter's list, stewards' list or veterinarian's list;

(L) A horse is a first-time starter and not approved by the starter;

(M) A horse is owned in whole or in part by an undisclosed person or interest;

(N) A horse which has started in a race within the past calendar year which race has not been reported in a nationally published monthly chartbook unless at least forty-eight (48) hours prior to entry, the owner of the horse provides to the racing secretary under oath performance records which show the place and date of the race, the distance, the weight carried, the amount carried and the horse's finishing position and time;

(O) In a stakes race, a horse has been transferred with its engagements, unless prior to the start, the fact of transfer of the horse and its engagements has been filed with the racing secretary;

(P) A horse is subject to a lien which has not been approved by the stewards and filed with the horsemen's accountant;

(Q) A horse is five (5) years of age or older and still a maiden;

(R) A horse is subject to a lease not filed with the stewards;

(S) A horse is not in sound racing condition;

(T) A horse has been nerved by surgical neurectomy, except in the case of heel nerves upon commission veterinarian approval or cryosurgery;

(U) A horse has been trachea-tubed to artificially assist its breathing;

(V) A horse has been blocked with alcohol or otherwise drugged to desensitize the nerves above the ankle; or

(W) A horse has impaired eyesight in both eyes.

(2) The association shall provide forms for making entries and declarations. Entries and declarations shall be in writing or by telephone or telegraph subsequently confirmed in writing by the owner, trainer or authorized agent. When any entrant or nominator claims failure or error in the receipt by an association of any entry or declaration, s/he may be required to submit evidence within a reasonable time of the filing of the entry or the declaration.

(A) Coupling.

1. When one (1) trainer or owner enters more than one (1) horse in the same race the horses shall be coupled as an entry. Horses shall be regarded as having a common owner when an owner of one (1) horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation, shall have an ownership interest in another horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation;

2. Coupled entries shall not be permitted to race on any program in a race which is part of a daily double or trifecta wager;

3. No more than two (2) horses coupled by a common ownership or trainer shall be entered in an overnight race. When any licensee shall nominate and enter two (2) horses coupled by common ownership or trainer, the nominator shall express a preference for which horse will start in the event that only one (1) horse can be run by virtue of the rules of eligibility related to trifecta, daily double or other exotic betting;

4. The stewards shall couple as a single entry any horses which, in the determination of the stewards, are connected by common ownership or by a common trainer or when the stewards determine that coupling is necessary in the interest of the regulation of the pari-mutuel wagering industry or necessary to the public confidence in racing; and

5. A coupled entry shall not be permitted to enter or start if the effect of the entry is to deprive an uncoupled single entry horse from starting.

(B) If a race is canceled and declared off for insufficient entries, the association may split the list of entries for any other overnight race to provide an additional race to replace the one canceled. The racing secretary by lot shall divide the entries of the race so split into two (2) different races.

(C) Owners, trainers or any other person duly authorized who enter a horse for a race shall ensure that the entry is correct and accurate as to weight allowances available and claimed under the conditions set for the race. After a horse has been assigned a weight to carry in the race, the assignment of weight shall not be changed except in the case of error.

(D) No horse shall be entered for more than one (1) race on the same day on which pari-mutuel wagering is conducted.

(E) For the purposes of determining eligibility, weight assignments and/or allowances for horses imported from a foreign nation, the racing secretary shall take into account the *Pattern Race Book* published jointly by the Irish Turf Club, the Jockey Club of Great Britain and the Societe d'Encouragement.

(F) For the purposes of determining eligibility, weight assignments and/or allowances for horses imported from a foreign nation, the racing secretary shall convert metric distances to English measures by reference to the following scale:

1. 110 yards = 100 meters;
2. 1 furlong = 200 meters; and
3. 1 mile = 1600 meters.

(G) The name of a horse means the name reflected on the Certificate of Registration or Racing Permit or Temporary Racing Permit issued by The Jockey Club. Imported horses shall have a suffix, enclosed by brackets, added to their registered names showing the country of foaling. This suffix is derived from the International Code of Suffixes and constitutes part of the horse's registered name. The registered names and suffixes, where applicable, shall be printed in the official program.

(3) Sweepstakes Entries.

(A) The entry of a horse in a sweepstakes is a subscription to the sweepstakes. Before the time of closing, any entry or subscription may be altered or withdrawn.

(B) Entrance money shall be paid by the nominator to a race. In the event of the death of the horse or a mistake made in the entry of an otherwise eligible horse, the nominator subscriber shall continue to be obligated for any stakes and the entrance money shall not be returned.

(4) Closing of Entries.

(A) Entries for overnight racing shall be closed at 10:00 a.m. by the racing secretary, unless a later closing is established by the racing secretary or approved by the stewards.

(B) If an hour for closing is designated, entries and declarations for sweepstakes cannot be received later. However, if a time for



closing is not designated, entries and declarations may be mailed or telegraphed until midnight of the day of closing, if they are received in time to comply with all other conditions of the race. In the absence of notice to the contrary, entries and declarations for sweepstakes which close during or on the day preceding a race meeting shall close at the office of the racing secretary in accordance with any requirements s/he shall make. Closing for sweepstakes not during race meetings shall be at the office of the association.

(C) Nominations for stakes races shall not close nor shall any eligibility payment be due on a day in which the United States Postal Service is not operating.

(5) Prohibited Entries.

(A) An entry made by a disqualified person or the entry of a disqualified horse shall be void. Any money paid for the entry shall be returned if the disqualification is disclosed at least forty-five (45) minutes before post time for the race. Otherwise the entry money shall be paid to the winner.

(B) No alteration shall be made in any entry after the closing of entries but the stewards may permit the correction of an error in an entry.

(C) If the number of entries to any purse or overnight race is in excess of the number of horses that may be accommodated due to the size of the track, the starters for the race and their post positions shall be determined by lot conducted in public by the racing secretary.

(D) In a stake race, the number of horses who may compete shall be limited only by the number of horses nominated and entered. In any case, the association's lawful race conditions shall govern.

(E) The stewards, after notice to the entrant, subscriber or nominator, may deny entry of any horse to a race if the stewards determine the entry to be in violation of these rules or the laws of this state or to be contrary to the interests of the commission in the regulation of pari-mutuel wagering or to public confidence in racing.

(6) Preferences and Eligibles.

(A) A list of not more than eight (8) names may be drawn from entries filed in excess of positions available in the race. These names shall be listed as eligible-to-start as originally entered horses are withdrawn. The order in which these are listed shall become eligible-to-start and their post positions shall be determined by the racing secretary. Any owner, trainer or authorized agent who has entered a horse listed as an eligible-to-start and who does not wish to start shall file a scratch card

with the secretary not later than the scratch time designated for that race.

(B) Horses which have been excluded from races shall be given preference in the next race they are entered, providing the next race is one of similar conditions. Horses whose names appear in the entries and have an opportunity to start will be given no preference if they are entered for a race to be held on the day following entry and the race overfills.

(C) In making an entry of a horse on the preferred list, a claim of preference must be made at the time of entry and noted on the entry form or the preference will be lost. The preferred list shall be posted in a place readily available to all horsemen.

(7) Post positions shall be determined by the racing secretary publicly and by lot. Post positions shall be drawn from also-eligible entries at scratch time. In all races, horses drawn into the race from the also-eligible list shall take the outside post positions.

(8) Scratch, Declaring Out.

(A) No horse shall be considered scratched, declared out or withdrawn from a race until the owner, agent or other authorized person has given notice in writing to the racing secretary before the time set by the association as scratch time. All scratches must be approved by the stewards.

(B) Scratching, or the declaration of a horse out of an engagement for a race, is irrevocable.

(C) No horse shall be permitted to be scratched from a race if the horses remaining in the race number less than ten (10), unless the stewards permit a lesser number. Where there are more requests to scratch that, if granted, would leave a field less than ten (10), the stewards shall determine by lot which entrants may be scratched and permitted to withdraw from the race.

(D) Unless otherwise set by the racing secretary, scratch time shall be—

1. At least forty-five (45) minutes before post time for stake races; and

2. No later than 7:30 a.m. of the day of the race for other races.

(9) Workouts.

(A) No horse shall be started unless s/he as raced or has an approved timed workout satisfactory to the stewards. The workout must have occurred on the grounds of a licensed pari-mutuel facility or commission-approved training facility within the previous thirty (30) days. A horse which has not started for a period of sixty (60) days or more shall be ineligible to race until it has completed a

timed workout satisfactory to the stewards prior to the day of the race in which s/he is entered. No horse shall be taken onto the track for training or a workout except during hours designated by the association.

(B) The timer or the stewards may require any licensee to identify a horse in his/her care being worked. The owner, trainer or jockey may be required to identify the distance the horse is to be worked and the point on the track where the workout will start.

(C) If the stewards approve the timed workout so as to permit the horse to run in a race, they shall require that this information is furnished to the public in advance of the race including, but not limited to, the following means:

1. Announcement over the track's public address system;

2. Transmission on the track's message board;

3. Posting in designated conspicuous places in the racing enclosure; and

4. Exhibit on track TV monitors at certain intervals if the track has closed circuit TV. If the workout is published prior to the race in either the Daily Racing Form or the track program, then it shall not be necessary to make the announcements set forth previously.

(D) No horse shall be taken onto the track for training or a workout except during hours designated by the association.

(10) Equipment.

(A) Unless permitted by the stewards, no whip or substitute for whip shall exceed one pound (1 lb.) or thirty inches (30") and no bridle shall exceed two pounds (2 lbs.).

(B) No licensee may change the equipment used on a horse from that used in the horse's last race, unless with permission of the paddock judge. No licensee may add blinkers to the horse's equipment or discontinue their use without the prior approval of the starter, the paddock judge and the stewards. In the paddock prior to a race, a horse's tongue may be tied down with clean bandages, clean gauze or with a tongue strap.

(11) Racing Numbers.

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

(B) In the case of a coupled or other entry that includes more than one (1) horse, each horse in the entry shall carry the same number, with a different distinguishing letter following the number. As an example, two (2) horses in the same entry shall be entered as 1 and 1-A.



(C) In a combined field of horses, each horse in the field shall carry a separate number.

(12) The amount of purse money earned is credited in United States currency and there shall be no appeal for any loss on the exchange rate at the time of transfer from the United States currency to that of another country.

(13) Dead Heats.

(A) In the event of a dead heat, the prize money will be distributed in equal shares to the owners of the horses so finishing. In a dead heat finish for first place, each horse shall be considered a winner of the amount of the purse or prize.

(B) If a prize includes a cup, plate or other indivisible prize, owners shall draw lots for the prize in the presence of at least two (2) stewards.

(C) In the event of a dead heat finish for second place and thereafter, an objection to the winner of the race is sustained, the horses in the dead heat shall be considered to have run a dead heat for first place.

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

(15) No horse shall be allowed to enter, start or be stabled on the grounds of the racing establishment unless a valid negative Coggins Test Certificate is presented. In the event of claims, sales or transfers, it shall be the responsibility of the new trainer to ascertain the validity of the certificate for the horse within twenty-four (24) hours. If the certificate is either unavailable or invalid, the previous trainer shall be responsible for any reasonable cost associated with obtaining a Coggins certificate. Whenever any owner or trainer is furnished a Coggins test positive result that his/her horse has Equine Infectious Anemia (EIA), the horse shall be removed by the owner or trainer from association premises or approved facility within twenty-four (24) hours of actual notice of the infection to the owner or trainer.

(16) Race Procedures.

(A) Each horse shall carry the full weight assigned for that race from the paddock to the starting point and shall parade past the stewards' stand, unless excused by the stewards.

(B) After the horses enter the track, no jockey may dismount nor entrust his/her

horse to the care of an attendant, unless an accident occurs to the jockey, the horse or the equipment and then only with the prior consent of the starter. During any delay in which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the hands of the jockey or the assistant starter or an outrider on a lead pony may touch the horse before the start of the race.

(C) If a jockey is seriously injured on the way to the post, his/her horse shall be returned to the paddock and a replacement jockey obtained. In such an event, both the injured jockey and the replacement jockey will be paid by the owner.

(D) After entering the track, all horses shall proceed to the starting post in not more than twelve (12) minutes unless approved by the stewards. After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner. Once at the post, the horses shall be started without unnecessary delay.

(E) In assisting the start of a race, no person other than the jockey, the starter, the assistant starter or the veterinarian shall strike a horse or use any other means to assist the start.

(F) Horses shall take their position in the starting gate in post position order (the order in which their names have been drawn, beginning from the inside rail).

(G) No person shall obstruct or delay the movement of a horse to the starting post.

*AUTHORITY: section 313.540, RSMo 1986. * This rule originally filed as 12 CSR 50-70.011. Original rule filed Oct. 16, 1986, effective Feb. 12, 1987. Moved to 11 CSR 45-70.011, effective Aug. 28, 1995.*

**Original authority: 313.540, RSMo 1986.*

11 CSR 45-70.012 Claiming

PURPOSE: This rule sets forth rules for claiming races and claiming of horses.

(1) In claiming races, any horse is subject to claim for its entered price by any licensed owner in good standing or by the holder of a certificate of eligibility to claim. The procedure for obtaining a certificate of eligibility to claim shall be as follows:

(A) Applicant, fifteen (15) days prior to entering a claim, shall submit an application for owner's license, accompanied by a financial statement, a fingerprint card, the name of a licensed trainer or person eligible to be

licensed as trainer, who will assume care and responsibility for the horse claimed and the requisite fee for owners' license; and

(B) This certificate will be valid for the remainder of the calendar year.

(2) A person shall not claim more than one (1) horse in a race and the claim shall only be made for the account of the owner making the claim or for whom the claim was made by the agent.

(3) An authorized agent, although representing more than one (1) owner, shall not submit more than one (1) claim in any one (1) race.

(4) When a stable consists of horses owned by more than one (1) person and trained by the same trainer, not more than one (1) claim shall be entered on behalf of this stable in any one (1) race.

(5) Any horse that has been claimed, after the race has been run, shall be delivered to the claimant who must present written authorization for the claim from the racing secretary. Horses which are sent to the detention area for post race testing shall be delivered at that point; others are to be delivered in the paddock. No person shall refuse to deliver to the legally entitled person a horse claimed out of a claiming race and the horse in question shall be disqualified from further racing until delivery is made.

(6) Title to a claimed horse shall be vested in the successful claimant from the time the horse is a starter and the claimant shall become the owner of the horse whether it be alive or dead, sound or unsound or injured during the race or after it. A claimed horse shall run in the interest of and for the account of the owner from whom claimed.

(7) The stewards in their discretion may require any person making a claim for a horse in any claiming race to make affidavit in writing that s/he is claiming the horse for his/her own account, or as authorized agent, and not for any other person.

(8) No person shall offer, or enter into an agreement, to claim or not to claim or attempt to prevent another person from claiming, any horse in a claiming race; nor shall any person attempt by intimidation to prevent anyone from running a horse in any race; nor shall owners or trainers running horses in any claiming race make any agreement for the protection of each other's horses against claims.



(9) A person shall not enter, or allow to be entered, in a claiming race, a horse against which any claim is held, either as a mortgage, bill of sale or lien of any kind unless when, or before entering the horse, the written consent of the holder of the claim is filed with the clerk of the course of the association conducting the race.

(10) A person shall not claim ownership in a horse after the horse has run in a claiming race in the name of another person, who at the time of the race, had peaceable and undisputed possession of the horse.

(11) A person shall not claim his/her own horse or cause his/her own horse to be claimed, directly or indirectly for his/her account.

(12) Owners having the same trainer are not permitted to claim any horses in the custody of that trainer, nor can any such horse be claimed for their account.

(13) If a horse is claimed, it shall not start in a claiming race for a period of thirty (30) days from date of claim (the day of claim shall not count), for less than twenty-five percent (25%) more than the amount for which it was claimed.

(14) If a horse is claimed, it shall not be sold or transferred to anyone, wholly or in part, except in a claiming race, for a period of sixty (60) days from date of claim (the day of claim shall not count). Unless reclaimed, the horse shall not remain in the same stable or under control or management of its former owner or trainer for a like period, nor may it race outside of the state of Missouri for a period of sixty (60) days from the day of the claim (the day of the claim shall not count) or the end of the race meeting at which it was claimed, whichever is shorter, except to fulfill a previously committed stakes engagement.

(15) The claiming price of each horse in a claiming race shall be printed on the program and all claims for the horse shall be for the amount so designated. If more than one (1) claim is filed for the same horse, the disposition of the horse shall be determined by lot under the direction and supervision of the stewards.

(16) All claims shall be made in writing on a form provided by the association. It shall be properly made out, signed and enclosed in an envelope provided by the association. The envelope shall have no identification marked on it, but shall be marked with the number of

the race for which the claim is being made. It shall be sealed and deposited in a timed lock box provided for this purpose by the association. Money shall not accompany the claim.

(17) All claims shall be deposited in the claiming box at least fifteen (15) minutes before post time of the race with respect to which the claim is made.

(18) The stewards or their designee shall open the claim envelopes for each race when the horses for the race enter the track on the way from the paddock to post. Then they shall ascertain from the horsemen's bookkeeper whether or not the proper credit balance has been established with the association.

(19) If the stewards, after the running of a race, are of the opinion that the lease or the entry of a horse was not made in good faith, but was made for the purpose of obtaining the privilege of entering a claim, then in each case they shall disallow or cancel any claim and offer the return of a horse that shall have been delivered and refer the case to the commission for further action.

(20) All horses claimed in other states and racing here shall be subject to the conditions of the claiming rule in the state where the claim was made.

(21) A member of a partnership shall claim only for the partnership, unless s/he has started a horse entirely owned by him/herself, at which time s/he may claim for him/herself.

(22) Notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

(23) If the stewards determine that a horse was improperly entered in a claiming race, they may void a claim of the horse and order the claiming monies, including all taxes, refunded to the original owner through the clerk of the course, the horsemen's bookkeeper or otherwise.

AUTHORITY: section 313.540, RSMo 1986. This rule originally filed as 12 CSR 50-70.012. Original rule filed Oct. 16, 1986, effective Feb. 12, 1987. Moved to 11 CSR 45-70.012, effective Aug. 28, 1995.*

**Original authority: 313.540, RSMo 1986.*

11 CSR 45-70.040 Bleeder List

PURPOSE: This rule sets the requirements for a bleeder list.

(1) Bleeder List.

(A) The commission veterinarian shall maintain an up-to-date bleeder list of all bleeders as required by this section. A copy of the bleeder list shall be posted in the racing secretary's office.

(B) Endoscopic Examination.

1. An endoscopic examination may be performed by a practicing veterinarian holding a Class C license from the commission and employed by the owner or his/her agent, in consultation with a commission veterinarian.

A. When the commission's veterinarian is unable to personally attend an examination under this paragraph (1)(B)1., s/he may authorize two (2) practicing veterinarians who hold Class C licenses to conduct the examination.

B. Following the examination the two (2) veterinarians shall submit affidavits of the findings together with the circumstances of the examination and the procedure followed.

2. An endoscopic examination may be performed by the commission's veterinarian only when—

A. S/he observes the horse to have bled from one (1) or both nostrils on the racing strip during a race or in the barn within a reasonable time after the race;

B. S/he observes the horse to have bled from one (1) or both nostrils on the racing strip during a workout or in the barn within a reasonable time after a workout;

C. S/he is requested to conduct an endoscopic examination by the owner or the trainer; or

D. S/he is so instructed by the judges.

3. An endoscopic examination shall be performed according to accepted veterinary medical practices as the commission's veterinarian, in his/her discretion, may require that the horse be taken to the detention barn for examination.

4. An examination which reveals a clear flow of blood in the lumen of the respiratory tract shall be a positive finding.

5. A request for endoscopic examination during training hours—

A. Must be requested at least one (1) day prior to the examination;

B. Must be conducted after 8:00 a.m.;

C. Must be conducted after the horse has worked out for the veterinarian conducting the examination and has cooled out;



D. May be conducted at the horse's allotted barn;

E. May allow the commission's veterinarian to require the trainer to bring the horse to a Missouri racetrack which is conducting a race meet to undergo the examination; and

F. Shall have the cost of vanning the horse to the track under this subparagraph (1)(B)5.F. to be borne by the owner.

(C) A horse shall be placed on the bleeder list if either—

1. An endoscopic examination results in a positive finding; or

2. A horse has been placed on a bleeder list in another jurisdiction. For this paragraph to apply, the commission must determine that substantially the same horses placed on the bleeder list of the other jurisdiction would qualify for placement on Missouri's bleeder list.

(D) Any horse placed on the bleeder list shall be barred from racing for the following times:

1. For a horse bleeding for the first time, a minimum of twenty-one (21) calendar days;

2. For a horse bleeding a second time, sixty (60) calendar days;

3. For a horse bleeding a third time, one (1) year; and

4. For a horse bleeding a fourth time, life.

(E) A horse placed on the bleeder list shall remain on the list after the times set forth in 12 CSR 50-70.040(1)(D)1.-3. have elapsed.

(F) Any time served on a bleeder list which has been served in another jurisdiction shall be credited in arriving at the time set forth in subsection (1)(C).

(G) The commission's veterinarian shall be notified immediately when a horse has bled. On notification, s/he may observe the horse either visually or through an endoscope.

*AUTHORITY: sections 313.540 and 313.700, RSMo 1986. * This rule originally filed as 12 CSR 50-70.040. Emergency rule filed June 20, 1986, effective June 30, 1986, expired Oct. 13, 1986. Original rule filed Oct. 3, 1986, effective Jan. 12, 1987. Moved to 11 CSR 45-70.040, effective Aug. 28, 1995.*

**Original authority: 313.540, RSMo 1986; 313.700, RSMo 1986.*