

DEPARTMENT OF TREASURY
MICHIGAN GAMING CONTROL BOARD (MGCB)
OFFICE OF THE EXECUTIVE DIRECTOR
HORSE RACING GENERAL RULES

Filed with the secretary of state on March 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the office of the executive director by section 7 of the horse racing law of 1995, 1995 PA 279, MCL 431.307)

R 431.1001, R 431.1005, R 431.1010, R 431.1015, R 431.1020, R 431.1025, R 431.1030, R 431.1035, R 431.1045, R 431.1060, R 431.1065, R 431.1070, R 431.1085, R 431.1095, R 431.1101, R 431.1105, R 431.1110, R 431.1115, R 431.1120, R 431.1125, R 431.1130, R 431.1140, R 431.1145, R 431.1150, R 431.1155, R 431.1160, R 431.1165, R 431.1175, R 431.1200, R 431.1205, R 431.1210, R 431.1215, R 431.1220, R 431.1230, R 431.1235, R 431.1240, R 431.1245, R 431.1250, R 431.1255, R 431.1260, R 431.1265, R 431.1270, R 431.1275, R 431.1280, R 431.1295, R 431.1301, R 431.1325, R 431.1330, R 431.1335, R 431.1340, R 431.2001, R 431.2010, R 431.2015, R 431.2020, R 431.2025, R 431.2030, R 431.2035, R 431.2050, R 431.2055, R 431.2060, R 431.2070, R 431.2075, R 431.2090, R 431.2120, R 431.3001, R 431.3005, R 431.3010, R 431.3020, R 431.3025, R 431.3030, R 431.3035, R 431.3040, R 431.3045, R 431.3055, R 431.3060, R 431.3065, R 431.3070, R 431.3075, R 431.3080, R 431.3090, R 431.3095, R 431.3101, R 431.3105, R 431.3110, R 431.3115, R 431.3120, R 431.3125, R 431.3130, R 431.3140, R 431.3145, R 431.3155, R 431.3160, R 431.3165, R 431.3170, R 431.3175, R 431.3180, R 431.3201, R 431.3205, R 431.3210, R 431.3215, R 431.3220, R 431.3225, R 431.3230, R 431.3235, R 431.3245, R 431.3250, R 431.3255, R 431.3260, R 431.3265, R 431.3270, R 431.3275, R 431.3290, R 431.3295, R 431.3301, R 431.3305, R 431.3310, R 431.4001, R 431.4005, R 431.4010, R 431.4015, R 431.4020, R 431.4025, R 431.4030, R 431.4035, R 431.4040, R 431.4045, R 431.4050, R 431.4055, R 431.4060, R 431.4070, R 431.4075, R 431.4080, R 431.4085, R 431.4090, R 431.4095, R 431.4100, R 431.4105, R 431.4110, R 431.4115, R 431.4125, R 431.4130, R 431.4135, R 431.4140, R 431.4145, R 431.4150, R 431.4155, R 431.4160, R 431.4170, R 431.4175, R 431.4180, R 431.4185, R 431.4190, R 431.4195, R 431.4200, R 431.4210, R 431.4215, R 431.4220, R 431.4225, R 431.4230, R 431.4240, R 431.4255, R 431.4260, R 431.4265, R 431.4270, R 431.4275, R 431.4280, R 431.4285, and R 431.4290 of the Michigan Administrative Code are amended, R 431.1047, R 431.1052, R 431.1261, R 431.1302, R 431.1303, R 431.1304, R 431.2036, R 431.2094, R 431.2096, R 431.3300, R 431.5001, R 431.5005, R 431.5010, R 431.5015, R 431.5020, R 431.5025, R 431.5030, R 431.5035, and R 431.5040 are added to the Code, and R 431.1050, R

December 21, 2020

431.1055, R 431.1075, R 431.1080, R 431.1090, R 431.1135, R 431.1180, R 431.1185, R 431.1190, R 431.1195, R 431.1285, R 431.1290, R 431.1999, R 431.2005, R 431.2040, R 431.2045, R 431.2061, R 431.2080, R 431.2095, R 431.2100, R 431.2105, R 431.2110, R 431.2115, R 431.3015, R 431.3050, R 431.3085, R 431.3240, R 431.4165, and R 431.4205 of the Code are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 431.1001 Definitions; A to C.

Rule 1001. As used in these rules:

- (a) "Act" means the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.
- (b) "Age" means the number of years since a horse was foaled. Age is determined as if the horse were foaled on January 1 of the year in which the horse was foaled.
- (c) "Appeal" means a written application to the executive director for review of any decision, order, or ruling of the stewards or for review of any administrative action by the executive director.
- (d) "Arrears" means all sums that are due from a licensee, as reflected by the records of the executive director or association, for any of the following:
 - (i) Fines or forfeitures.
 - (ii) Subscriptions.
 - (iii) Entrance money.
 - (iv) Jockey or driver fees.
 - (v) Any default incident to these rules.
- (e) "Associated person" is the spouse of a disqualified person, or a companion, family member, employer, employee, partner, corporation, or other entity whose financial relationship with a disqualified person would give the appearance that the other person or entity would care for or train a racing animal or perform veterinary services on a racing animal for the benefit, credit, reputation, or satisfaction of the disqualified person.
- (f) "Association" means a legal entity that is licensed by the executive director to conduct a race meeting.
- (g) "Authorized agent" means a person who is licensed by the executive director to act on behalf of a licensed owner and whose authority to act for and on behalf of the owner is evidenced by an authorized agent application filed with and approved by the executive director. An authorized agent shall not represent more than two owners at any one time.
- (h) "Bleeder" means a horse that is determined, by a gross or endoscopic examination that is conducted by a licensed veterinarian or official veterinarian, to have hemorrhaged from within the respiratory tract during a race or workout.
- (i) "Claiming race" means a race in which a horse may be claimed pursuant to the rules promulgated under the act.
- (j) "Closing" means a designated time when all entries in a race shall be and remain in the race, unless excused by the stewards.
- (k) "Coggins test" means a blood test to determine the presence of equine infectious anemia in a horse.
- (l) "Complaint" means a written or verbal statement submitted to the stewards or executive director about an issue relating to the conduct of racing.

R 431.1005 Definitions; D to F.

Rule 1005. As used in these rules:

- (a) "Day" means a period of 24 hours beginning at 12:01 a.m. and ending at midnight.
- (b) "Disciplinary action" means an action taken by the stewards or executive director for violation of the act or these rules and may include any of the following:
 - (i) Suspension of license.
 - (ii) Revocation of license.
 - (iii) Ruling off.
 - (iv) Expulsion.
 - (v) The assessment of a fine.
 - (vi) Reprimand.
 - (vii) Any combination of paragraphs (i) to (vi) of this subdivision.
- (c) "Disqualification" means an order of the stewards or executive director which revises the order of finish of a race.
- (d) "Disqualified person" means a person who is ineligible for licensing under the act or a person whose licensed status is such that he or she is temporarily ineligible to participate in racing under these rules or those of any other racing jurisdiction.
- (e) "Driver" means a person licensed by the executive director to drive a standardbred horse in harness.
- (f) "Entered in a race" means a horse that has been drawn into a specific race.
- (g) "Entry" means any of the following:
 - (i) The act of nominating a horse for a race.
 - (ii) A horse entered in a race.
 - (iii) Two or more horses which are entered in a race and which are coupled as a mutuel entry or joined in the mutuel field pursuant to rules promulgated under the act.
- (h) "Executive director" means the executive director of the Michigan gaming control board under the authority granted in Executive Reorganization Order No. 2009-31, MCL 324.99919.
- (i) "Expulsion" means the exclusion from any participation, either directly or indirectly, in the privileges and uses of the grounds.
- (j) "Forfeit" means any of the following:
 - (i) Money due from a licensee because of his or her error, fault, neglect of duty, or breach of contract.
 - (ii) The loss or return of purse money resulting from a ruling of the stewards or executive director.
 - (iii) A fine assessed a licensee by the stewards or executive director.
- (k) "Futurity" means a stake in which the dam of the competing horse is nominated either when in foal or during the year of foaling.

R 431.1010 Definitions; G to N.

Rule 1010. As used in these rules:

- (a) "Grounds" means the entire premises under the control of an association, including appurtenant parking areas and spectator areas.
- (b) "Horse" means an equine belonging to a breed eligible to race under these rules and, when used in this part, designates any equine irrespective of these rules and irrespective of age or sex.

- (c) "In harness" means a race in which performances shall be to a sulky.
- (d) "Inquiry" means an investigation into the conduct of a race which is initiated and conducted by the stewards before making a race official.
- (e) "Intended to be entered" means a horse that has its name put into the draw for a specific race.
- (f) "Jockey" means a person licensed by the executive director to ride thoroughbred horses, quarter horses, Appaloosa horses, American paint, or Arabian horses in races.
- (g) "Legal entity" means a lawful or legally standing association, corporation, partnership, proprietorship, trust, or individual.
- (h) "Lessee" means a legal entity who is licensed by the executive director as a horse owner and whose interest in a horse is a leasehold.
- (i) "Licensee" means a legal entity holding a currently valid license to participate in or conduct horse racing in this state.
- (j) "Michigan-bred preferred race" means a race where Michigan-bred horses have priority for entry and horses that are not Michigan-bred are allowed to enter only if the race does not fill with Michigan-bred horses.
- (k) "Michigan gaming control board" or "MGCB" means the Michigan gaming control board that was created under section 4 of the Michigan Gaming Control and Revenue Act, 1996 IL 1, MCL 432.204, and that operates under the direction of the executive director of the Michigan gaming control board, to which Executive Reorganization Order No. 2009-31, MCL 324.99919, transferred all of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the office of racing commissioner that previously existed under the act and that was abolished by that executive reorganization order.
- (l) "Month" means a calendar month.
- (m) "Mutuel entry" means 2 or more horses entered in a race which are coupled as a single betting interest because the horses are owned wholly or in part by the same owners or are trained by the same trainer.
- (n) "No contest" means a race that was cancelled by the stewards in the best interest of racing due to an unforeseen event.
- (o) "Nomination" means the naming of a horse or, in the event of a futurity, the naming of a foal in utero to a certain race or series of races, eligibility of which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees or starting fees.
- (p) "Nominator" means the person in whose name a horse is nominated for a sweepstakes, futurity, or produce race.

R 431.1015 Definitions; O, P.

Rule 1015. As used in these rules:

- (a) "Objection" means a complaint filed by an owner, trainer, jockey, driver, or authorized agent against a horse, jockey, or driver in the race before the result of a race has been made official.
- (b) "Official veterinarian" means a veterinarian employed by the executive director with powers and duties as specified in the act and the rules promulgated under the act and other powers and duties as delegated by the executive director, deputy director, and racing manager.

(c) "Overnight race" means a race for which entries close not more than 4 days nor less than 1 day before the race is to be held. In the absence of conditions or notice to the contrary, all entries in overnight races shall close not later than noon the day preceding the race.

(d) "Owner," for purposes of these rules and in furtherance of promoting the safety, security, growth, and integrity of all horse racing, means a legal entity with an interest in a horse or horses.

(e) "Place," when used in the context of a single position in the order of finish in a race, means second. When used in the context of pari-mutuel wagering, a "place" wager is one involving a payoff on a betting interest which finished first or second in a race. When used in the context of multiple positions in the order of finish in a race, "place" or "placing" means finishing first, second, or third.

(f) "Post" means a station on the race course from which a race is started. In harness racing, the post is where the horses line up behind the mobile starting gate.

(g) "Post position" means a position assigned to a horse for the start of a race.

(h) "Post time" means the time set for the arrival of the horses in a race at the starting post.

(i) "Prize" means the combined total of any cash, premium, trophy, and any other object of value which is awarded to the owners of horses according to the order of finish in a race.

(j) "Protest" means a written statement filed before a race objecting to the eligibility of a horse or person to participate in the race.

(k) "Purse" means the gross cash portion of the prize for which a race is run.

R 431.1020 Definitions; R, S.

Rule 1020. As used in these rules:

(a) "Race" means a contest of speed among horses for a prize.

(b) "Race meeting" means the entire period of consecutive days which is granted by the executive director to an association for the conduct of racing.

(c) "Racing official" means all personnel, other than licensed participants, having a direct connection with the running of a race.

(d) "Recognized meeting" means any race meet with regularly scheduled races which is licensed by, and conducted under rules promulgated by, a governmental regulatory body, including race meets in foreign countries held under the sanction of a turf authority whose jurisdiction is acknowledged by the executive director.

(e) "Restricted area" means designated locations on the grounds where admission is limited to persons having a valid occupational license or restricted area pass.

(f) "Ruling off" or "ruled off" means barring a person from the grounds by written order of the executive director pursuant to the act and these rules.

(g) "Scratch" means the withdrawal of a horse entered for a race after the time of closing.

(h) "Scratch time" means a time set by the stewards as a deadline for horsemen to scratch out of a race.

(i) "Stake" means a race in which owners or nominators, or both, of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added.

(j) “Starter” means a horse in front of which the stall doors of the starting gate open when the official starter dispatches the field or, if a starting gate is not used or a mobile starting gate is used, when the official starter gives the word “go.”

(k) “Suspension” means a form of disciplinary action where a licensee is considered temporarily ineligible for participation in racing.

R 431.1025 Definitions; T, W.

Rule 1025. As used in these rules:

(a) “Trainer” means a person licensed by the executive director who shall be responsible for, and the absolute insurer of, the proper care, health, training condition, safety, and protection of horses in his or her charge.

(b) “Winner” means a horse whose nose reaches the wire first carrying its jockey or driver, a horse whose nose reaches the wire at the same instant as the nose of a horse sharing first place carrying its jockey or driver, or a horse awarded first place by the stewards or executive director because of the disqualification of an actual first-place finisher.

(c) “Wire” means a surveyed point crossing and at right angles to the race course at which all races conclude.

(d) “Workout” means the training of a horse on a race course during which the horse may merely be exercised or may be tested for speed over a specified distance and the results recorded.

R 431.1030 Licensure.

Rule 1030. The executive director may delegate the responsibility of approving or denying occupational licensing to his or her authorized representatives.

R 431.1035 Occupational licensing.

Rule 1035. (1) Pari-mutuel horse racing and participation therein in this state are privileges, not rights, granted only by the executive director by license subject to the conditions set forth in subrule (3) of this rule.

(2) The executive director may consider the following in granting, denying, suspending, or revoking, an occupational license or taking disciplinary action against an occupational licensee:

(a) The person's financial history, including, but not limited to, court-imposed financial judgments, failure to honor financial obligations, or the issuance of bank instruments without having sufficient funds on deposit.

(b) The person's current financial status, including, but not limited to, outstanding indebtedness to service and supply vendors in the racing industry.

(c) The person's experience in the racing industry in capacities related to the occupational license sought.

(d) The person's history of licensure in any other racing jurisdiction.

(e) The person's competence to hold the occupational license sought measured by standardized written and practical testing and peer review, as required by the executive director.

(f) The person's general fitness in terms of mental stability, use of drugs, and record of racing violations.

(g) The person's record of criminal convictions, including, but not limited to, offenses related to the integrity and safety of racing and its participants.

(h) Any other information the executive director considers necessary.

(3) Application for an occupational license means consent and agreement by the applicant, upon application and for the duration of the occupational license, if issued, to all of the following conditions:

(a) That all representations on the application filed are complete and correct and are accompanied by fingerprint identification, proof of worker's compensation insurance, or certification of professional licensing when required, and any other information the executive director considers necessary.

(b) That he or she shall abide by all orders of racing officials, rulings and decisions of the stewards, unless reversed or modified by the executive director upon proper appeal, and all rules, regulations, and orders of the executive director, subject to review pursuant to these rules and the act.

(c) That when responsibility is placed upon a licensee, other than a trainer, by the act or these rules, the licensee shall bear the burden of proof to show freedom from negligence in the exercise of a high degree of care in safeguarding horses from tampering.

(d) That he or she shall conduct himself or herself and his or her business at all times in a manner befitting the best interests of racing and shall cooperate in every way with the executive director or his or her authorized representatives during the conduct of an investigation, including responding correctly, to the best of his or her knowledge, to all questions pertaining to racing matters.

(e) That he or she shall disclose to the executive director or his or her authorized representative, in writing, if he or she has been arrested, charged, or convicted of any misdemeanor or felony offenses, not including traffic offenses.

(f) That he or she shall report to the executive director or his or her authorized representative when he or she has been prescribed or is taking any medication that may impair the person's ability to perform tasks that require a license or that carry this or a similar warning: Do not operate heavy machinery while taking this medication.

(g) That he or she is under a continuing duty to provide any information requested by the executive director or his or her authorized representative.

(h) That he or she shall not interfere with or use abusive or disrespectful language or conduct when addressing a steward, authorized representative of the executive director, racing official, or person serving under a racing official.

(i) That he or she shall not, at any time or place, commit an assault, an assault and battery, threaten bodily injury, or do bodily injury to any person involved in racing.

(4) The executive director may require a person who has been denied a license or has had a license suspended or revoked by another racing jurisdiction to seek reinstatement in the jurisdiction where the license was denied, revoked, or suspended.

(5) A person whose license has been revoked or suspended, whether in this jurisdiction or any other jurisdiction and whether temporarily for investigation or otherwise, for the duration of his or her revocation or suspension, is not permitted, whether acting as an agent or otherwise, to subscribe, enter, or race any horse, either in his or her own name or in the name of another person.

(6) Trainers and vendors operating within restricted areas of the grounds shall ensure that they and their employees are licensed. Additionally, a trainer shall ensure that each

owner for whom he or she trains is properly licensed. A horse in a trainer's care shall not be programmed in a race unless at least an application for the owner's license is on file with the executive director.

(7) A person under the age of 18 shall not be granted an occupational license, except upon presentation of proof of age and, if employed by anyone other than a parent or legal guardian, submission of working papers as required by law. The minor child of an owner may, without working papers, be granted an owner's license by the executive director if the parent who is an owner files with the minor's license application an agreement assuming responsibility for all financial, contractual, or other obligations of the minor child relating to racing.

(8) A person under the age of 16 shall not be licensed as a jockey or driver.

(9) The license applications of stable employees, association employees, and employees of vendors operating within restricted areas of the grounds shall be endorsed by their employers.

(10) Exercise riders, pony riders, and any person intending to exercise a horse upon a race course during a race meeting may be required by the stewards to demonstrate their horsemanship.

(11) The trainer shall maintain on file with the executive director an up-to-date stable roster of owners, employees, and any others having access to the trainer's assigned premises. The stable roster shall contain all information considered necessary by the executive director.

(12) Except when a trainer has a 50% or greater ownership interest in his or her horse, there must be a mutually agreed upon written contract between the trainer and owner. This contract must include, but is not limited to, at least the following terms and conditions:

- (a) The financial responsibility of each party.
- (b) Specific horse health care requirements.
- (c) Potential claiming status.

(13) An individual, other than a licensee, seeking entry into a restricted area shall apply for a restricted area pass from the executive director. A restricted area pass is valid only for the time and place designated on the pass. The stewards shall review and approve or deny all applications for restricted area admission. Restricted area passes shall not be issued for admission to the paddock at a race meeting. However, a spouse of an owner or trainer may have his or her restricted area pass endorsed to permit him or her into the paddock when accompanied by the licensed spouse. Restricted area passes shall not be issued to anyone who would usually require a license.

(14) Each applicant for an occupational license as an owner may be issued only one provisional license good for 1 race day or 2 adjacent days.

(15) In the event of an owner's death, the trainer may continue to race the horse if a person designated as executor supplies the executive director or his or her authorized representative with verification of his or her status as executor and applies for an owner's license.

R 431.1045 Separate licensure.

Rule 1045. Each type of racing permitted by the act requires a separate and distinct occupational license for participation.

R 431.1047 Certified Horsemen's Organizations (CHO).

Rule 1047. (1) A horsemen's organization must annually register in a manner and form prescribed by the executive director.

(2) Unless otherwise directed by the executive director, a horsemen's organization must file its registration and all supporting materials no later than September 1 of the year preceding the calendar year in which the race meeting would be conducted.

(3) The registration of a horsemen's organization for a calendar year becomes effective upon the approval of the executive director, not upon the filing of the registration.

(4) The registration for an upcoming calendar year must be approved by the executive director before a CHO is entitled to receive or distribute any simulcast purse pool funds, live racing funds, or funds paid into the pari-mutuel horse racing disbursement account.

R 431.1050 Rescinded.

R 431.1052 Authorization of workouts or qualifying races at training centers.

Rule 1052. (1) Before authorizing workouts or qualifying races at a training center, a legal entity must submit information in a manner and form prescribed by the executive director.

(2) If workouts or qualifying races are authorized by the executive director, the training center agrees to the following terms and conditions:

(a) To be bound by and comply with the act, these rules, executive director orders, public policy of this state, and any other local, state, and federal law.

(b) To conduct timed workouts and qualifier races to the same standards and requirements governing those activities in this state at pari-mutuel race meetings.

(c) To not allow any wagering at the training center and promptly report to the executive director or his or her authorized representative any person who is found to be wagering.

(d) To maintain records regarding the management and operation of the training facility and make the records available to the executive director or his or her authorized representative upon request.

(e) To allow inspections by an authorized representative of the executive director at any time.

(f) To ensure all participants at the training center are licensed under the act and these rules.

(g) To maintain its facility by making necessary improvements, additions, or corrections to the facility, fixtures, equipment, or procedures as required by the executive director.

(3) Failure to comply with the conditions set forth in subrule (2) of this rule may result in withdrawal of authorization to conduct timed workouts and qualifying races.

R 431.1055 Rescinded.

R 431.1060 Occupational license fees.

Rule 1060. (1) Occupational license fees shall be set by the executive director.

(2) A license fee receipt admits an applicant to restricted areas only during the period designated by the executive director on the face of the receipt.

R 431.1065 Ownership.

Rule 1065. (1) Every legal entity having an ownership interest in a horse must be licensed as an owner.

(2) If a legal entity with more than 4 individuals owns interest in a single horse, each individual holding a 5% or greater beneficial interest must be licensed as an owner. Individuals owning less than 5% must be eligible for licensure as an owner.

(3) A joint ownership agreement or lease shall accompany the application for an owner's license.

(4) The executive director may deny, suspend, or revoke the license of any owner whose ownership of a horse is qualified or limited in part by the rights or an interest in such horse being held or controlled by any other person or persons who would be ineligible for licensing under these rules.

(5) A corporate or syndicate name, if any, is considered a stable name for the purpose of these rules. The executive director reserves the right to refuse registration of any corporate or syndicate name.

(6) The stewards may grant an owner with less than a 5% ownership or beneficial interest in a horse a license if the owner can establish a bona fide need for the license.

R 431.1070 Leases; validity; terms.

Rule 1070. (1) Horses may be raced under a lease if the lease agreement is submitted in a manner and form prescribed by the executive director and is approved by the stewards. For the purposes of racing a horse in this state, the stewards may at any time suspend or revoke their approval of a lease upon a determination that the lease is not in the best interest of racing.

(2) For racing purposes, a lease must not be approved by the stewards unless all of the following provisions are complied with:

(a) The lessee and lessor are licensed as owners.

(b) Each of the signatures of the lessor and lessees on the lease agreement are subscribed and sworn to before a notary public.

(c) A horse is not leased more than once per calendar year without approval of the stewards.

(d) Conditions of the lease specify, as to parties to the lease, whether the subject horse may be entered to be claimed. If the lessor agrees that the subject horse may be entered to be claimed, conditions of the lease shall specify the minimum price for which the subject horse can be entered and to whom the claiming price is payable.

(e) Conditions of the lease specify that upon claim of the subject horse, the lease terminates and all rights in and to such horse pass to the claimant as a bona fide purchaser.

(f) The lease completely divests the lessors of further control or direction of the racing performance of such horse while under lease, and the lease ensures that the resultant program listing of the lessee will not mislead the betting public by reason of the absence in the program listing of the name of a person or persons who possess a beneficial interest in such leased horse.

R 431.1075 Rescinded.

R 431.1080 Rescinded.

R 431.1085 Waiver of rules.

Rule 1085. The executive director may waive these rules with respect to any 1 horse owned by any legal entity to permit the horse to participate in a specific race of special interest to the sport and this state.

R 431.1090 Rescinded.

R 431.1095 Associations; duties.

Rule 1095. (1) Each association licensed by the executive director, and each licensed association's officers, directors, officials, and employees, shall observe and enforce the laws of this state, the rules promulgated under the act, and orders of the executive director at and during race meetings conducted by the association. Each association, and its officers, directors, and employees, shall also honor all written orders of expulsion or ruling off issued by the executive director, and pursuant thereto shall immediately eject and exclude from the grounds any person whom the association, or its officers, directors, or employees, knows to be under expulsion and ruled off pursuant to the written order of the executive director.

(2) Each association shall provide a competent and adequate security force, night and day, in and about the grounds and shall police and maintain order on its grounds so as to reasonably insure the safety of all persons on its grounds and protect and preserve the integrity of racing and pari-mutuel wagering conducted on its grounds.

(3) Each association shall exclude all of the following from its grounds:

(a) Upon written notification of the executive director, all persons whom it knows have been designated by written order of the recognized racing authority in another recognized racing jurisdiction to be under expulsion, ruled off, or otherwise excluded from grounds in such other racing jurisdiction.

(b) All persons whom it knows to be engaged in activities on the grounds to avoid, or aid others in avoiding, compliance with federal or state income tax laws or rules pertaining to gambling winnings derived from pari-mutuel wagering.

(c) All persons whom it knows to be engaged in bookmaking or other illegal wagering or gambling activities on the grounds.

(d) All persons whom it knows to be engaged in toutting or the illegal solicitation of bets on the grounds.

(e) All persons whom it knows to be engaged in activities to unlawfully influence or fix the results or outcome of a race conducted on the grounds.

(f) All persons whom it knows have been convicted of crimes involving fraud or deception in the conduct of racing or pari-mutuel wagering.

(g) All persons whose presence and conduct on the grounds reasonably threatens the health and safety of other persons on the grounds or reasonably threatens or undermines public confidence in the integrity of racing or pari-mutuel wagering conducted on the grounds.

(4) Each association shall eject and exclude, from its stable areas, paddock, and other restricted areas, any person not authorized for admission to such areas under these rules.

(5) Each association may, in its sole discretion and on its own volition, eject or exclude from its grounds, or any part thereof, any person, licensed or unlicensed, for any reason it considers appropriate and without giving any reason or cause therefor, if, however, such ejection or exclusion is not based in any way upon the person's sex, race, color, creed, or national origin and is not otherwise in violation of state or federal law.

(6) When any association ejects or excludes any person from its grounds, it shall promptly report such action to the executive director in writing.

(7) The association shall provide the executive director with copies of available police reports pertaining to conduct on the grounds.

(8) The stable area of each licensed track shall be enclosed by a fence or other barrier of reasonable height that will deter entry of unauthorized persons.

(9) The association shall maintain a 24-hour guard at any entrance to the stable area 30 days before and during the live race meeting if horses are stabled on the grounds.

(10) The stable area shall be patrolled by track security officers, who shall pay special attention to the presence of unauthorized personnel, to the enforcement of fire prevention measures, and to the inspection of tack rooms and living quarters for fire hazards and contraband.

(11) An association shall take prompt corrective action on all fire safety deficiencies noted in inspections by local and state fire marshals.

(12) An association shall provide protected sheds for the storage of hay, straw, feed, and other flammable materials.

(13) An association shall at all times maintain its grounds and facilities so as to be neat and clean, painted, and in good repair, with special consideration for the comfort, health, and safety of patrons, employees, and other persons whose business requires attendance, and with special consideration for the health and safety of horses stabled, exercising, entered to race, or racing, at the association's facilities.

(14) An association shall provide and maintain lighting to ensure illumination in the stable, spectator, and parking areas.

(15) An association shall provide and maintain facilities for drivers and jockeys. Separate toilet and dressing facilities shall be provided for female and male drivers and jockeys.

(16) An association shall provide all of the following:

(a) Training and race course surfaces that are safe and humane.

(b) Proper equipment to maintain race course surfaces.

(c) Sufficient trained personnel to properly operate maintenance equipment and to assess needs in race course maintenance on a day-to-day basis.

(d) Daily records must be kept on the condition and maintenance of each training and racing surface. The records shall be available and submitted to the stewards upon request.

(17) An association shall have in attendance, during all live racing and morning training hours, at least 1 ambulance and 1 horse ambulance with personnel to render first aid and transport injured persons or horses to the most suitable place available for medical or veterinary treatment. A licensed paramedic or licensed EMT may be substituted for an

ambulance during training hours with prior approval of the executive director. Ambulances shall be stationed near an entrance to the racing surface.

(18) An association shall equip and maintain adequate first aid facilities with medical personnel in attendance.

(19) An association shall install and maintain in good service a communication system between the stewards' stand and all of the following persons or places:

- (a) Pari-mutuel department.
- (b) Starting gate.
- (c) Clerk of scales.
- (d) Clerk of course.
- (e) Paddock judge.
- (f) Patrol judges.
- (g) Official veterinarian.
- (h) Detention barn.

(20) For pari-mutuel wagering, an association shall use either a totalisator or another mechanical device which is equal in accuracy and clearness to the totalisator and which is approved by the executive director. No other place or method of betting, pool making, wagering, or gaming shall be used or permitted without the executive director's approval.

(21) An association conducting racing shall provide photo finish service of a type and quality approved by the executive director as an aid to the stewards, in determining the order of finish. When a photo finish picture is used to determine the order of finish, the picture, or true copies or projections thereof, shall be posted or projected for public inspection as required by the stewards or executive director. Film strips shall be preserved by the association for 1 year.

(22) An association conducting racing shall install an automatic electric timing device in conjunction with the photo finish camera or independent of the photo finish camera for the purpose of accurately recording the timing of all races. This time shall be considered as the official time of each race.

(23) The association shall designate an approved racing official as timer. The final time recorded by the timer on a hand-held watch or device of similar accuracy shall be the official time of a race if the electric timer fails.

(24) An association shall make a visual recording of each race including qualifying races. The recording shall be by videotape or other means approved by the executive director. The equipment necessary to promptly show the recordings to the stewards to assist them in determining questions pertaining to a race shall be provided by the association. The recordings shall in all cases be considered only as aids to the stewards. A visual recording of all views of each race shall be preserved by the association in a secure manner for 90 days after the close of a meeting or for a longer period set by the stewards or executive director. Specific recordings shall be shown to the stewards at any time during the meeting or shall be delivered to the executive director or his or her authorized representative at any time upon request. As the stewards consider necessary, and for the purpose of educating jockeys, drivers, and racing officials, the association may show visual recordings of races to jockeys, drivers, and racing officials on the racing day following the races in question.

(25) The association shall display post time a reasonable time before a race on a clock device provided for that purpose, on the infield results board, or on another prominent structure which is clearly readable from the spectator areas.

(26) An association conducting racing shall maintain a paddock that secures horses preparing to race in the daily program. The paddock shall be entirely enclosed and the gate or gates into the enclosure shall be controlled to exclude unauthorized persons.

(27) During racing hours, the association shall provide the services of a blacksmith and extra equipment in or adjacent to the paddock to ensure the proper conduct of racing without unnecessary delay.

(28) An association shall provide necessary office space with proper conveniences and adequate parking spaces for the executive director and his or her authorized representatives. Identification signifying the bearer as a representative of the executive director shall be honored for entrance to all points on the grounds.

(29) The names and addresses of the racing officials with at least 1 back up for each position shall be submitted to the executive director not less than 30 days before the start of the race meeting and shall thereafter be approved or disapproved by the executive director.

(30) Racing officials subject to the approval of the executive director shall not hold more than 1 official position during a race meeting unless approved by the executive director.

R 431.1101 Admissions.

Rule 1101. (1) A person required to be licensed by these rules shall not be admitted to the stables or other restricted area of the grounds without a current valid license or restricted area pass in his or her possession. An association may permit a person to enter restricted areas for a period of not more than 10 days after the filing of a license application if the applicant possesses a license fee receipt.

(2) Policemen, firemen, inspectors, and other public officials acting in the performance of their duties; employees of utility firms; or employees of companies doing construction in restricted areas are exempt from the provisions of this rule. However, any exempted person shall identify himself or herself and explain the purpose of his or her visit before admission.

R 431.1105 Entering and departing restricted areas; sign in and sign out.

Rule 1105. All licensed persons entering restricted areas of the grounds during other than normal racing and training hours shall sign in upon arrival and check out upon departure. The person's name, occupation, and license plate number shall be recorded. Exempt persons, other than policemen and firemen in the performance of their duties, shall sign in and out at all times during a race meeting.

R 431.1110 Logging entry and departure of horses.

Rule 1110. (1) The identity of all horses entering and leaving the stable area of an association conducting a race meeting shall be logged in and out at the stable area gate.

(2) The log book entry shall include all of the following information:

(a) The date and time in or out.

(b) Name of horse.

(c) Driver and all occupants of the transporting vehicle.

(3) A dead horse shall not be removed from the grounds without prior notification of the official veterinarian or the stewards.

(4) Confirmation of a current negative Coggins test and required vaccinations shall be provided for all horses entering the grounds. For horses from another state, a current health certificate is also required.

R 431.1115 Reporting violations.

Rule 1115. (1) If a person who is licensed as a participant in racing is approached with any of the following, that person shall report the offer, request, or suggestion to the executive director:

- (a) An offer or promise of a gratuity
- (b) A request or suggestion of any of the following:
 - (i) A bribe.
 - (ii) Any improper, corrupt, or fraudulent act or practice in relation to a race or racing.
 - (iii) That any race be conducted other than in a fair manner and pursuant to the rules.

(2) Failure to report the offer, request, or suggestion under subrule (1) of this rule may result in disciplinary action, which may include suspension or revocation of the person's license.

R 431.1120 False statements.

Rule 1120. A licensed person who gives false or misleading statements to the executive director or his or her authorized representative in connection with any investigation pertaining to racing or any person who refuses to appear or testify after proper notice shall be subject to disciplinary action or criminal prosecution, or both.

R 431.1125 Best efforts to win.

Rule 1125. A licensee is expected to give his or her best effort to win in all races in which he or she participates. Any instruction or advice to a jockey or driver or any handling of a jockey's or driver's horse other than for the purpose of winning is prohibited. If the stewards are satisfied that a race was ridden or driven in a fraudulent manner or that the jockey or driver was instructed or induced to ride or drive in a fraudulent manner, all persons guilty of connivance in the offense shall be subject to disciplinary action or criminal prosecution, or both.

R 431.1130 Expulsion and ruling off by executive director.

Rule 1130. (1) The executive director, deputies, or authorized representative of the executive director may order any person, whether licensed or unlicensed, to be immediately ejected, ruled off, and excluded from the grounds, or any part thereof, by written order of expulsion or ruling off, for any of the following reasons:

- (a) The person's violation of the rules promulgated under the act or the act or any successor racing laws enacted after the effective date of these rules.
- (b) The person's participation in touting, the illegal solicitation of bets or wagers, bookmaking, or any other illegal wagering or gambling activity.
- (c) The person's participation in any plan, scheme, or activity to avoid, or aid another in avoiding compliance with federal or state income tax laws.

(d) The person's conviction for any crime involving fraud or deception in the conduct of racing or pari-mutuel wagering or in the reporting of pari-mutuel gambling winnings to federal or state government tax authorities.

(e) The person's participation in any plan, scheme, or activity to unlawfully influence or fix the results or outcome of a race.

(f) The person's participation in any plan, scheme, or activity to misrepresent the true age, pedigree, identity, ownership, or eligibility of a horse to any of the following:

- (i) The jockey club.
- (ii) United States Trotting Association.
- (iii) American Quarter Horse Association.
- (iv) Appaloosa Horse Club.
- (v) Arabian breed registry.
- (vi) The executive director.
- (vii) Any racing official.

(g) The person's participation in any disorderly conduct or public disturbance on the grounds which reasonably threatens the health and safety of other persons or horses.

(h) The person's participation in any plan, scheme, or activity to willfully and knowingly enter or start an unqualified or ineligible horse in a race.

(i) The person's participation in any plan, scheme, or activity to offer or receive any money, benefit, or other consideration for scratching an entry from a race.

(j) The person's participation in any plan, scheme, or activity to offer, promise, or give any gift, gratuity, money, property, or other valuable thing or benefit to any person having official duties in relation to the conduct of racing or pari-mutuel wagering with the intent or purpose of thereby influencing the action, judgment, or decision of such person with respect to any matter or question which may be brought before such person in his or her official capacity. Any person who has official duties in relation to the conduct of racing or pari-mutuel wagering who requests, accepts, or receives, or agrees to accept and receive, any gift, gratuity, money, property, or other valuable thing or benefit as consideration for acting, judging, or deciding a matter or question which is brought before him or her in his or her official capacity shall be ruled off the grounds and removed from his or her official position.

(k) The person's participation in any plan, scheme, or activity involving fraudulent practices in the conduct of racing or pari-mutuel wagering in this or any other country.

(l) The making of a bet with, or on behalf of, any jockey or driver, unless the bet is on a horse the jockey or driver is riding or driving.

(m) If the person is a jockey or driver, the acceptance of a ticket or the making of a bet on any horse other than the one he or she rides or drives; however, a jockey or driver may make a multiple wager if his or her horse is selected to finish first in all instances.

(n) The person's participation in any other activity or conduct which reasonably threatens the health and safety of other persons on the grounds or reasonably threatens or undermines public confidence in the integrity of racing or pari-mutuel wagering in this state.

(2) In all cases where the executive director, deputies, or authorized representatives of the executive director order a person to be ejected, ruled off, and excluded from the grounds, or any part thereof, a written order of expulsion or ruling off shall be issued and

served on the person, giving the person notice of his or her expulsion and ruling off from the grounds and the reason for the expulsion or ruling off.

R 431.1135 Rescinded.

R 431.1140 Electrical devices.

Rule 1140. A person who is on the grounds under the jurisdiction of the executive director or on the grounds where horses which are eligible to race at the licensed track are kept shall not have in his or her possession, in his or her personal effects or vehicle, or in or on premises he or she occupies or controls, a battery, buzzer, prod, or other appliance, either electrical or mechanical, other than the ordinary whip, which is capable of affecting the speed or racing condition of a horse.

R 431.1145 Wagering by racing officials or association employees.

Rule 1145. A racing official or association employee or agent who has a direct connection with the running of a race shall not wager money or any other thing of value on the result of a race, and shall not solicit a stake or present from any person racing at the meeting. For the purpose of this subrule, the following persons are also included:

- (a) Assistant starters.
- (b) Jockeys' or drivers' room custodians.
- (c) Jockeys' or drivers' room employees.
- (d) Outriders, pony riders, and parade marshals.
- (e) Paddock employees.
- (f) Workout clockers.
- (g) An employee of an auditing firm present on behalf of this state.

R 431.1150 Ownership prohibition.

Rule 1150. A person approved by the executive director as a racing official, employee of a racing official, or an association employee directly connected with the running of a race or the classification of horses shall not be the owner or part owner of a horse racing at the meeting and shall not participate financially, directly or indirectly, in the purchase or sale of a horse racing at the meeting. Association employees not directly connected with the running of a race may be the owner or part owner of a horse racing at the meeting with the approval of the executive director.

R 431.1155 Bookmaking prohibited.

Rule 1155. Bookmaking or betting of any kind, other than through the pari-mutuel system, is prohibited. Any person licensed under this act who wagers in any but the prescribed manner faces disciplinary action up to and including license revocation and exclusion from all tracks under the jurisdiction of the executive director.

R 431.1160 Dissemination of information.

Rule 1160. An association employee or person licensed by the executive director shall not knowingly permit the dissemination of racing information that might be of benefit to bookmakers or others engaged in illegal betting activities. This does not prevent the prompt reporting of racing news by accredited members of the press.

R 431.1165 Financial responsibility.

Rule 1165. A licensee shall not willfully and deliberately fail or refuse to pay any monies due and owing for any services or supplies connected with his or her operations as a licensee. Presentation of a legal monetary judgment related to racing operations against a licensee may be a basis for immediate suspension, license denial, or other disciplinary action.

R 431.1175 Prohibited acts; breathalyzer and drug testing.

Rule 1175. (1) Smoking is prohibited in or around the barn or area where horses are kept.

(2) Possession of or use of controlled substances or concealed weapons in the stable area of any grounds during a live race meeting is prohibited.

(3) A licensee is prohibited from possessing or using alcohol while performing duties licensed under the act.

(4) A person in the stable area who smokes in or around the barn or area where horses are kept, who is in possession of controlled substances, alcohol, or concealed weapons, or who is under the influence of intoxicating liquor or any drug is subject to disciplinary action.

(5) The personal use by licensees of any controlled substance or excessive amount of medicant, stimulant, depressant, narcotic, or hypnotic is prohibited.

(6) Drivers, jockeys, stewards, racing officials, starting gate crew, and outriders that test positive on a breathalyzer test at or below .05% of alcohol in the blood may be relieved of their commitments at the discretion of the stewards.

R 431.1180 Rescinded

R 431.1185 Rescinded.

R 431.1190 Rescinded.

R 431.1195 Rescinded.

R 431.1200 Horses ruled ineligible; forfeiture of money and prizes.

Rule 1200. (1) Every horse trained or owned wholly or partly by disqualified person or a person who has been expelled or ruled off is ineligible to race unless authorized by the stewards.

(2) If an entry is received from any disqualified person or a person who has been expelled or ruled off or for any ineligible horse, that entry is void and the money paid for the entry, if any, shall be refunded. Any money or prize won by the entry shall be forfeited by the disqualified person or person who has been expelled or ruled off.

(3) A horse or stable entry that is ordered refused at any recognized meeting because of inconsistent racing or other cause shall not be permitted to race at a race meeting under the jurisdiction of the executive director during the continuance of the ruling.

R 431.1205 Objections, protests, and complaints.

Rule 1205. (1) Objections or protests against a horse, jockey, or driver participating in a race shall be received only when duly lodged by the owner, trainer, jockey, driver, authorized agent, or the jockey or driver of another horse engaged in the same race whose horse suffered or could suffer because of an alleged rules violation. An objection or protest also may be made by a racing official.

(2) Objections by a jockey or driver to alleged interference or fouls occurring during the running of the race shall be lodged orally with the clerk of scales or patrol judge before dismounting, shall be relayed immediately to the stewards, and shall then be lodged directly with the stewards.

(3) Complaints lodged during a race meeting shall be addressed to the stewards. Complaints lodged after the termination of a race meeting shall be addressed to the executive director.

R 431.1210 Protests, objections, or complaints; time.

Rule 1210. (1) Protests, objections, or complaints based on the following rule violations shall be lodged by persons aggrieved within the times prescribed:

(a) At least 1 hour before post time if the protest is based on incorrect weight allowance claimed for a horse entered to race.

(b) Before the race has been posted as official if the objection is based on interference by a horse, improper course covered by a horse, foul riding or driving, or any other matter occurring during or incidental to the running of a race.

(c) Not later than 48 hours after the race was run if the complaint is based on fraudulent or willful misstatement in entry under which a horse has run or any other rule violation.

(2) Licensees who make unreasonable, unwarranted, or frivolous complaints, objections, or protests may be subject to disciplinary action including a fine in an amount offsetting expenses incurred in determining the complaint, objection, or protest.

R 431.1215 Disputed races.

Rule 1215. If, after a race has been declared official, the result of a race is placed in dispute by the lodging of a complaint or appeal or by discovery of an alleged violation of the act or rules, all of the following provisions apply, pending determination of the disputed race:

(a) When, in addition to the lodging of a complaint or appeal or the discovery of an alleged violation, a positive laboratory test is reported, the stewards shall order that money from a disputed race be held by the association. The purse money being held shall be deposited in an escrow account established for that purpose. The proceeds, including interest accrued, shall be withdrawn and distributed according to the ruling of the stewards or by the final order of the executive director in a contested case, once the period of judicial review has lapsed. However, any portion of the purse money or other reward, the distribution of which would not be affected by the determination of the dispute or contested case, may be distributed at the discretion of the stewards or executive director.

(b) If purse monies or other rewards have been awarded to a licensee before the lodging of a complaint or appeal or the discovery of an alleged violation of the act or rules which

places the outcome of a race in dispute, the monies or reward shall be returned immediately to the association on orders of the stewards.

(c) The horse that crosses the finish line first and any other horse for which the race is authoritatively claimed shall be liable for all penalties attaching to the winner of that race until the matter is finally adjudicated.

R 431.1220 Determination of dispute.

Rule 1220. (1) The stewards shall make a determination on all protests, objections, complaints, or alleged violations of the act or rules lodged or discovered after a race has been declared official and shall issue a ruling thereon. If the stewards find that the act or rule was violated, the stewards may take disciplinary action against persons responsible, disqualify any horses in the disputed race, and award the purse money and other rewards pursuant to the determined order of finish in the disputed race.

(2) If a horse is disqualified after a race has been declared official and the disqualification causes a revision of the order of finish of a race, the pari-mutuel payoff shall not be affected.

R 431.1230 Fines; suspensions.

Rule 1230. (1) A fine imposed by the stewards or executive director is payable within 10 calendar days of proper notice to the licensee fined. A licensee who fails to pay the fine within 10 calendar days of proper notice, if a written appeal has not been filed and a stay of penalty has not been granted, shall be suspended and remain suspended until the fine is paid.

(2) Unless fraud has been committed, all jockeys and drivers temporarily suspended shall be permitted, for 2 days following the temporary suspension, to fulfill all engagements made before the suspension.

R 431.1235 Appeals; stays.

Rule 1235. (1) A person aggrieved by any ruling, action, or decision of the stewards, or by any disciplinary action or administrative action taken by the stewards, may have a review of the decision before the executive director.

(2) A licensee may apply to the executive director for a stay of disciplinary action imposed by the stewards pending disposition of the appeal by the executive director.

(3) All appeals shall be filed, in writing, with the executive director within 10 days of proper notice of the penalty or imposition of the discipline.

R 431.1240 Final decisions and orders.

Rule 1240. A final decision or order of the executive director shall be made, within a reasonable period, in writing or stated in the record, and shall include findings of fact and conclusions of law. A decision or order shall not be made except upon consideration of the record as a whole or the portion of the record as may be cited by any party to the proceedings and as supported by and in accordance with the competent, material, and substantial evidence. A copy of the decision or order shall be delivered or mailed to each party and to his or her attorney of record, if any.

R 431.1245 Declaratory ruling.

Rule 1245. (1) Pursuant to section 63 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.263, any person may request a declaratory ruling as to the applicability to an actual state of facts of a statute, rule, or order administered by the executive director.

(2) A request for a declaratory ruling shall be submitted in writing to the executive director, and shall contain all of the following information:

(a) Specific reference to the statute, rule, or order in question.

(b) A complete account of the facts which actually exist for which the declaratory ruling is sought.

(c) Contact information and the signature of the requestor.

(3) Within 90 calendar days after receiving a submitted request, the executive director shall issue a written notification by regular first-class mail to the petitioner and the petitioner's legal counsel, if any, stating whether the declaratory ruling will be issued or denied.

(4) The executive director may deny a request for declaratory ruling for any of the following reasons:

(a) The subject matter of the request is frivolous on its face.

(b) The statement of actual facts or issues contained in a request is indefinite, incomplete, or lacks specificity.

(c) The same, or substantially similar, actual state of facts or issue of law is under investigation or is subject to any litigation, pending or resolved.

(d) The issue in question is commonly accepted practice by industry wide standards.

(e) Other reason as determined by the executive director.

(5) After the executive director decides to issue a declaratory ruling under subrule (3) of this rule, the executive director may do any of the following:

(a) Request more information from the person.

(b) Request information from other interested persons.

(c) Request information from experts.

(d) Request oral or written arguments from interested parties.

(e) Hold a hearing upon proper notice to all interested parties.

(f) Issue a declaratory ruling.

(g) Reconsider the decision to issue a declaratory ruling.

(6) A declaratory ruling shall include a statement or findings of fact, conclusions of law supported by legal authority or reasoned opinion, and the ruling or determination made.

(7) Once issued, a ruling is binding on the executive director and shall not retroactively be changed, but nothing in this rule prohibits the executive director from prospectively changing a ruling.

(8) Upon a written request to the executive director, a person may inspect, copy, or receive a copy of a declaratory ruling.

R 431.1250 Stewards; duties; majority vote.

Rule 1250. (1) The stewards shall supervise and regulate the conduct of racing at each race meeting.

(2) All questions to be decided by the stewards shall be determined by majority vote. A dissenting steward may submit a minority report.

R 431.1255 Stewards; qualifications.

Rule 1255. (1) Before being appointed or approved by the executive director to serve in the capacity of steward, an applicant shall be certified or become certified by a national organization and have been employed as any of the following at a recognized meet or meetings for a period of not less than 60 racing days a year, during not less than 3 of the 5 preceding calendar years unless approved by the executive director:

- (a) Steward.
- (b) Racing secretary.
- (c) Assistant racing secretary.
- (d) Official Starter.
- (e) Placing judge.
- (f) Patrol judge.
- (g) Paddock judge.
- (h) Clerk of scales.
- (i) Racing regulatory veterinarian.

(2) If no acceptable applicant possesses the qualifications described in subrule (1) of this rule, a person approved or appointed shall have had prior experience in horse racing, such as an owner, trainer, jockey, or driver, or other related experience as the executive director considers pertinent.

R 431.1260 Authority of stewards.

Rule 1260. Stewards are authorized to do all of the following:

(a) Make all findings of fact as to all matters occurring during an incident to the running of a race; determine all objections and inquiries based on the interference by a horse, improper course covered by a horse, foul riding by a jockey, foul driving by a driver, and all other matters occurring during an incident to the running of a race; and determine the extent of disqualification, if any, of horses in a race for a foul committed during the race. The findings of fact and determinations are final, but subject to appeal. In the performance of their duties, stewards have unrestricted access to all areas used and under the jurisdiction of other racing officials and to all areas used by occupational licensees for racing purposes.

(b) Determine all protests, complaints, or objections concerning the conduct of racing which arise during a race meeting and enforce the determinations.

(c) Fine, suspend, or rule off a participant in racing, or order ejected or excluded from the grounds any person, licensed or unlicensed, upon a reasonable belief that a violation of these rules has occurred.

(d) Fine, suspend, or rule off a participant in racing who, in their opinion, has acted to the detriment of racing, and order ejected or excluded from the grounds any other disorderly person.

(e) Interpret and enforce the rules of racing and determine all questions pertaining to a racing matter not specifically covered by these rules in conformity with justice and the best interest of racing, subject to the authority and orders of the executive director.

(f) Issue decisions or rulings pertaining to the conduct of racing which shall supersede orders of the officers, directors, and officials of an association and which shall, if the stewards consider proper, vary any arrangement for the conduct of a race meeting,

including without limitation, postponing a race, cancelling a race, or ruling a race as no contest.

(g) Request and receive assistance in the investigation of possible rule infractions from all of the following:

(i) Employees of the executive director.

(ii) Racing officials.

(iii) Track security forces.

(iv) State and local police.

(v) Investigators representing trade groups to which associations may belong.

(h) Conduct hearings on all questions, disputes, protests, complaints, or objections concerning racing matters.

(i) Exclude from any race a horse which is improperly equipped, dangerous, unmanageable, unfit to race, liable to cause accident or injury to another horse or a jockey or driver in a race, or of questionable identity.

(j) Order, at any time, an examination, by the persons as the stewards consider appropriate, of any horse on the grounds or eligible to race at the meeting; order the examination of ownership papers, certificates, documents of eligibility, contracts, or leases pertaining to the horse; and require an affidavit of ownership or interest in any horse.

(k) Refuse, for good cause, the entry to any race of any horse which is ineligible to race and order any horse removed from the grounds.

(l) Order redistribution of race purses when the stewards consider it appropriate.

R 431.1261 Weather related race course conditions.

Rule 1261. (1) When the condition of the race course is in question due to weather, the stewards may consult with the association, outrider, a representative of the certified horsemen's organization, a representative of the jockey/driver community, or any other individuals considered appropriate by the stewards. The stewards shall determine whether to cancel races for that day.

(2) Upon a decision by the stewards that race course conditions are unsafe for racing, all races for that day must be canceled.

(3) Upon a decision by the stewards that race course conditions are safe for racing, only permitted withdrawals approved by the stewards must be allowed.

R 431.1265 Referral to executive director.

Rule 1265. The stewards may refer any matter within their authority to the executive director, summarily and without hearing, when, in their opinion, a hearing cannot be held under the conditions or in the manner prescribed in these rules, when a hearing is impractical due to the conclusion of the race meeting, or for other good and sufficient cause.

R 431.1270 Detention area.

Rule 1270. An association shall provide and maintain on its grounds an enclosure sufficient in size and with sufficient facilities to accommodate the stabling of horses temporarily detained for the taking of sample specimens.

R 431.1275 Taking of specimens.

Rule 1275. (1) The stewards or official veterinarian may, at any time, order the taking of blood, urine, or other specimen from any horse under their jurisdiction, pre-race or post-race. In all instances, specimens shall be taken from the official winning horse in a race and any other horse or horses designated by the stewards or official veterinarian.

(2) The stewards or official veterinarian, at any time, may order the taking of blood, urine, or other specimen from any horses entered in a qualifying race, after an official workout, or from any horse that is qualified or has a current timed work in the state.

R 431.1280 Specimen collection procedure.

Rule 1280. (1) The official winning horse and any other horse ordered by the stewards or official veterinarian must be taken to the detention area to have sample specimens taken at the direction of the official veterinarian. A person other than the owner, trainer, driver, or horse attendant shall not be admitted into the detention area. No more than 2 licensees per horse are allowed in the detention barn at once.

(2) Stable equipment, other than that necessary for washing and cooling out a horse, is prohibited in the detention area. A licensed veterinarian may attend a horse in the detention area only in the presence of the official veterinarian.

(3) During the taking of specimens from a horse, the owner, trainer, or horse attendant shall be present and witness the taking of the specimen and so signify in writing. In the case of a claimed horse, the original owner, trainer, or horse attendant shall be present.

(4) Urine sample collection procedure must meet all of the following requirements:

(a) All sample containers shall arrive from the testing laboratory with a tamper proof seal. The laboratory seal shall not be broken except in the presence of the person witnessing the specimen collection.

(b) A urine specimen taken from a horse shall be placed in a container and sealed with an identification label affixed. The sample must be placed in the refrigerator of the restricted access detention barn laboratory. One portion of the sample form bearing a printed identification number shall remain with the sealed container, and the other portion of the sample form bearing the same printed identification number shall be detached in the presence of the witness. The official veterinarian or his or her assistant shall, on the sample form, identify the horse from which the specimen was taken, and shall note the race and day and any other information required. The sample form shall be verified by the person witnessing the specimen collection. The sample form must be delivered to the official veterinarian's office and placed in a secure area. Every precaution shall be taken to ensure that a member of the laboratory staff does not know the identity of the horse from which a specimen was taken before the completion of all testing and reporting thereon.

(c) A horse's identity shall be confirmed by tattoo number or unique microchip. A horse which cannot be properly identified shall be reported immediately to the stewards.

(d) If, after a horse remains a reasonable time in the detention area, a specimen cannot be taken from the horse, the official veterinarian may permit the horse to be returned to its barn and usual surroundings for the taking of a specimen under the supervision of the official veterinarian or his or her assistant. A diuretic to facilitate urination shall not be administered, but an alternate specimen may be taken.

(5) Blood sample collection procedure must meet all of the following requirements:

(a) The official veterinarian shall confirm the blood collection tubes sent from the testing laboratory arrive in a sealed box and the blood collection tubes inside are sealed in a manner to prevent contamination. The expiration date on the blood collection tubes must be checked to confirm the tubes are valid until the end of the race meeting. If the blood collection tubes are not packaged in a manner to prevent contamination or the expiration date is before the end of the race meeting, all boxes of blood collection tubes affected shall be returned to the testing laboratory.

(b) The official veterinarian shall select appropriate blood collection tubes to be used along with a single use needle guard and a sterile single use needle with secure safety seal. The appropriate blood collection tubes must be carried in hand to the horse's stall. If needed, the assistant to the official veterinarian may assist. Sample tag information must be verified with the owner, trainer, or horse attendant by having that individual confirm that the horse's name and identification number on the sample tag is the same as the horse to be sampled.

(c) If in the process of preparing to draw blood or while drawing blood, a tube or needle (even if still encased in the protective cover) falls to the ground, it must be replaced with a new tube or needle.

(d) When the blood draw is complete, all tubes shall be labeled with bar code stickers from the sample tag in the presence of the owner, trainer, or horse attendant.

(e) Once labeled, the tubes must be placed in the restricted access detention barn laboratory.

(f) The trainer shall have a horse attendant present in the detention barn that is capable of restraining the horse for blood collection.

(g) Sample collection may be terminated at the discretion of the official veterinarian if continued attempts at the blood draw pose a risk to the horse, official veterinarian, or his or her assistant.

R 431.1285 Rescinded.

R 431.1290 Rescinded.

R 431.1295 Trainers; responsibilities; positive test presumptions.

Rule 1295. (1) A trainer is responsible at all times for the condition of all horses trained by him or her. A trainer shall not start a horse or permit a horse in his or her custody, care, or control to be started if he or she knows, or, through the exercise of reasonable care, might have known, or has cause to believe, that the horse has received a drug that could result in a finding of a drug. Every trainer shall assure that each horse trained by him or her is protected so as to prevent any horse from receiving a prohibited drug.

(2) When a finding of a drug is reported, the following shall be presumed concerning the horse from which the sample was taken:

(a) If the horse raced, that the drug was present in the horse during its race; or if the horse was scratched, that the drug would have been present in the horse at the time of the race from which scratched.

(b) The drug was administered at such time that the pharmacological effect of the drug remained present in the horse.

- (c) The drug was administered by a person or persons who had control, care, or custody of the horse.
- (3) Pending the outcome of a stewards' hearing, the trainer shall remain in good standing, except that a horse identified with the laboratory report shall not be permitted to compete during the investigation and stewards' hearing. A horse is not immune from resulting disciplinary action.
- (4) A trainer shall create and maintain full and accurate electronic or paper records of all treatments given to or performed on a horse in his or her care. The records must include all of the following:
 - (a) The name of the horse.
 - (b) The veterinary procedures performed, including when performed and by whom.
 - (c) All substances and medications administered, including all of the following:
 - (i) The name of the substance or medication.
 - (ii) Date and time of administration.
 - (iii) Dosage administered.
 - (iv) Route of administration.
- (5) The records must be maintained 30 days before a live race meeting through the end of that race meeting. Records must be preserved for a minimum of 6 months and be available for inspection by the stewards or official veterinarian on demand.
- (6) A trainer must promptly notify the official veterinarian or steward of any reportable disease and any unusual incidence of a communicable illness in any horse in his or her charge.
- (7) If a horse participating in a live race meeting is seriously injured or dies, the trainer must promptly report the incident to the stewards or the official veterinarian. As used in this subrule, "participating in a live race meeting" includes 30 days before the live race meeting starts and continues for 30 days after the live race meeting ends.

R 431.1301 Drugs and foreign substances.

- Rule 1301. (1) It is the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interest of the public and the racing participants through the prohibition or control of all drugs and foreign substances.
- (2) With the exception of normal feed, electrolytes, vitamins, and water by mouth, no substance may be administered to any horse on race-day before the race in which it is entered, unless such treatment is authorized by the executive director. This includes any substance administered by injection, directly into the mouth, by inhalation, topically, or by any other method of administration.
- (3) A drug or foreign substance, as defined by the act, shall not be administered to a horse that is intended to be entered, is entered, or be present in a horse that participates, in a race with wagering by pari-mutuel methods or any nonbetting race or workout.
- (4) A drug or foreign substance, as defined by the act, may be administered to a horse that is intended to be entered, is entered, or be present in a horse that participates, in a race with wagering by pari-mutuel methods or any nonbetting race or workout that is conducted at a race meeting in the state only when authorized by the rules or written order of the executive director for use in the care or treatment of the horse.
- (5) Leg paints and liniments may be administered externally to a horse by topical application if they can be applied topically without penetrating the skin.

(6) A banned drug, an Association of Racing Commissioners International, Inc. (ARCI) class 1 drug, or a non-FDA approved drug shall not be present or carried in a horse that is qualified or has a current timed work in the state.

(7) A finding by the executive director's designated laboratory that a drug or foreign substance, as defined by the act, is present in a urine, blood, or any other type of sample that is obtained by authorized representatives of the executive director from a horse that is intended to be entered, is entered, or participates in a race with wagering by pari-mutuel methods or any nonbetting race or workout that is conducted at a race meeting or training center is prima facie evidence that such drug or foreign substance was present and carried in the body of the horse after the horse was entered in the race and when the sample was obtained from the horse. Such laboratory finding also constitutes prima facie evidence that the trainer and his or her employees or agents who are responsible for the care or custody of the horse have been negligent in handling, safeguarding, and caring for the horse before, during, and after the race before the test sample was obtained.

(8) A finding by the executive director's designated laboratory that a banned drug, an ARCI class 1 drug, or a non-FDA approved drug is present in a urine, blood, or any other type of sample that is obtained by authorized representatives of the executive director from a horse that is qualified or has a current timed work in the state is prima facie evidence that the banned drug, the ARCI class 1 drug, or the non-FDA approved drug was present and carried in the body of the horse when the sample was obtained from the horse. Such laboratory finding shall also constitute prima facie evidence that the trainer and his or her employees or agents who are responsible for the care or custody of the horse have been negligent in handling, safeguarding, and caring for the horse before the test sample was obtained.

(9) When imposing penalties for a violation of the provisions of this rule, the executive director, deputy directors, or the stewards shall consider all relevant factors, including, but not limited to, all of the following:

(a) The nature of the unauthorized drug or foreign substance or drug paraphernalia that is involved and its effect or potential effect on a horse's racing performance or the outcome of the race.

(b) The purpose or reason for the violator's possession or use of the unauthorized drug, foreign substance, or drug paraphernalia.

(c) The availability of the drug, that is, can it be purchased over the counter, only with a prescription, or only with a license for controlled substances, or otherwise legally purchased and possessed in this country.

(d) The experience of the violator.

(e) Whether the violator has a past record of drug-related violations in this or any other jurisdiction.

(f) What action, if any, was taken by the violator of the rules to avoid such violation.

(g) The past performance lines of the horse in question in relation to its performance and reasonably expected performance in the questioned race.

(10) The stewards are not required to articulate any of the factors listed in subrule (9) of this rule in their ruling, nor shall ignorance of the rules be considered a mitigating factor.

R 431.1302 Possession and use of drugs and foreign substances.

Rule 1302. (1) A licensed veterinarian shall maintain veterinary records, in a manner approved by the executive director which accurately record all services rendered and medication prescribed and which include the name of the horse treated, date of the treatment, and name of the trainer. Such records shall be made available to the executive director or his or her authorized representative on demand.

(2) A licensed veterinarian shall report to the official veterinarian or to the stewards internal medication given by the licensed veterinarian, or given at his or her direction, to a horse known by him or her to be entered in a race. The trainer shall also make such report to the official veterinarian or to the stewards. If a drug is to be administered internally before scratch time to a horse which is entered to race, such fact shall be reported by the trainer or the licensed veterinarian to the stewards or an authorized representative of the executive director before scratch time and before treatment. If administration of a drug is to be made after scratch time, it shall be reported to the stewards or an authorized representative of the executive director immediately and before treatment unless in the opinion of the licensed veterinarian, humane concerns indicate immediate treatment is required.

(3) A licensed veterinarian shall report to the official veterinarian or to the stewards any racehorse in training that he or she euthanizes 30 days or less before the race meeting starts or that has raced at a race meeting within the previous 30 days.

(4) Neither a licensee nor any other person other than the official veterinarian shall have, in his or her possession, on the grounds, any banned drug, ARCI class 1 drug, or non-FDA approved drug.

(5) A person, other than a licensed veterinarian, official veterinarian, or a person with written permission from a steward, shall not have, in his or her possession, in his or her personal effects or vehicle, or in or upon premises he or she occupies or controls on the grounds, any drug or foreign substance, as defined by the act, for hypodermic administration or any hypodermic needle or syringe or other equipment for administration of a drug or foreign substance.

(6) Notwithstanding the provision of subrule (5) of this rule, a person may have, in his or her possession, on the grounds of a race meeting, any drug or foreign substance, as defined by the act, for administration to his or her own person, if such possession is otherwise permitted under state or federal law. If state or federal law prohibits the dispensing of the drug or foreign substance without a prescription, then the person who is in possession of the drug or foreign substance shall also have, in his or her possession, documentary evidence that a valid prescription for the drug or foreign substance was issued to him or her. If the drug or foreign substance is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic, then the person shall not possess or use the drug or foreign substance on his or her own person on the grounds of a race meeting unless he or she first obtains specific written permission from a steward for such possession and use on the grounds.

(7) Notwithstanding the provisions of subrule (5) of this rule, a person may possess, on the grounds, hypodermic needles and syringes and suppositories and equipment for rectal infusion for the purpose of administering a prescribed drug or foreign substance to himself or herself if he or she has first notified a steward of his or her possession of the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance to be administered and has received specific written permission from a

steward to possess and use the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance on himself or herself while on grounds.

(8) A licensed veterinarian may possess, on the grounds of a race meeting, any equipment and any drugs or foreign substances, as defined by the act, which are recognized and accepted in veterinary medicine for use in the veterinary care and treatment of horses and which are not otherwise prohibited by the executive director or under state or federal law. A licensed veterinarian shall not sell, give, or provide a hypodermic needle or syringe or any substance for hypodermic administration to any licensee on the grounds.

(9) A licensee, other than a veterinarian, may have, in his or her possession within the confines of an off-track stable, shed, building, or grounds where horses are kept which are eligible to race in the state, therapeutic medications and equipment for the administration of a drug or foreign substance under the following conditions:

(a) None of the medications may be banned drugs, ARCI class 1 drugs, or non-FDA approved drugs or be in violation of Michigan and federal compounding regulations.

(b) Any drug or medication which, by federal or state law, requires a prescription must be validly prescribed by a veterinarian, and in compliance with Michigan statutes. All such allowable medications must have a prescription label that is securely attached and clearly ascribed to show all of the following:

(i) The name of the product and active ingredients.

(ii) The name, address and telephone number of the veterinarian prescribing or dispensing the product.

(iii) The name of each horse for whom the product is intended/prescribed.

(iv) The date the drug was dispensed.

(v) The dose, dosage, duration of treatment, and expiration date of the prescribed/dispensed product.

(vi) Withholding/withdrawal times.

(vii) The name of the trainer to whom the product was dispensed.

(10) Any non-injectable drug or medication that is used or kept on the grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the information in subrule (9)(b) of this rule.

R 431.1303 Veterinarian's list

Rule 1303. (1) The official veterinarian shall maintain the veterinarian's list of all horses that are determined to be unfit to compete in a race due to illness, positive test or overage, physical distress, unsoundness, infirmity, or any other medical condition. Horses so listed are ineligible to race in any jurisdiction until released by an official veterinarian or a racing regulatory veterinarian.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's list is resolved and the horse's status is returned to that of racing soundness.

(3) The official veterinarian may require a horse to successfully qualify or perform a timed workout at a distance and time of his or her choosing as a condition for release from the veterinarian's list.

(4) Horses qualifying or working to be released from the veterinarian's list must comply with racing medication standards and are subject to post-work biologic sample collection for laboratory confirmation of compliance.

R 431.1304 Denervating and shock wave therapy.

Rule 1304. (1) A horse shall not be intended to enter, entered, or race in a race with wagering by pari-mutuel methods or any nonbetting race or workout that is conducted at a race meeting in this state if the horse has been denerved, neurectimized, desensitized, or anesthetized, at or above the ankle, by surgery, cryosurgery, chemical block, or any other means. A horse that has been subjected to any of the procedures stated in this subrule is not eligible to race until the official veterinarian has determined that sensation has returned. A licensee who performs or orders one of the procedures stated in this subrule shall be subject to disciplinary action.

(2) A horse on which any neurectomy has been performed below the ankle must be permitted to race if such fact is reported to the official veterinarian and designated on its registration certificate, electronic eligibility, or racing permit as applicable by breed.

(3) A list of all denerved horses shall be posted in the race office. A person shall not report a horse as having a neurectomy when in fact a horse has not.

(4) The use of extracorporeal shock wave therapy or radial pulse wave therapy is not permitted unless all of the following conditions are met:

(a) Any extracorporeal shock wave therapy or radial pulse wave therapy machine, whether in operating condition or not, must be registered with and approved by the executive director, or his or her authorized representative before such machine is brought to or possessed on any grounds or stable within the jurisdiction of the executive director.

(b) The use of extracorporeal shock wave therapy or radial pulse wave therapy within the jurisdiction must meet all of the following requirements:

(i) Be limited to licensed veterinarians.

(ii) Only be performed with machines that are both of the following:

(A) Registered and approved for use by the executive director.

(B) Used at a previously-disclosed location that is approved by the executive director.

(iii) Be reported within 24-hours before treatment on the prescribed form to the official veterinarian.

(c) Any treated horse shall not be permitted to race or perform a time workout for a minimum of 10 days following treatment.

(d) Any horse treated with extracorporeal shock wave therapy or radial pulse wave therapy shall be added to the veterinarian's list. This list shall be kept in the race office, be accessible to the jockeys and their agents during normal business hours, and be made available to other regulatory jurisdictions.

(e) A horse that receives any such treatment without full compliance with this rule and similar rules in any other jurisdiction in which the horse was treated shall be placed on the veterinarian's list.

(f) Any person participating in the use of extracorporeal shock wave therapy or the possession of the extracorporeal shock wave therapy machines, or both, in violation of this rule shall be subject to disciplinary action.

R 431.1325 Bleeders.

Rule 1325. (1) A horse that is examined and determined to be a bleeder shall be placed on the veterinarian's list for not less than 14 days and shall not be permitted to race until the horse is examined by an official veterinarian. The veterinarian's list shall be kept and maintained by the official veterinarians.

(2) A horse that is observed and determined to have bled from within the respiratory tract for a second time in a 12-month time period shall again be placed on the stewards' list and is not eligible to participate in racing for a minimum of 30 days.

(3) A horse that is observed and determined to have bled from within the respiratory tract for a third time in a 12-month time period shall again be placed on the stewards' list and is not eligible to participate in racing for a minimum of 180 days.

(4) A horse that is observed and determined to have bled from within the respiratory tract for a fourth time in a 12-month time period shall again be placed on the stewards' list and is not eligible to participate in racing for a minimum of 365 days.

(5) After the expiration of the minimum period of ineligibility set forth in subrules (2), (3), and (4) of this rule, the subject horse shall not start again until examined by the official veterinarian and released from the veterinarian's list.

R 431.1330 Nullification of records.

Rule 1330. If a horse establishes a record in a race and later laboratory analysis of the sample taken indicates the presence of a drug or foreign substance which could affect the racing conditions or performance of a horse in a race, the record is null and void.

R 431.1335 Destruction of injured horse; euthanasia permitted.

Rule 1335. Upon a determination of the official veterinarian that a horse injured in a workout or a race is injured to the extent that the horse must be destroyed, the official veterinarian may perform humane euthanasia after receiving written permission from the trainer or his or her representative on a form prescribed by the executive director.

R 431.1340 Postmortem of horses.

Rule 1340. (1) A horse that dies on the grounds or on a premise related to a licensee's participation in a live race meeting shall not be removed before notification of the official veterinarian and before permission is obtained. At the discretion of the official veterinarian, a postmortem may be required and the cost of the postmortem shall be paid by the owner, including the cost of transportation and examination. As used in this section, "a licensee's participation in a live race meeting" includes 30 days before the live race meeting starts and continues for 30 days after the live race meeting ends.

(2) The postmortem examination may include, but is not limited to, the submission of blood, urine, other bodily fluid specimens, or other tissue specimens for analysis. Upon completion of the postmortem examination, the carcass will be returned to the owner or disposed of at the owner's option.

(3) The presence of a prohibited drug or foreign substance in a specimen collected during the postmortem examination may subject the licensee to disciplinary action.

R 431.1999 Rescinded.

PART 2. MUTUELS

R 431.2001 Definitions.

Rule 2001. As used in this part:

- (a) "Betting interest" means a single horse, or more than 1 horse joined as a mutuel entry or joined in the mutuel field, on which a single pari-mutuel wager may be placed.
- (b) "Breakage" means the sum totaled from the amount wagered after takeout, payout, and refunds are subtracted. This sum may yield a positive or negative figure.
- (c) "Mutuel field" means a single betting interest which involves more than 1 horse and which is formed, when the number of horses starting in a race exceeds the number capacity of the totalisator, by grouping the highest numbered horse within the numbering capacity of the totalisator and all horses of a higher number.

R 431.2005 Rescinded.

R 431.2010 Pari-mutuel ticket sales payoffs.

Rule 2010. (1) Pari-mutuel tickets shall be sold only at either regular ticket windows which are properly designated by signs or through authorized systems. Pari-mutuel tickets shall not be exchanged.

(2) Wagers shall be paid when a race is declared official by the stewards. A race is official when an official sign is purposely displayed or an official announcement is made. Any subsequent ruling of the executive director or stewards with regard to the award of purse money shall have no bearing on the mutuel payoff.

(3) Payment on winning pari-mutuel tickets shall be made only upon presentation and surrender of such tickets.

(4) All winning pari-mutuel tickets may be presented for payment to the association concerned within 60 days after the last day of the race meeting pursuant to section 2 of 1951 PA 90, MCL 431.252.

(5) Tickets altered or mutilated in any way are void and worthless. Torn tickets, if properly identifiable, must be honored by the association. The responsibility for identifying tickets rests with the association.

(6) If there is any error in calculation where the public is underpaid, the amount of the underpayment shall be added to the same pool on the next race. If such an error results in the public being overpaid, the amount of the overpayment is chargeable against the funds of the association.

(7) Payments must be made only on the first 3 horses passing the finish line according to the official order of finish, except in the case of a dead heat, in which case payments must be made on all win, place and show finishers.

(8) If a horse is excused from racing for any reason after the betting thereon has begun, or if a horse becomes locked in the starting gate, the money bet on that horse shall be refunded, except that when the horse is part of an entry or a mutuel field, there shall be no

refund if the entry or the mutuel field, as the case may be, has at least 1 actual starter, or if the particular wager assigns the post time favorite in place of a scratched horse.

(9) The association shall require positive identification of a winning ticket holder before payment when, in the stewards' discretion, circumstances warrant the action.

R 431.2015 Emergencies; errors.

Rule 2015. (1) If any emergency arises in connection with the operation of the mutuel department and the emergency is not covered by these rules and an immediate decision is necessary, the mutuel manager shall make the decision, and a prompt report of the facts shall be made to the stewards and the executive director.

(2) If an error is made in posting the odds or payoff figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the payoff, irrespective of the error that may have appeared on the public board. If, because of mechanical failure, it is impossible to promptly correct the posted payoff, a statement shall be made over the public address system stating the facts and corrections.

R 431.2020 Program requirements.

Rule 2020. (1) R 431.2001 to R 431.2015 shall be printed in not less than 6-point type in the daily program sold by each association. R 431.2001 to R 431.2015 shall be posted for the benefit of the public in not less than 2 places in the betting area of each racing association and in not less than 4 places in those racing associations providing a clubhouse area.

(2) Mutuel department rules printed in the program or posted for the public shall be preceded by the following statement: "All payoffs by the pari-mutuel departments of associations licensed by the executive director are subject to the regulations of the United States Government, the Internal Revenue Service, and applicable statutes of the State of Michigan."

R 431.2025 Mutuel windows.

Rule 2025. Mutuel windows shall open not less than 30 minutes before the first race.

R 431.2030 Machine locking.

Rule 2030. (1) The pari-mutuel machines shall be locked by a steward immediately upon the start of the race through an electrical control in the stewards' stand or before the start of a race through a method subject to the approval of the executive director.

(2) If the start of the race is delayed beyond the official post time, as shown on the results board, without adequate reason or explanation, the stewards may, at their discretion, lock the pari-mutuel machines.

(3) An association is not responsible for ticket sales which are not completed before the machines are locked.

R 431.2035 Totalisators.

Rule 2035. (1) Pursuant to section 17(2) of the act, MCL 431.317, each association shall use a totalisator or other mechanical device which is equal in accuracy and clearness to a totalisator and which is approved by the executive director. The odds board of the totalisator or other mechanical device shall be placed in full view of the patrons.

(2) No other method of betting, pool-making, wagering, or gaming shall be used or permitted.

R 431.2036 Breakage.

Rule 2036. All breakage retained by the association must be paid to the city or township in which the racetrack is located on a monthly basis. Breakage calculations that result in a negative figure may be carried over.

R 431.2040 Rescinded.

R 431.2045 Rescinded.

R 431.2050 Betting interests; straight wagering.

Rule 2050. (1) In all races with 5 or more separate interests which start, associations shall provide win, place, and show betting. In all races with 4 separate interests which start, associations shall provide win and place betting. In races of 3 or 2 separate interests which start, associations shall provide only win betting. At the request of the association, the stewards may cancel place or show wagering, or both, at their discretion.

(2) If, through accident or otherwise, a horse or horses are withdrawn and the starting field is reduced to a point where it is necessary to cancel the show or place pool, the pool must be refunded. However, holders of combined tickets shall have valid wagers for that portion of the ticket not cancelled and a refund on the portion cancelled.

R 431.2055 Betting interests; multiple wagering.

Rule 2055. (1) There shall be no trifecta wagering on any race with less than 5 separate betting interests.

(2) Perfecta wagering shall not be scheduled on a race unless not less than 5 separate betting interests are programmed. In the event of a late scratch, perfecta wagering on a race in which 4 separate betting interests remain is permitted if perfecta wagering on that particular race had commenced before the late scratch.

(3) There shall be no perfecta wagering on any race with less than 4 separate betting interests.

(4) Superfecta wagering shall not be scheduled on a race unless not less than 7 separate betting interests are programmed. In the event of a scratch, superfecta wagering on a race in which 6 separate betting interests remain is permissible.

(5) There shall be no superfecta wagering on any race with less than 6 separate betting interests.

R 431.2060 Race cancellations.

Rule 2060. If a race is cancelled by the stewards after wagering begins on that race, or if a race is declared no contest by the stewards in the public interest, all monies wagered shall be refunded upon presentation and surrender of a valid ticket.

R 431.2061 Rescinded.

R 431.2070 Wagering format.

Rule 2070. All forms or variations of pari-mutuel wagering shall not be offered at a licensed track in this state without written permission of the executive director.

R 431.2075 Daily double.

Rule 2075. (1) The daily double is not a parlay and has no connection with or relation to straight wagering. All tickets on the daily double must be calculated in an entirely separate pool.

(2) To win a daily double, it is necessary for the purchaser of a daily double ticket to select the winners of each of the 2 races specified for the daily double. If either of his or her selections fails to win, his or her ticket is voided, except as otherwise provided.

(3) With respect to a daily double pool, the amount wagered on the winning combination, such being the horse or betting interest which finishes first in the first race coupled with the horse finishing first in the second race of the daily double, is deducted from the net pool to determine the profit. The profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning daily double. Payoff includes return of the amount wagered and the profit thereon. In addition, the following provisions apply to daily double pools:

(a) If there is a dead heat for first involving 2 different betting interests in 1 of the 2 daily double races, the daily double pool is distributed as if it were a place pool, with 1/2 of the profit allocated to wagers combining the single winner of 1 daily double race and 1 of the betting interests involved in the dead heat in the other daily double race and with the other 1/2 of the profit allocated to wagers combining the single winner of 1 daily double race and the other betting interest involved in the dead heat in the other daily double race.

(b) If there are dead heats for first involving different betting interests in each of the daily double races which result in winning combinations, the profit shall be allocated equally to the winning combinations after first deducting from the net pool the amount wagered on all winning combinations for proportionate allocation for each such winning daily double wager.

(c) If no daily double ticket is sold combining the horse or betting interest which finishes first in 1 of the daily double races, the daily double pool is distributed as if a win pool, with the profit allocated to wagering combinations which include the horse or betting interest which finished first in 1 of the daily double races.

(d) If no daily double ticket is sold combining the horses or betting interests which finished first in both the first and second race of the daily double, then the winning combination for distribution of the daily double profit shall be that combining the horses or betting interests which finished second in each of the daily double races.

(e) If, after daily double wagering has commenced, a horse not coupled with another as a betting interest in the first race of the daily double is excused by the stewards or is prevented from racing because of failure of the starting gate to open properly, then daily double wagers combining such horse shall be deducted from the daily double pool and shall be refunded upon presentation and surrender of daily double tickets thereon.

(f) If, after the first race of the daily double has been run, a horse not coupled with another as a betting interest in the second race of the daily double is excused by the stewards or prevented from racing because of failure of the starting gate door to open properly, then daily double wagers combining the winner of the first daily double race

with such horses prevented from racing in the second daily double race shall be allocated consolation payoffs.

(g) Consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every horse or betting interest scheduled to start in the second daily double race, such quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with such horse prevented from racing in the second daily double race. Payoff includes return of the amount wagered and the profit thereon.

(h) If for any reason the first race of the daily double is cancelled and declared no contest a full and complete refund shall be made of the daily double pool.

(i) If for any reason the second race of the daily double is cancelled and declared no contest the net daily double pool shall be paid to the holders of daily double tickets which include the winner of the first race.

R 431.2080 Rescinded.

R 431.2090 Trifecta.

Rule 2090. (1) The trifecta is a contract by the purchaser of a ticket to select the 3 horses that will finish first, second, and third in the race. The trifecta must be calculated as an entirely separate pool.

(2) With respect to a trifecta pool, the amount wagered on the winning combination, such being the horse finishing first, the horse finishing second, and the horse finishing third, in exact order, is deducted from the net pool to determine the profit. The profit is divided by the amount wagered on the winning combination, such quotient being the profit per dollar wagered on the winning trifecta combination. Payoff includes the amount wagered and profit thereon. In addition, the following provisions apply to trifecta pools:

(a) If no ticket is sold designating, in order, the first 3 horses, the net pool shall be distributed equally among holders of tickets designating the first 2 horses in order.

(b) If no ticket is sold designating, in order, the first 2 horses, the net pool shall be distributed equally among holders of tickets designating the first horse to win.

(c) If no ticket is sold designating the first horse to win, the net pool shall be distributed equally among holders of tickets designating the second and third horses in order.

(d) If less than 3 horses finish, the payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(e) If there is a dead heat, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position involved in the dead heat, shall be winning tickets. The payoff must be calculated as a place pool.

(f) If no ticket is sold that would require distribution of a trifecta pool, the association shall make a complete and full refund of the trifecta pool.

(3) If a horse is scratched or declared a non-starter, all trifecta tickets previously issued designating such horse shall be refunded and deducted from the gross pool.

R 431.2094 Pick Three.

Rule 2094. (1) The pick three requires selection of the first-place finisher in each of 3 consecutive contests.

(2) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (a) As a single price pool to those whose selection finished first in each of the 3 contests.
- (b) If there are no wagers described in subdivision (a) of this subrule, as a single price pool to those who selected the first-place finisher in any 2 of the 3 contests.
- (c) If there are no wagers described in subdivision (a) or (b) of this subrule, as a single price pool to those who selected the first-place finisher in any 1 of the 3 contests.
- (d) If there are no wagers described in subdivision (a), (b), or (c) of this subrule, the entire pool shall be refunded on pick 3 wagers for those contests.

(3) If there is a dead heat for first in any of the 3 contests, the pick three pool must be distributed as follows:

- (a) If contestants represent the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.
- (b) If contestants represent 2 or more betting interests, the pick three pool shall be distributed as follows:
 - (i) As a profit split to those whose selections finished first in each of the 3 contests.
 - (ii) If there are no wagers described in paragraph (i) of this subdivision, as a single price pool to those who selected the first place finisher in any 2 of the 3 contests.
 - (iii) If there are no wagers described in paragraph (i) or (ii) of this subdivision, as a single price pool to those who selected the first place finisher in any 1 of the 3 contests.
 - (iv) If there are no wagers described in paragraph (i), (ii), or (iii) of this subdivision, the entire pick three pool shall be refunded.

(4) If a wagering interest is scratched for a pick three contest, or is designated to run for purse money only, the association shall substitute the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, for the scratched betting interest for all purposes, including pool calculations. If the win pool total for 2 or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all 3 pick three contests are cancelled or declared no contest, the entire pool shall be refunded on pick three wagers for those contests.

(6) If 1 or 2 of the pick three contests are cancelled or declared no contest, the pick three pool remains valid and shall be distributed pursuant to subrule (2) of this rule.

R 431.2095 Rescinded.

R 431.2096 Pick Four.

Rule 2096. (1) The pick four requires selection of the first place finisher in each of 4 consecutive contests.

(2) The net pick four pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (a) As a single price pool to those whose selection finished first in each of the 4 contests.

(b) If there are no wagers described in subdivision (a) of this subrule, as a single price pool to those who selected the first-place finisher in any 3 of the 4 contests.

(c) If there are no wagers described in subdivision (a) or (b) of this subrule, as a single price pool to those who selected the first-place finisher in any 2 of the 4 contests.

(d) If there are no wagers described in subdivision (a), (b), or (c) of this subrule, as a single price pool to those who selected the first-place finisher in any 1 of the 4 contests.

(e) If there are no wagers described in subdivision (a), (b), (c), or (d) of this subrule, the entire pool shall be refunded on pick four wagers for those contests.

(3) If there is a dead heat for first in any of the pick four contests, the pick four pool must be distributed as follows:

(a) If contestants represent the same betting interest, the pick four pool shall be distributed as if no dead heat occurred.

(b) If contestants representing 2 or more betting interests, the pick four pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) If a wagering interest is scratched for a pick four contest, or is designated to run for purse money only, the association shall substitute the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, for the scratched betting interest for all purposes, including pool calculations. If the win pool total for 2 or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick four pool shall be cancelled and all pick four wagers for the individual performance shall be refunded, if at least 3 contests included as part of a pick four are cancelled or declared no contest.

(6) If at least 1 contest included as part of a pick four is cancelled or declared no contest, but not more than 2 contests, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick four contests for that performance.

R 431.2100 Rescinded.

R 431.2105 Rescinded.

R 431.2110 Rescinded.

R 431.2115 Rescinded.

R 431.2120 Superfecta.

Rule 2120. (1) The superfecta is a contract by the purchaser of a ticket to select, in order, the first, second, third, and fourth place horses in the designated superfecta race, as designated by the association with the approval of the executive director. Payment of winning tickets shall be made only to the holders of the tickets who have selected the

same order of finish as officially posted, except if there is a scratch or as otherwise provided in these rules.

(2) Superfecta wagering has no connection with, or relation to, the win, place, and show betting pools and shall be calculated as an entirely separate pool. The ticket shall be labeled a superfecta ticket.

(3) If a horse is scratched or excused from racing, additional tickets shall not be sold designating such horse, and all tickets previously sold designating such horse shall be refunded and the money deducted from the gross pool.

(4) If no ticket is sold designating, in order, the first 4 horses, or if only 3 horses finish, the net pool shall be distributed equally among holders of tickets designating, in order, the first 3 horses. If no ticket is sold designating, in order, the first 3 horses, or if only 2 horses finish, the net pool shall be distributed equally among holders of tickets designating, in order, the first 2 horses. If no tickets are sold designating, in order, the first 2 horses, the net pool shall be distributed equally among holders of tickets designating the winner.

(5) If no ticket is sold designating the winner to win, the superfecta shall be declared off and the gross pool refunded.

(6) If there is a dead heat or dead heats, all tickets designating the correct order of finish, crediting each horse in a dead heat as finishing in either position involved in the dead heat, shall be winning tickets, and the aggregate number of winning tickets shall be divided into the net pool for the purpose of determining the payoff.

PART 3. THOROUGHBRED RACING

R 431.3001 Definitions; A to E.

Rule 3001. As used in this part:

(a) "Added money" means cash, exclusive of a trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

(b) "Breeder" means the owner of the dam of a horse when such horse was foaled. A horse is bred at the place of its foaling. A registered Michigan-bred horse is defined by R 285.810.1.

(c) "Closing" means the time designated when all entries in a race must be and remain in the race, unless excused by the stewards.

(d) "Declaration" means the withdrawal of a horse that was entered in a race before time of closing.

(e) "Equipment" means accouterments other than the ordinary saddle, girth, pad, saddle cloth, and bridle carried by a horse and includes, but is not limited to, all of the following:

- (i) Riding crop.
- (ii) Blinkers.
- (iii) Tongue strap.
- (iv) Muzzle.
- (v) Hood.
- (vi) Noseband.
- (vii) Bit.
- (viii) Shadow roll.
- (ix) Martingale.

(x) Breastplate.

(xi) Bandages.

(xii) Boots.

(xiii) Racing plates or shoes.

(f) "Exhibition race" means a race between horses of diverse ownership for which a purse is offered but on which pari-mutuel wagering is not permitted.

R 431.3005 Definitions; H to M.

Rule 3005. As used in this part:

(a) "Handicap" means a race in which weights are assigned to the horses by the handicapper for the purpose of equalizing their chances of winning.

(b) "Horse" means an equine registered as such with the appropriate breed registry and designates any thoroughbred, quarter horse, Appaloosa, Arabian, and American paint horse irrespective of age or sex designation.

(c) "Ineligible" means that a horse or a person is not qualified under these rules or the conditions of a race to participate in a specified racing activity.

(d) "Maiden" means a horse that has never won a race on the flat at a recognized meeting in any country. A maiden that was disqualified after finishing first remains a maiden. Race conditions referring to maidens shall be interpreted as meaning maidens at the time of starting.

R 431.3010 Definitions; O to S.

Rule 3010. As used in this part:

(a) "Optional claiming race" means a race that is restricted to horses which are entered to be claimed for a stated price or less and horses which are entered not to be claimed by the option designated in the conditions of the race. Where horses are entered to be claimed, the race shall be considered a claiming race, and where horses are entered under the option, the race shall be considered an allowance or purse race.

(b) "Produce race" or "futures" means a race that is to be contested by the produce of horses which are named or identified before the closing time of nominations.

(c) "Purse race" means a race for money or another prize to which the owners of horses engaged do not contribute.

(d) "Starter race" means an overnight race under allowance or handicap conditions which is restricted to horses that have previously started for the designated claiming price or less, as stated in the conditions of the race.

R 431.3015 Rescinded.

R 431.3020 Racing officials.

Rule 3020. (1) The following positions at a race meeting are designated as officials:

(a) Stewards.

(b) Placing judges.

(c) Clerk of scales.

(d) Paddock judge.

(e) Official starter.

(f) Racing secretary.

- (g) Assistant racing secretary.
- (h) Timer.
- (i) Official veterinarian.
- (j) Horse identifier.
- (k) Jockey room custodian.

(2) In case of emergency, the association may provide a substitute steward, with the approval of the executive director, to act as the steward for the remainder of any program.

(3) A person, other than the stewards or the placing judges, shall not be allowed in the stewards' and placing judges' stands during the running of a race, except with permission of the stewards.

(4) A person, other than a steward, shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.

(5) A racing official shall not be the owner or part owner of a horse racing at a track where the official is serving.

(6) Racing officials serving in the capacity of steward, placing or patrol judges, clerk of scales, official starter, or horse identifier may be required to take and satisfactorily pass an optical examination at the request of the executive director. The examination shall evidence a minimum corrected vision of 20/30 and an ability to distinguish colors correctly.

(7) All racing officials, with the exception of those representing the executive director, shall be nominated by the association, subject to the approval of the executive director. The executive director reserves the right to demand a change of racing officials for what he or she considers to be good and sufficient reason. The successor of a racing official so replaced shall also be subject to the approval of the executive director.

R 431.3025 Stewards; duties and responsibilities; complaints against officials.

Rule 3025. (1) In addition to the general powers specified in these rules, the stewards shall have all of the following specific duties and responsibilities:

- (a) Taking cognizance of all misconduct or rule infractions, whether reported or not, and investigating all instances of possible rule infractions. They shall take action as they consider necessary to prevent a rule infraction.
- (b) At least 1 steward shall be on the grounds from scratch time, or, if not a racing day, when entries are first taken, until entries are closed. At least 1 steward shall be present for the regular showing of racing films or videotapes. All 3 stewards shall be on the grounds for a continuous period beginning 2 hours before post time for the first race and ending at the conclusion of the last race. All 3 stewards shall be present when contemplating disciplinary action.
- (c) Inspecting all applications for licenses to participate in racing and administering, or causing to be administered by qualified persons, examinations of all first-time applicants for a trainer's license and jockey agent's license. The stewards may make recommendations to the executive director as to the qualifications of all applicants for licenses to participate in racing.
- (d) Reviewing registration certificates, contracts, papers, and other documents pertaining to any of the following:
 - (i) The sale or ownership of a horse.
 - (ii) Payment of purse money.

- (iii) Jockey and apprentice jockey contracts.
- (iv) Appointment of agents.
- (v) Adoption of assumed names by stable owners.
- (vi) Determining the eligibility and appropriateness for participation in racing.
- (e) Requiring proof of eligibility of a horse or person to participate in a race if it is in question. In the absence of sufficient proof to establish eligibility, the stewards may rule the horse or person ineligible.
- (f) Supervising the taking of entries, receiving all declarations and scratches, and determining all questions arising from and pertaining to such entries, declarations, and scratches. The stewards may refuse the entry of any horse by a person, may refuse to permit a declaration or scratch, or may limit entries.
- (g) Assuring that the "inquiry" sign is posted on the infield odds board immediately after the horses have crossed the finish line in a race if any steward or patrol judge doubts the fairness of the running of the race. The stewards shall cause the "objection" sign to be posted on the infield odds board when an objection is lodged and shall cause the "official" sign to be posted on the infield odds board after determining the official order of finish for purposes of the pari-mutuel payoff.
- (h) Maintaining a stewards' report in the manner and form prescribed by the executive director and reporting all actions of the stewards that arise during a race day.
- (i) Making periodic inspections of the barn area, checking track security, and making visits to the jockeys' room to observe and check security at the weighing out. The inspections and observations made shall be noted in the steward's report.
- (2) The stewards may review the video recordings of each day's races before commencement of the successive day's races and compile a list of riders who they feel should review films for instructional purposes. If a list is compiled, the stewards shall assure that the list is posted in the jockeys' room.
- (3) In the performance of their duties, the stewards shall have unrestricted access to all areas and grounds of the association.
- (4) A complaint against a racing official may be made to the stewards or to the executive director. Complaints made directly to the stewards shall be reported to the executive director, in writing, together with any action taken by the stewards.

R 431.3030 Stewards; reversals of form; review of films; disciplinary action.

Rule 3030. (1) The stewards shall take cognizance of marked reversal of form of all horses and shall, at their discretion, conduct inquiries. During inquiries, the stewards may take into consideration the betting action on the horse in question and films of the horse's previous races, and shall consider all other facts they consider relevant toward making a determination as to whether the horse being evaluated was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first. If after review the stewards make a determination that there is a reasonable probability that the horse in question was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, the stewards may take disciplinary action against a person found to have contributed to the restraining of the horse.

(2) If the stewards find that a horse has been deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, these findings may be forwarded by the executive director to law enforcement authorities.

R 431.3035 Racing secretary; responsibilities and duties.

Rule 3035. (1) The racing secretary is responsible for all of the following:

- (a) The programming of races during the race meeting.
- (b) Compiling and publishing condition books.
- (c) Assigning weights for handicap races.
- (d) Receiving all entries, subscriptions, declarations, and scratches.

(2) Duties for which the racing secretary and his or her staff are responsible include, but are not limited to, all of the following:

(a) Safekeeping of registration certifications and racing permits for horses, recording information required thereon, and returning them to owners, or trainers if authorized by the owners, at the conclusion of the race meeting.

(b) Maintaining a record of all stakes fees received and all arrearages, jockeys' fees, purchase money in claiming races, and any other money received incident to the race meeting, and paying over such monies to persons entitled thereto.

(c) Supervising the horsemen's bookkeeper's handling of the horsemen's account.

(d) Daily posting of entries as soon as possible after the entries have been closed and declarations have been made.

(e) Assigning stall applicants stabling as the racing secretary considers proper, and maintaining a record of the arrival and departure of all horses stabled on the grounds.

(f) Publishing the official daily program and insuring the accuracy of the information contained therein.

(3) The published racing program shall contain all of the following information:

(a) The sequence of races to be run and the post time for the first race.

(b) The purse, conditions, and distance for each race and the current track record for such distance.

(c) The names of owners of each horse, with an indication of which horses, if any, are leased.

(d) The full name of the trainer and the jockey named for each horse, together with the weight to be carried.

(e) The saddle cloth number or designation for each horse, and the post position for each horse if there is a variance with the saddle cloth designation.

(f) Identification of each horse by name, color, sex, age, sire, and dam, which shall correspond to the foal certificate.

(g) A description of the racing colors to be carried and other information as may be requested by the association or the executive director.

(h) A stable name with the name of at least 1 owner. If the stable represents more than 1 owner, the joint ownership shall be indicated by the use of the name of 1 owner and the words "et al."

(4) A horse shall not appear in any official program in more than 1 race on the same day, except for stakes races or handicaps.

(5) The racing secretary shall designate the price spread and the distances and shall publish a daily up-to-date list of horses having preference and the price spread and distances of the races to which the preference pertains.

(6) The racing secretary or handicapper shall append to the weights for every handicap the day and hour from which winners will be liable to a penalty. Alterations shall not be made after publication of the program, except in case of omission, through clerical error or oversight, of the name and weight of a horse duly entered. Where there is an omission, the omission may, with the permission of the stewards, be rectified by the racing secretary or handicapper.

R 431.3040 Paddock judge; duties.

Rule 3040. The paddock judge shall have general supervision over the paddock and be responsible for all of the following:

- (a) Keeping accurate records of all equipment a horse carried in the horse's previous race. Change in the equipment is permitted only with the consent of the stewards.
- (b) Assembling the horses and jockeys in the paddock not less than 15 minutes before the scheduled post time for the race, unless otherwise determined by the stewards.
- (c) Assuring that the saddling of all horses is orderly, open to public view where possible, and free from interference, and assuring that horses are mounted at the same time and leave the paddock for the post in proper sequence.
- (d) Reporting to assigned security guards the presence of any unauthorized persons in the paddock.
- (e) Promptly reporting all rule violations to the stewards.
- (f) Inspecting the bandages of a horse.
- (g) Inspecting the feet of a horse.
- (h) Paddock schooling and the paddock schooling list.
- (i) The presence or absence of trainers in the paddock as required.

R 431.3045 Placing judges; duties.

Rule 3045. If required by the executive director, 3 racing officials shall serve as placing judges and shall be in a stand directly above the finish line during the running of each race. The placing judges shall take special note of racing colors and distinguishing equipment carried by each horse. The placing judges shall determine the order of the horses as they cross the finish line by considering the location of the respective noses of such horses. The placing judges shall cause the numbers of the first 4 horses to cross the finish line to be flashed on the result board. A photo finish camera approved by the executive director shall be used as an aid by the placing judges in determining the order of the horses as they cross the finish line. Placing judges may request a photo to assist in determining margins of less than a 1/2 however, the camera and any photographic reproduction are merely aids to the placing judges.

R 431.3050 Rescinded.

R 431.3055 Clerk of scales; duties; jockey weights.

Rule 3055. (1) The clerk of scales shall secure, regulate, and control the jockeys' room, the equipment therein, and the personnel permitted access thereto. The clerk of scales

shall weigh all jockeys out and weigh in not less than the first 4 finishers. The clerk of scales shall accurately record and publish a scratch, overweight, change of jockey, and any change of weight or racing colors from what is stated in the official program and shall promptly supply all racing officials and the mutuel department with all pertinent changes.

(2) After each race, the clerk of scales shall report to the racing secretary or his or her representative the weights carried by each horse, with the name of each horse's jockey and the overweight, if any. The clerk of scales shall also report the post time and running time in each race and shall report any other information which may from time to time be required.

(3) The clerk of scales shall promptly report an infraction of the rules with respect to weight, weighing, or riding equipment to the stewards.

(4) A jockey's weight shall include all of the following:

- (a) Clothing.
- (b) Boots.
- (c) Saddle and its attachments.
- (d) Saddle cloth.
- (e) Other equipment required by the stewards.

(5) A jockey's weight shall not include any of the following:

- (a) Riding crop.
- (b) Head number.
- (c) Number cloth.
- (d) Bridle.
- (e) Safety helmet and goggles.

(6) The clerk of scales, with the consent of the stewards, may permit clothing allowances for inclement weather.

(7) Seven pounds is the limit of overweight any horse is allowed to carry. If the weight of a rider exceeds the weight the horse is published to carry, the jockey shall declare the amount of overweight to the clerk of scales at the time designated by the stewards, and the clerk of scales shall have the overweight posted and announced immediately. A trainer has the pre-post time option of removing a jockey from a horse if the jockey is under his or her training and is carrying more than 2 pounds overweight. Such removal shall be without penalty to the trainer. The failure of a jockey to comply with this rule shall be reported to the stewards.

(8) The clerk of scales shall maintain a record of the winning races of an apprentice jockey. At the close of the race meeting, or on departure of the jockey, the record sheet shall be attached to the rider's copy of his or her contract or shall be written into his or her certificate and shall be released to the rider. The clerk of scales shall inform the stewards of the expiration date of the apprentice jockey's apprentice allowance.

R 431.3060 Official starter; duties.

Rule 3060. (1) The official starter shall be responsible for the fair and equal start of all horses at the scheduled starting time by utilizing a starting gate and bell or other device activated by his or her signal. So far as is practical, the official starter shall cause all horses to be loaded in order of post position, but the official starter may, with the

permission of the stewards, load an unruly horse out of order. By permission of the stewards, a race may be started without a starting gate.

(2) The official starter may employ assistant starters as he or she considers necessary and shall change the gate position of each assistant starter daily, without notice to the assistant starters, until the field for the first race enters the race course.

(3) A horse shall not be permitted to start in a race unless approval is given by the official starter. The official starter shall maintain a schooling list, which shall be posted in the race office, of the names of all horses ineligible to start for want of adequate training leaving the gate. Horses shall be schooled under the supervision of the official starter or his or her assistants.

(4) The official starter shall report to the stewards any disobedience of his or her orders or attempts to take unfair advantage at the starting gate and shall recommend penalties for offenders.

(5) An assistant starter shall not handle a horse until instructed to do so by the official starter. An assistant starter shall not strike a jockey or use abusive language when addressing a jockey.

(6) An official starter or assistant starter shall not accept any gratuity or payment other than his or her regular salary, directly or indirectly, for services in starting a race. An official starter or assistant starter shall not wager on a race.

(7) The official starter shall maintain a written record showing the names of all starters during the day and the names of the assistant starters who handled each horse. Such record shall be made available to the stewards upon request.

(8) The official starter shall have radio or telephone communication with the stewards from the time the horses leave the paddock until the field is dispatched.

(9) The official starter may recommend to the stewards that disciplinary action be taken against any jockey, outrider, pony rider, or other personnel under the official starter's control.

(10) Horses shall be schooled under the supervision of the official starter or his or her assistant. The official starter shall report horses that are sufficiently schooled to start to the racing secretary. Unruly horses shall be placed on the schooling list and shall not start until approved by the official starter. The schooling list shall be respected in all cases.

R 431.3065 Official veterinarians; duties.

Rule 3065. (1) The official veterinarian shall examine horses the stewards request him or her to examine and reexamine. The official veterinarian is responsible for approving for release from the veterinarian's list all horses that have been placed on the list because of lameness, sickness, or injury before they may be entered to race again.

(2) An official veterinarian shall not, during the period of his or her employment, for compensation or otherwise, treat or prescribe for a racing horse, except in case of emergency. In an emergency, a full and complete treatment report shall be made to the stewards. An owner or trainer shall not employ or pay compensation to an official veterinarian, either directly or indirectly, during the period for which he or she is so employed by the executive director.

R 431.3070 Pre-race examination.

Rule 3070. (1) The official veterinarian shall examine each horse listed in the overnight entries to determine its eligibility and fitness to race. The time of the examination is at the discretion of the official veterinarian on the day of the race. The trainer shall have an attendant present and the horse's legs must be free from bandages and topical substances when the official veterinarian comes to his or her stable to make a pre-race examination.

(2) The pre-race examination shall include, but not be limited to, examination of the horse's eyes and legs and observation of the horse while at rest and in motion, either at a walk or while jogging, at the discretion of the examiner.

(3) The official veterinarian shall be in the paddock for inspection of the horses before a race. If, in the opinion of the official veterinarian, a horse is not fit to race, that fact shall be reported to the stewards immediately with a recommendation that the horse be scratched.

(4) The official veterinarian shall be stationed at the starting gate to observe the fitness of horses as the horses warm up for the race. Any horse that breaks through the starting gate or runs off without effective control shall be examined by the official veterinarian. If, in the opinion of the official veterinarian, any horse scheduled to start is not fit to race, that fact shall be reported to the stewards immediately with a recommendation that the horse be scratched.

R 431.3075 Workout clockers; clocking.

Rule 3075. (1) The executive director shall employ a steward as clocker. The clocker shall make a record of all morning workouts or any morning trials on the race course of a race meeting or training center race course. A record of all workouts and trials must be provided to the racing secretary.

(2) Every occupational licensee who exercises a horse shall correctly identify to the clockers the horse he or she is exercising and shall state the distance over which the horse is to be worked and the point at which the workout is intended to begin.

(3) Horses working between races shall also be identified and their times announced. A horse shall not be permitted to work between races without the permission of the stewards and notification to necessary racing officials to ensure safety.

(4) A horse that has not started for 45 days is ineligible to race until it has completed 1 or more timed workouts satisfactory to the stewards before the day of the race in which the horse is entered. If such workouts do not appear in the daily racing form, they shall be published, where possible, in the track program the day of the race in which the horse is entered or shall be posted in 3 places in the racing plant for public inspection.

(5) A horse that has never started shall have not less than 2 published workouts, 1 being from the starting gate. The gate workout must be approved by the official starter.

(6) The stewards may scratch a horse whose recent workouts have not been properly recorded.

R 431.3080 Horses; registration.

Rule 3080. (1) A horse shall not be entered or raced in this state unless duly registered and named in the appropriate breed registry and unless the registration certificate or racing permit issued by the breed registry for such horse is on file with the racing

secretary. However, the stewards may, for good cause, waive this requirement if the horse is otherwise correctly identified to the stewards' satisfaction.

(2) A horse shall not be registered for racing in this state unless the endorsement of the foal certificate indicates the current owner.

(3) A horse shall not be entered or raced in this state which is designated by a name other than the name under which such horse is currently registered with the appropriate breed registry. If a horse's name is changed by the breed registry, such horse's former name shall be shown parenthetically in the daily race program the first 3 times the horse races after the name change.

(4) A person shall not at any time cause or permit the correct identity of a horse to be concealed or altered and shall not refuse to reveal, to a racing official, the correct identity of a horse he or she owns or has in his or her care.

(5) A horse shall not race in this state until properly identified by natural markings and shall not race without a legible lip tattoo number or unique microchip applied by agents of the Thoroughbred Racing Protective Bureau or other recognized agencies.

(6) A horse shall not be entered or raced in this state if previously involved in either of the following situations involving misidentification:

(a) A person having control of a horse knowingly entered or raced such horse while designated by a name other than the name under which such horse was registered with the appropriate breed registry.

(b) A person having control of a horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to the horse in question.

R 431.3085 Rescinded.

R 431.3090 Horses; training hours; removal; age; breeding.

Rule 3090. (1) A horse shall not be schooled in the paddock or taken onto a race course for training or workout, other than during normal training hours posted by the association, without the permission of the stewards.

(2) During a race meeting, a horse shall not be removed from the grounds without notifying the stewards and unless released by the racing secretary. A dead or sick horse shall not be removed from the grounds without the prior approval of the official veterinarian or the stewards.

(3) A maiden 7 years of age or older shall not be entered or start unless it has less than 6 lifetime starts.

(4) The name of a filly or mare that has been covered by a stallion shall be so reported to the racing secretary before being entered in a race. A list of all fillies and mares so reported, showing the names of the stallions to which they have been bred, shall be posted in the race office.

R 431.3095 Horses prohibited from entry or racing.

Rule 3095. A horse shall not be entered or raced in any of the following situations:

(a) The horse is not in sound racing condition.

(b) The horse is posted on a stewards' list or starter's list or is suspended in any racing jurisdiction.

(c) The horse is blind or has seriously impaired vision in both eyes.

- (d) The horse is not correctly identified to the satisfaction of the stewards.
- (e) The horse is owned wholly or in part by, or is trained by, an ineligible or associated person.

R 431.3101 Horses; equipment; sex alteration.

Rule 3101. (1) Blinkers shall be used in a consistent manner on a horse. Permission to change any equipment used on a horse from its last previous start shall be obtained from the stewards. A horse's tongue may be tied down during a race with a clean bandage or gauze. A horse's bridle shall not weigh more than 2 pounds. War bridles are prohibited. A horse shall not race in ordinary training shoes. Bar shoes may be used for racing. Toe grabs on thoroughbred and Arabian front shoes are permitted up to 2 millimeters in length only.

(2) Any alteration of the sex of a horse shall be promptly reported by the horse's trainer to the racing secretary. The racing secretary shall note the alteration on the horse's registration certificate.

R 431.3105 Entries; procedures.

Rule 3105. (1) A horse shall not start in a race unless the horse has been and continues to be qualified to be entered in the race. Unless otherwise specified in the conditions of a race or disqualified by violation of these rules, a horse eligible at the time of entry shall continue to be qualified, except in an overnight race, in which it shall also be eligible at the time of start.

(2) Entries, subscriptions, declarations, and scratches shall be reported to the racing secretary, who shall maintain a record of the time and receipt of such entries, subscriptions, declarations, and scratches.

(3) Any entry shall be in the name of the horse's owner, as completely disclosed and registered with the racing secretary under these rules, and made by the owner, trainer, or the authorized agent of the owner.

(4) Any entry shall either be in writing, by telephone, or transmitted by other electronic means as approved by the executive director.

(5) An entry shall clearly designate the horse entered. When entered for the first time during a race meeting, every horse shall be designated by name, age, color, sex, sire, dam, and broodmare sire, as reflected by such horse's registration certificate.

(6) An alteration shall not be made on an entry after the closing of entries, but an error may be corrected with permission of the stewards.

(7) A horse shall not be entered at more than 1 race track when the races are to be conducted on the same day.

(8) In naming an entry for a produce race or futurity, the produce is entered by specifying the dam and the sire or sires.

(9) A horse may be entered while on the veterinarian's list if the horse will be eligible at the time of the race.

R 431.3110 Mutuel entries; common ties.

Rule 3110. (1) Not more than 2 horses that have common ties requiring a mutuel entry shall be entered in a race. A preference for 1 of the horses shall be made when making a double entry. Either may be scratched up to 1 hour before post time for the first race.

Two horses that have common ties requiring a mutuel entry shall not start in a race to the exclusion of a single betting interest.

(2) Horses that have common ties through ownership or training may be uncoupled in a race as separate betting interests when approved by the stewards.

R 431.3115 Subscriptions.

Rule 3115. (1) Nominations to or entry of a horse in a stakes race is a subscription. Any subscriber to a stakes race may transfer or declare such subscriptions before closing.

(2) Joint subscriptions and entries may be made by any 1 of the owners of a horse, and each owner is jointly and severally liable for all payments due thereon.

(3) Death of a horse or an error in its entry when the horse is eligible does not release the subscriber or transferee from liability for all stakes fees due thereon. Fees paid into a subscription to a stakes race that is run shall not be refunded, except as otherwise stated in the conditions of a stakes race.

(4) Death of a nominator or original subscriber to a stakes race does not render void any subscription, entry, or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) When a horse is sold privately or at public auction or is claimed, stakes engagements for such horse transfer automatically with the horse to its new owner; except that if the horse is transferred to an ineligible person, then the subscriptions are void as of the date of the transfer.

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

(7) The stewards shall be given a true copy of the conditions of a stakes race before the trials for such race.

R 431.3120 Closings.

Rule 3120. (1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for such races. If a race is split, an entry, subscription, or declaration shall not be accepted after such closing time; except that if there is an emergency or if a purse race fails to fill, then the racing secretary may extend such closing time.

(2) If the hour of closing is not specified for stakes races, then subscriptions and declarations may be accepted until midnight of the day of closing if they are received in time for compliance with every other condition of such race.

(3) Entries that have closed shall be compiled without delay by the racing secretary and, together with declarations, shall be posted.

R 431.3125 Number of starters in a race.

Rule 3125. (1) The maximum number of starters in a race shall be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders and the distance from the start to the first turn, can be afforded a fair and equal start.

(2) In all stakes races that draw excessive entries the race shall be split into 2 or more races.

(3) At race courses measuring less than a mile in circumference, not more than 10 horses may start in any race without the consent of the stewards, and not more than 12 horses may start under any circumstance.

(4) A claiming race in the printed condition book for which 8 or more horses representing different betting interests are entered shall be run. All other purse races in the printed condition book for which 6 or more horses representing different betting interests are entered shall be run.

(5) If a purse race in the printed condition book fails to fill with the minimum number of entries required by subrule (4) of this rule to be run, then the association may cancel or declare off the race. The names of all horses entered shall be made available upon request.

R 431.3130 Split or divided races.

Rule 3130. (1) If a race is cancelled or declared off, the association may split any race programmed for the same day and which may previously have been closed. Races printed in the condition book shall be filled before substitute and extra races.

(2) When a purse race is split and it results in 2 or more separate races, the racing secretary shall give notice thereof not less than 15 minutes before such races are closed to grant time for the making of additional entries to such split races.

(3) Division of entries upon the splitting of any race shall be made pursuant to the conditions under which entries and subscriptions thereof were made. In the absence of specific conditions, the following provisions apply:

(a) Horses originally joined as a mutuel entry may be placed in different divisions of a split race unless the person making the multiple entry, at the time of entry, indicates the uncoupling is not desired if a race is split.

(b) Division of entries in any split stakes race may be made according to age or sex, or both.

(c) Entries for a split race not divided by any method provided in subdivisions (a) and (b) of this subrule shall be divided by lot to provide a number of betting interests as near equal as possible for each division of a split race.

R 431.3140 Also-eligible list.

Rule 3140. (1) If the number of entries for a purse race exceeds the number of horses permitted to start in a race as provided by R 431.3125, then the names of as many as 4 horses entered but not drawn into a race as starters shall be posted on the entry sheet as "also-eligible" to start.

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

(3) A horse that draws into a straightaway race from the also-eligible list shall start from the post position vacated by the scratched horse.

(4) A horse that draws into a non-straightaway race from the also-eligible list shall start from the outermost post position.

(5) The owner or trainer of a horse on the also-eligible list who does not wish to start the horse in the race shall so notify the racing secretary before scratch time for such race.

(6) A horse that is on an also-eligible list and that also has been drawn into a race as a starter for the succeeding day shall not be given an opportunity to be drawn into the earlier race for which the horse had been listed as also-eligible.

R 431.3145 Preference.

Rule 3145. (1) Horses entered that are eliminated from races programmed in the printed condition book either by overfilling or failure to fill shall be listed by the racing secretary and given preference in subsequent races of similar distance and conditions.

(2) Preference shall be given in all races, except handicaps and stakes, according to a horse's last previous race during the current race meeting. The preference date on a horse that has drawn to race and has been scratched is the date of the race from which the horse was scratched. When a horse is racing for the first time in the current meet, the date of the first entry shall be considered the horse's last racing date and preference shall be applied accordingly.

(3) The preference date shall be claimed at the time of entry by indicating the date on the entry with the word "preferred."

(4) Horses that are drawn into races and those on the also-eligible list that draw into races must receive a running date corresponding to the date on which they are to run and must lose all dates previously held.

(5) Horses on the veterinarian's list, stewards' list, or starter's list cannot establish a preference date.

(6) Preference dates remain the same regardless of a change of ownership or trainer.

(7) Horses that have established a preference date at the current race meeting lose that preference date if they race elsewhere. The reentry of such horses reestablishes the preference dates.

(8) Horses entered in the wrong race by an owner, trainer, or authorized agent lose their preference dates.

(9) There are no special preference dates for Michigan-bred horses.

(10) Preference dates must not be carried for a period of more than 45 days. The stewards shall make a final determination in a matter of interpretation of preference dates.

R 431.3155 Declarations.

Rule 3155. Withdrawal of a horse from a race before closing by the owner, trainer, or authorized agent shall be made in the same manner as to form, time, and procedure as provided for the making of entries. Declarations are irrevocable. An association shall not require a declaration fee.

R 431.3160 Scratches.

Rule 3160. Withdrawal of a horse from a race after closing by the owner, trainer, or authorized agent is permitted only under the following conditions:

(a) A horse may be scratched from a stakes race for any reason up until 45 minutes before post time for the race by filing, in writing, an intention to scratch with the clerk of scales.

(b) A horse shall not be scratched from a purse race without approval of the stewards and unless the intention to scratch has been filed, in writing, with the racing secretary at

or before the time conspicuously posted as scratch time. A scratch of 1 horse coupled in a mutuel entry in a purse race is permitted up to 1 hour before post time for the first race.

(c) In purse races, horses that are physically disabled shall be excused first. If more than 10 interests remain in the 2 daily double races or trifecta races or more than 8 interests remain in the remainder of the races, owners or trainers may scratch to those limits by the specified scratch time of the day of the race. The privilege to scratch will be determined by lot when necessary.

(d) Scratches are irrevocable.

R 431.3165 Eligibility; allowances; penalties.

Rule 3165. (1) In determining eligibility, allowances, and penalties, only reports, records, and statistics as published by the official database of racing information and statistics, a corresponding publication of a foreign country, or sworn statements as specified in subrule (2) of this rule shall be considered, unless otherwise provided by the published conditions of the race. Interpretations of the conditions of a race when in dispute, shall be made by the racing secretary with approval of the stewards.

(2) If during the previous calendar year, or if at any time for a maiden race, a horse has started in a race which is not reported by the official database of racing information and statistics, the horse shall not be entered to race until the owner has furnished the racing secretary, not less than 48 hours before the entry, performance records showing all of the following information:

- (a) Where and when the horse raced.
- (b) The distance.
- (c) The weight carried.
- (d) Amount earned.
- (e) The horse's finishing position and time.
- (f) The sworn statement and signature of the owner of the horse.

(3) Penalties and allowances are not cumulative unless so declared by the conditions of the race and shall take effect at the time of starting, except that in overnight races, a horse shall have only the allowance it was entitled to at the time of entry.

(4) Penalties are obligatory. Allowances are optional except filly and mare weight allowances. As to all or any part of the allowance thereof, and, in overnight races, allowances shall be claimed at the time of entry.

(5) Allowances to the produce of untried horses shall be claimed before the expiration of the time of the naming and shall not be lost by winning after that time.

(6) A horse shall not receive allowances of weight or be relieved from extra weight for having been beaten in 1 or more races, but this rule does not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.

(7) When a race is in dispute, both the horse that finished first and any horse for which the race is authoritatively claimed are liable to all penalties attached to the winning of that race until the matter is decided.

(8) When winners of claiming races are exempt from penalties, the exemption shall apply to the winners of optional claiming races only if such winner was entered to be claimed.

(9) For every handicap, the handicapper shall append to the weights the day and hour from which winners will be liable to a penalty, if any, and an alteration shall not be made after publication, except in case of omission through error of the name or weight of a horse entered. In case of such omission, and by permission of the stewards, the omission may be rectified by the handicapper.

(10) Penalties shall not be recognized against horses, except maidens, or apply to jockeys in respect to the apprentice allowance, for winning races on minor tracks. In determining which tracks are minor tracks, the executive director may consider tracks that are not reported in the daily racing form or a corresponding publication of a foreign country.

R 431.3170 Michigan-bred races; preference.

Rule 3170. (1) Michigan-bred horses shall be allowed 5 pounds in all overnight races. A Michigan-bred horse, for purposes of weight allowances, breeders' awards, and state supplements, is defined by R 285.810.1.

(2) Horses winning races at recognized county, district, or state fairs in Michigan shall not be penalized for such winnings in races run hereafter under the jurisdiction of the executive director. The maiden allowance, however, shall be lost by winning a race at any fair recognized by the Michigan department of agriculture and rural development.

R 431.3175 Winnings; computation.

Rule 3175. (1) Winnings include all prizes for finishing first up to the time appointed for the start and shall apply to all races, but do not include the value of any prize which is not money or which is not paid in money. Winnings during the year shall be reckoned from the preceding January 1.

(2) A horse shall not be penalized for having been beaten in a race.

(3) The winnings of a horse in a stake race shall be computed in the value of the gross earnings.

(4) In determining the value of a series of races in which an extra sum of money is won by winning 2 or more races of the series, the extra amount shall be added to the purse of the last race by which the money was finally won.

(5) If there is a dead heat, each horse shall be a winner only of the amount received by the owner.

(6) Foreign winnings shall be calculated on the basis of the official rate of exchange on the day of winning.

(7) If a race is not run or is declared no contest, stakes, forfeit, and entrance money shall be returned.

(8) A race may be declared no contest if no qualified horse covers the course according to rule.

(9) Purse money, prize money, or an award of any kind may be distributed by the association unless a hold is placed on the funds by the stewards. The stewards shall notify the association in writing if further delay is necessary.

R 431.3180 Claiming races generally.

Rule 3180. (1) The primary purpose of claiming races is the classification of horses.

(2) In a claiming race, a horse is subject to claim for its entered price by any owner in good standing who is properly licensed in this state. An owner may claim out of his or her initial race.

(3) A legal entity that seeks to make a claim and that otherwise is not eligible as set forth in these rules may do so, after filing proper license application, and by complying with all of the following provisions:

(a) Depositing an amount not less than the minimum claiming price at the race meeting with the horsemen's bookkeeper. Such amount shall remain on account until a claim is made or permission to claim has expired. If withdrawal of such amount occurs, any permit issued pursuant to this rule is automatically revoked and terminated.

(b) Submitting to the stewards, in writing, the name of a trainer whose Michigan license is currently in full force and effect and who will represent the legal entity that desires to make a claim once the claim is made.

(c) Securing from the stewards a written claiming permit which is in full force and effect when a claim is made by the legal entity or a trainer or authorized agent representing the legal entity.

(4) Before issuing a claiming permit, the stewards shall determine that an individual qualifies for an occupational license and permit by the standards of occupational licensing. A claiming permit shall take effect upon issue and shall not be issued for more than 30 days.

(5) A claim may be made on behalf of an owner by an authorized agent or trainer, but an authorized agent or trainer may claim only for the account of those for whom he or she is licensed as agent, and the name of the authorized agent as well as the name of the owner for whom the claim is being made shall appear on the claim slip.

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

(7) A person shall not claim more than 1 horse from any 1 race. An authorized agent, although representing more than 1 owner, shall not submit more than 1 claim for any 1 race. When a stable consists of horses owned by more than 1 person and trained by the same trainer, not more than 1 claim may be entered on behalf of such stable in any 1 race.

R 431.3201 Claiming; form; accuracy; time of deposit; voiding a claim.

Rule 3201. (1) A claim shall be made in writing on a form in an envelope furnished by the association and approved by the executive director. Both form and envelope shall be filled out completely and shall accurately identify the claim. A form and envelope that are not filled out completely or that do not accurately identify the claim render the claim void.

(2) A claim shall be deposited in the claim box not less than 15 minutes before post time of the race to which the claim pertains. The claim box shall be removed from the counter of the office not less than 15 minutes before post time of the race, as determined by the official track clock showing post time.

(3) Money or its equivalent shall not be put in the claim box. For a claim to be valid, the person making the claim shall have a credit balance in his or her account with the horsemen's bookkeeper of not less than the amount of the claim.

(4) A claim is irrevocable except as allowed under these rules.

(5) The stewards or their designated representative shall open the claim envelopes for each race as soon as, but not until, the horses for the race enter the race course on the way from the paddock to post.

(6) An official or other employee of an association shall not give any information as to the filing of claims except as is necessary for processing of the claims until the race has been run.

(7) Title to a claimed horse shall be vested in the successful claimant when the horse becomes a starter. A horse is a starter when the stall doors of the starting gate open in front of the horse at the time the official starter dispatches the horses.

(8) A claimed horse shall run in the interest and for the account of the owner who entered it.

(9) The stewards shall be the judges of the validity of a claim. A claim that is not made in compliance with these rules is void.

(10) If a claimed horse is excused by the stewards before the start of the race, a claim for such horse is void.

(11) All claimed horses must be post-race drug tested whereby the horse must be taken to the detention area and remains under control of the original trainer, until released from the detention area. The claimant shall present written authorization for the claim from the racing secretary. Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(12) If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards. Claimants shall be allowed to inspect claim forms apparatus used in the drawing of lot and be present for the draw.

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

(14) Should the analysis of a post-race blood, urine, or other sample taken from a claimed horse result in a post-race positive test, or if the test results of a previous race have not been cleared by the date of the claim and result in a post-race positive test, the claimant's trainer shall be promptly notified by the stewards and the claimant shall have the option to void the claim within 3 days of such notice by the claimant's trainer. If the claimed horse starts in a race for the claimant, this rule may not be used to void the claim. An election to void a claim shall be submitted in writing to the stewards by the claimant or the claimant's trainer. If the claim is voided, the horse shall be returned to the owner of the horse who subjected the horse to claiming in the race from which the positive test resulted.

(15) A claim is void for any horse that dies during a race or is euthanized on the race course following a race.

(16) A claim is voidable at the discretion of the new owner, for a horse that is placed on the veterinarian's list before leaving the detention barn following the race from which it is claimed. An election to void the claim must be made in writing to the stewards by the claimant or the claimant's trainer within one hour after verbal notification by the official veterinarian that the horse has been placed on the veterinarian's list following the race from which it is claimed.

(17) If a horse is claimed, a blood sample may be taken by a licensed veterinarian and tested for equine infectious anemia. The sample shall be forwarded within 24 hours to an approved laboratory. Pending the receipt of a negative test for equine infectious anemia, the money paid for the claimed horse shall be held by the association. If the test is positive 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. The cost of the test is to be borne by the claimant.

R 431.3205 Claiming; reentry; additional restrictions.

Rule 3205. (1) A claimed horse is not eligible to race in any other jurisdiction other than Michigan for a period of 60 days from the date of claim or until after the close of the live race meeting at which it was claimed.

(2) A claimed horse shall not be sold or transferred, wholly or in part, to anyone within 30 days after the day it was claimed, except in another claiming race.

(3) A claimed horse shall not remain in the same stable or under the care or management of the owner or trainer from whom the horse was claimed.

(4) When a horse is claimed, its engagements are included.

(5) A person who enters or who allows to be entered, in a claiming race, a horse against which claim is held by mortgage, bill of sale, or lien of any kind is subject to disciplinary action, unless, when or before entering the horse, the written consent of the holder of the mortgage, bill of sale, or lien is filed with the racing secretary.

(6) A person shall not enter a horse in a claiming race without disclosing the horse's true ownership.

(7) A person shall not enter into or offer to enter into an agreement not to claim, or attempt to prevent another person from claiming, any horse in a claiming race. A person shall not attempt, by intimidation or otherwise, to prevent anyone from running a horse in any claiming race. An owner, trainer, or authorized agent shall not make an agreement with another owner, trainer, or authorized agent for the protection of each other's horses in a claiming race.

(8) If a stable registered at a meeting is eliminated by sale or removal from the grounds, the right to claim is void. When a stable has been eliminated by claiming, the owner so affected is entitled to claim during the next 30 racing days at any live race meeting in this state. Stables eliminated by fire and other hazards may also be permitted by the stewards to claim under this rule.

R 431.3210 Dead heats.

Rule 3210. (1) If a dead heat is declared, regardless of the number of horses running a dead heat, they shall divide the dead heated finishers' prize money equally.

(2) If the dividing owners cannot agree which owner is to have a cup or other prize which cannot be divided, the question shall be determined by the stewards by lot.

R 431.3215 Weights.

Rule 3215. (1) When the conditions of a race do not state to the contrary, the weights set up by the jockey club are adopted as weights by the executive director.

(2) For a race in which horses are 2 years old, the weight is 122 pounds and for 3 year olds or 4 year olds, 126 pounds.

(3) Fillies 2 years old are allowed 3 pounds and mares 3 years old or over are allowed 5 pounds before, and 3 pounds after, September 1, except in handicaps and in races where the conditions expressly state otherwise.

R 431.3220 Jockeys; probationary mounts.

Rule 3220. Any person who wishes to participate as a jockey and who has never previously ridden in a race may be required to ride in 5 races before being granted a license upgrade by the stewards. A person may only ride in the required probationary races if all of the following conditions have been satisfied:

(a) A trainer certifies, in writing, to the stewards that such person has demonstrated sufficient horsemanship to be permitted such probationary mounts.

(b) The official starter has schooled such person in breaking from the starting gate with other horses and approves such person as capable of starting a horse properly from the starting gate in a race.

(c) The stewards, in their sole discretion, are satisfied such person intends to become a licensed jockey, possesses the physical ability, and has demonstrated sufficient horsemanship to ride in a race without jeopardizing the safety of horses or other riders in such race. A person shall not be permitted to ride in any such probationary races without prior approval of the stewards.

R 431.3225 Jockeys; licensing qualifications.

Rule 3225. In addition to rules applicable to licensees in part 1 of these rules, a holder of a license as a jockey or apprentice jockey shall comply with all of the following provisions:

(a) Be 16 years of age or older.

(b) Be licensed under his or her legal name, which shall be listed in the daily race program.

(c) Have ridden in a number of races considered satisfactory by the stewards.

(d) When required by the stewards, provide a medical affidavit certifying that the applicant is physically and mentally capable of performing the activities and duties of a licensed jockey.

(e) Be under contract or have an apprentice certificate.

R 431.3230 Apprentice allowance and contract.

Rule 3230. (1) Any person 16 years of age or older who has never been previously licensed as a jockey in any country and who is qualified under the provisions of R 431.3225 may claim in all purse races, except stakes and handicaps, the following weight allowances:

(a) Except as otherwise provided in this subrule, five pounds. This allowance shall continue for 1 year from the date of the apprentice jockey's fifth win. If the apprentice has not ridden 40 winners in the 1-year period, the allowance shall continue for a period of not more than 3 years from the date of the apprentice's first win until he or she has ridden 40 winners. Wins at recognized meetings where the rules do not permit apprentice allowances shall not count as wins with respect to this subdivision.

(b) After completion of the conditions specified in subdivision (a) of this subrule, a contracted apprentice, for 1 year, may claim 3 pounds when riding horses owned or trained by his or her original contract employer. The holder of the contract when an apprentice rides his or her first winner shall be considered the original contract employer.

(2) An apprentice jockey may enter into a contract with an owner or trainer qualified under R 431.3235 for a period of not less than 3, nor more than 5, years. Such contracts shall be approved by the stewards and filed with the executive director. Such contracts shall be binding in all respects on the signatories thereof. An apprentice who is not contracted shall be given an apprentice jockey certificate on a form furnished by the executive director.

(3) If an apprentice is unable to ride for a period of 14 consecutive days or more because of service in the Armed Forces of the United States, physical disablement, or restrictions on racing, the stewards, after consultation with the racing authority which first approved the original apprentice contract or certificate, may extend the time during which such apprentice weight allowance may be claimed for a period not longer than the period such apprentice jockey was unable to ride.

(4) After satisfying the conditions specified in subrule (1) of this rule, a rider shall be issued a license as a jockey before accepting subsequent mounts. Under these circumstances, the executive director may waive collection of an additional license fee.

R 431.3235 Jockey contracts.

Rule 3235. A contract between an owner or trainer and an employee jockey is subject to the rules of racing. All riding contracts for terms longer than 30 days, as well as any amendments thereto or cancellation or transfer thereof, shall be in writing and shall contain notarized signatures of all parties to the contracts. A contract shall be approved by the stewards and filed with the executive director. The stewards may approve a riding contract and permit persons to participate in racing in this state if the stewards find that all of the following provisions are satisfied:

- (a) The contract employer is an owner or trainer who owns or trains not less than 3 horses which are eligible to race at the time of execution of such contract.
- (b) The contract employer possesses the character, ability, facilities, and financial responsibility conducive to developing a competent race jockey.
- (c) The contract provides fair remuneration, adequate medical care, and an option equally available to both employer and jockey to cancel such contract after 2 years from date of execution.

R 431.3240 Rescinded.

R 431.3245 Calls and engagements.

Rule 3245. (1) Any jockey who is not prohibited by prior contract may agree to give first or second call on his or her racing-riding services to any owner or trainer. Such agreements, if for terms of more than 30 days, shall be in writing, approved by the stewards, and filed with the executive director.

(2) A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable which employs him or her. An owner or trainer shall not employ or engage a jockey to prevent him or her from riding another horse.

R 431.3250 Jockeys' room; reporting.

Rule 3250. (1) A jockey who has engagements to ride shall, upon entering the grounds, report directly to the scale room at the time designated by the clerk of scales. After making weight, a jockey shall not leave the jockeys' room, except to ride in scheduled races, until all of his or her engagements for the day have been filled, except as approved by the stewards. Immediately before mounting, a jockey shall test his or her weights on the scales provided for that purpose. Failure to test his or her weights subjects a jockey to possible disciplinary action.

(2) A jockey shall not reenter the jockeys' room once his or her day's engagements are completed.

(3) A jockey shall wear the colors of the owner of the horse he or she is riding, unless permitted by the stewards to do otherwise.

(4) The association shall make arrangements for valets to attend the jockeys. Valets shall be paid for their services by the association. The valets shall work on a rotation system prepared by the jockeys' room custodian.

(5) The valets shall be uniformly and neatly attired in uniforms provided by the association and approved by the executive director.

R 431.3255 Jockeys' room custodian; duties.

Rule 3255. (1) It is the duty of the association, through the services of the jockeys' room custodian, to assure that order, decorum, and cleanliness are maintained in the jockeys' and scale rooms.

(2) The custodian shall assist the clerk of scales as the clerk desires.

(3) The custodian shall make certain that persons other than racing officials, representatives of the executive director, and the necessary jockeys' room attendants are not admitted to the jockeys' room after the designated time of a race day without the consent of the stewards for each time of entry.

(4) The custodian shall oversee the care and storage of all racing colors.

(5) The custodian shall oversee the jockey valets.

(6) The custodian shall report any irregularities to the clerk of scales that occur in his or her presence.

(7) The custodian shall make certain that jockeys are neat in appearance when they leave, with the approval of stewards, to observe the running of a race. Gambling and games of chance are not permitted in the jockeys' room.

(8) A person employed in the jockeys' room shall not make a bet for himself or herself or place a bet for another on any race under penalty of disciplinary action, including license revocation.

R 431.3260 Racing and safety equipment.

Rule 3260. (1) Any person mounted on a horse or stable pony on the grounds must wear a properly secured safety helmet at all times. Additionally, all members of the

starting gate crew must adhere to this rule at all times while performing their duties or handling a horse.

(2) Any person mounted on a horse or stable pony on the grounds must wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew must also adhere to this rule at all times while performing their duties or handling a horse.

(3) The association shall make available for use approved helmets, safety vests, and any other safety equipment as required by the executive director for association employees mounted on a horse or stable pony or members of the starting gate crew.

(4) A safety helmet or a safety vest must not be altered in any manner and the product marking must not be removed or defaced.

(5) A riding crop, number cloth, or blinkers are not allowed on the scales. A bridle or safety helmet approved by the executive director must not be weighed.

(6) The use of spurs is prohibited.

(7) As used in this rule, "member of the starting gate crew" means any person licensed as an assistant starter or any person who handles a horse in the starting gate.

R 431.3265 Wagering; attire; film review.

Rule 3265. (1) A jockey shall not place a wager, cause the placement of a wager placed on his or her behalf, or accept any ticket or winnings from a wager on any race, except on his or her own mount and except through the owner or trainer of the horse he or she is riding.

(2) A jockey who is proven, to the satisfaction of the executive director, to have engaged in any forbidden wagering transaction or to have received any remuneration, gratuities, or incentive in connection with a horse race from persons other than the owner or trainer of a horse ridden by such jockey shall be subject to disciplinary action.

(3) Upon leaving the jockeys' room, until all of their engagements for the day have been filled, a jockey shall be neat and clean in appearance and wear the traditional jockey silks with all jacket buttons and catches fastened. A jockey shall wear the cap and jacket racing colors registered in the name of the owner of the horse he or she is to ride, stock tie, white breeches, top boots, safety helmet approved by the executive director, and a number on his or her right shoulder corresponding to his or her mount's number shown on the saddle cloth and in the daily racing program. In an emergency, an association may provide substitute colors.

(4) A jockey shall check the film list posted by the stewards in the jockeys' room the day after riding in a race. The posting of the list is notice to all riders whose names are listed thereon to present themselves at the time designated by the stewards to view the patrol films or videotapes of races.

R 431.3270 Jockey fees.

Rule 3270. (1) A dispute as to whether or not the jockey has earned his or her fee after he or she has weighed out for the race must be determined by the stewards according to the circumstances in each case.

(2) When a jockey weighs out and does not ride in a race for which he or she has been engaged because an owner or trainer engaged more than 1 rider for the same race, the

owner or trainer may be required to pay an appropriate fee to each rider engaged for such race. A jockey shall honor his or her contractual agreements.

R 431.3275 Jockey agents; restrictions.

Rule 3275. (1) Jockeys may make their own engagements or the engagements may be made by a licensed jockey agent or contract employer. A jockey agent may act for 2 jockeys and 1 apprentice jockey.

(2) A jockey agent shall not be allowed in the paddock or jockeys' room at any time.

(3) A jockey agent shall maintain separate and accurate records of all engagements contracted for jockeys he or she represents and shall, at all times, have these records available for examination by the executive director or his or her authorized representative.

(4) Inaccuracies or the failure to maintain records may result in disciplinary action, including license revocation.

(5) When a jockey dismisses a jockey agent, the jockey shall give immediate notice to the stewards in writing. Failure of the jockey to give written notice to the stewards may result in disciplinary action.

(6) A jockey agent shall not enter a horse in any race unless he or she has given first or second call to the owner or trainer. A jockey agent's license is invalid if he or she is not representing a jockey currently participating at the race meeting.

R 431.3290 Paddock to post.

Rule 3290. (1) A horse shall not start unless the trainer and the owner are licensed by the executive director. A trainer who is absent from his or her stable or from the grounds where his or her horses are racing for more than 2 consecutive racing days, and whose horses are entered or are to be entered, shall provide a trainer to assume complete responsibility for the horses being entered or running. Such trainer shall sign, in the presence of the stewards, a form furnished by the executive director accepting complete responsibility for the horses entered or running.

(2) Every horse entering the paddock to race shall be inspected as to its shoeing, if any. An unshod horse may race with permission of the stewards and must be noted on the program or announced to the public.

(3) All horses shall parade and carry their weight from the paddock to the starting post. A horse that fails to do so may be disqualified by the stewards.

(4) After entering the race course, not more than 12 minutes shall elapse in the parade of horses to the post, except in cases of unavoidable delay. After passing the stand once, horses are allowed to break formation and canter, warm up, or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

(5) Each association shall employ not less than 2 outriders to escort starters to the post and to assist in the returning of all horses to the unsaddling area. An outrider shall not lead any horse unless it has demonstrated unruly behavior, but shall assist in the control of any horse which might cause injury to a jockey or others. Outriders are required to be present on the race course, mounted, and ready to assist in the control of any unruly horse or to recapture any loose horse at all times horses are permitted on the race course for exercising or racing.

(6) The horses are under the control of the official starter after they leave the paddock until the start and are not entitled to further care from their attendants, except that, in case of an accident, the official starter may permit jockeys to dismount and may permit horses to be cared for during the delay. Other than this exception, a jockey shall not dismount. Unruly horses shall be placed on the schooling list.

(7) The official starter is required to load horses in the starting gate in order of post position. Any exception to this must be approved by the stewards.

(8) An owner or trainer who desires that his or her horse not be tailed or tonged at the starting gate shall make, at time of entry, a written request to the official starter and the horse shall not be tailed or tonged.

(9) Horses shall be schooled under the supervision of the official starter or his or her assistant. The official starter shall report horses that are sufficiently schooled to start to the racing secretary. Unruly horses shall be placed on the schooling list and shall not start until approved by the official starter. The schooling list shall be respected in all cases.

(10) Before becoming a starter, a horse may be excused by the stewards because of physical disability, incorrigibility, or because of having been improperly entered in the race.

(11) If a horse is excused by the stewards before becoming a starter, or if the doors at the front of the stall gate do not open when the official starter dispatches the field, which causes a horse to be left, or if any horse is disqualified for bringing in underweight, the money bet on any horse or horses thus eliminated shall be deducted from the pool and refunded to the purchasers of tickets on such horse or horses. However, if 1 horse of an entry or 1 of the horses grouped in the field leaves the stall gate and brings in proper weight, there shall not be a refund on the entry or on the field.

(12) When a loose horse leaves the race course the horse shall be scratched.

R 431.3295 Disqualification.

Rule 3295. (1) A leading horse is entitled to any part of the race course, but if any horse swerves or is ridden to either side so as to interfere with or impede another horse, it is a foul and the horse may be disqualified at the discretion of the stewards. If the stewards determine the foul was intentional or due to careless riding, they shall take disciplinary action against the offending jockey.

(2) The stewards may determine the extent of disqualification in case of fouls. The stewards may place the offending horse behind the horses which, in their judgment, it interfered with or the stewards may place the offending horse last.

(3) When a horse is disqualified under this rule, the stewards may disqualify a horse in the same race belonging wholly or partly to the same owner or trained by the same trainer.

(4) The stewards shall take cognizance of foul riding, whether or not an objection is made.

(5) A person shall not assist a jockey in taking his or her equipment off his or her horse, except with permission of the stewards.

(6) A person shall not throw any covering over any horse at the place of dismounting until the horse's equipment is removed.

(7) A jockey shall weigh in at the same weight as that which he or she weighed out. If short of the weigh-out weight by 2 pounds or more, the jockey's mount may be disqualified and a refund of wagers on the horse may be ordered.

(8) A horse that does not carry its jockey across the finish line is disqualified.

(9) A jockey who willfully strikes another jockey or horse with his or her riding crop or who grabs the clothing, equipment, or person of another jockey or horse may be subject to disciplinary action and his or her mount may be disqualified.

R 431.3300 Riding crops

Rule 3300. (1) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops must meet all of the following requirements:

(a) Riding crops shall have a shaft and a flap and shall be allowed in flat racing, including training, only if all of the following specifications are met:

(i) Maximum weight of eight ounces.

(ii) Maximum length, including flap, of 30 inches.

(iii) Minimum diameter of the shaft of 3/8 inch.

(iv) Smooth shaft contact area with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least 1 millimeter throughout its circumference.

(b) The flap is the only allowable attachment to the shaft and must meet all of the following specifications:

(i) Length beyond the end of the shaft a maximum of 1 inch.

(ii) Width a minimum of 0.8 inch and a maximum of 1.6 inches.

(iii) No reinforcements or additions beyond the end of the shaft.

(iv) No binding within 7 inches of the end of the shaft.

(v) Shock absorbing characteristics similar to those of the contact area of the shaft.

(2) Use of riding crop is subject to all of the following requirements:

(a) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

(b) In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system.

(c) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the race meeting, whether in a race or otherwise.

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

(e) The riding crop shall only be used for safety, correction, and encouragement.

(f) All riders should comply with the following when using a riding crop:

(i) Showing the horse the riding crop and giving it time to respond before hitting it.

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

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

(g) Prohibited uses of the riding crop include, but are not limited to, striking a horse in any of the following manners:

- (i) On the head, flanks, or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse.
- (ii) During the post parade or after the finish of the race except when necessary to control the horse.
- (iii) Excessively or brutally causing welts or breaks in the skin.
- (iv) When the horse is clearly out of the race or has obtained its maximum placing.
- (v) Persistently even though the horse is showing no response under the riding crop.
- (h) The riding crop may not be used to strike another rider or other horse.
- (3) After the race, horses are subject to inspection by the official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.
- (4) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

R 431.3301 Jockey's best effort to win and diligence in riding.

Rule 3301. (1) A jockey shall give his or her best effort to win in all races in which he or she participates and shall exercise due diligence in riding a race. If, in the opinion of the stewards, a jockey does not put forth his or her best effort to win or does not use due diligence in the riding of a race, the jockey shall be subject to disciplinary action.

(2) Every horse in every race shall be ridden so as to win or finish as near as possible to first and demonstrate the best and fastest performance of which it is capable at the time. A horse shall not be eased up without adequate cause, even if it has no apparent chance to earn a portion of the purse money. A jockey who unnecessarily causes a horse to shorten stride may be subject to disciplinary action at the discretion of the stewards. Stewards shall take cognizance of marked reversal of form of all horses and shall conduct inquiries of the owner, trainer, and all other persons connected with such horse suspected of unusual racing. If the stewards find that such horse was deliberately restrained or impeded in any way by any means so as not to win or finish as near as possible to first, any person found to have contributed to such circumstances may be subject to disciplinary action at the discretion of the stewards.

R 431.3305 Scheduling of races for Michigan-bred horses.

Rule 3305. (1) At least 1 race for Michigan-bred horses shall be scheduled on each full thoroughbred program.

(2) Entries may be accepted from non-Michigan-bred horses into the race for Michigan-bred horses creating a pool of entries for a Michigan-bred preferred race.

(3) If an approved Michigan-bred horse race does not fill by a time agreed upon by the racing secretary and designated CHO representative, then the Michigan-bred preferred race may be substituted by the racing secretary with the approval of the designated CHO representative.

(4) Michigan-bred supplements may be awarded in Michigan-bred preferred races to those Michigan-bred horses finishing first, second, or third with the approval of the director of the Michigan department of agriculture and rural development or his or her designated representative.

R 431.3310 Mixed thoroughbred breed horse and quarter horse breed horse races.

Rule 3310. Upon proper application, the stewards may approve races under the thoroughbred rules in which both thoroughbred and quarter horses compete in the same race. Charted wins are valid records.

PART 4. STANDARD BRED RACING

R 431.4001 Definitions; C to E.

Rule 4001. As used in this part:

(a) "Classified race" means a race in which, regardless of the eligibility of horses, entries are selected on the basis of ability or performance.

(b) "Conditioned race" means an overnight race to which eligibility is determined according to specified qualifications. Such qualifications may be based upon the following:

(i) Money winnings in a specified number of previous races or during a specified period of time.

(ii) Finishing position in a specified number of previous races or during a specified period of time.

(iii) Age, sex, or number of starts during a specified period of time.

(iv) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.

(v) Any combination of the qualifications listed in this subdivision.

(c) "Current charted line" means written documentation of a horse's performance recorded on the horse's electronic eligibility by a licensed charter or licensed clerk of the course, within 45 days of the date of the race for which the horse is entered. A current charted line shall include all of the following information and the symbols for free-legged, breaks, and park outs shall be used where appropriate:

(i) Date of race.

(ii) Location.

(iii) Race course size, if other than 1/2 mile.

(iv) Race course condition.

(v) Type of race.

(vi) Distance of race.

(vii) Fractional times of the leading horse, including race time.

(viii) Post position.

(ix) Position at first quarter.

(x) Position at half.

(xi) Position at three-quarters.

(xii) Position at head of stretch with lengths behind leader.

(xiii) Position at finish with lengths behind leader.

(xiv) Individual race time of horse.

(xv) Closing dollar odds.

(xvi) Name of driver.

(xvii) Dead heats.

(d) “Dash” means a race decided in a single trial. Dashes may be given in a series of 2 or 3 governed by 1 entry fee for the series, in which event a horse shall start in all dashes. Positions may be drawn for each dash.

(e) “Declaration” means the naming of a particular horse to a particular race as a starter. Declarations shall be taken not more than 4 days in advance for all races, except those for which qualifying dashes are provided.

(f) “Early closing race” means a race for a definite purse to which entries close not less than 6 weeks preceding the race. The entrance fee may be on the installment plan or otherwise and all payments are forfeits. Payments on 2-year-olds in early closing races are not permissible before February fifteenth of the year in which the horse is a 2-year-old.

(g) “Elimination heats” means heats of a race split according to these rules which qualify the contestants for a final heat.

(h) “Exercise driver” means a person licensed as such, hired to warm up a horse participating on a given day.

R 431.4005 Definitions; H to M.

Rule 4005. As used in this part:

(a) “Handicap” means a race in which performance, sex, or distance allowance is made and in which post positions may be assigned or, in the case of a handicap claiming race, determined by claiming price.

(b) “Heat” means a single trial in a race 2 in 3 or 3-heat plan.

(c) “Horse” means a standardbred horse registered as such with the United States Trotting Association (USTA), and is a term used in these rules to designate any standardbred irrespective of age or sex designation.

(d) “Kick” means any contact between the driver’s foot and the horse.

(e) “Late closing race” means a race for a fixed amount to which entries close less than 6 weeks, but more than 3 days, before the race is to be held.

(f) “Maiden” means a horse that has never won a heat or race at the gait at which it is entered to start and for which a purse is offered. Races or purse money awarded to a horse after the “official” sign has been posted shall not be considered winning performances or affect a horse's status as a maiden.

R 431.4010 Definitions; R to S.

Rule 4010. As used in this part:

(a) “Record” means the fastest time made by a horse in a heat or dash which the horse won or is a performance against time. A standard record is a record of 2:20 or faster for 2-year-olds and 2:15 or faster for all other ages.

(b) “Sulky” means a dual-shaft, dual-wheel racing vehicle. The use of any sulky in competition at any harness race track shall be subject to the approval of the stewards.

R 431.4015 Racing officials.

Rule 4015. (1) The following positions at a race meeting are designated as officials:

(a) Stewards

(b) Patrol judges.

(c) Paddock judge.

- (d) Official starter.
- (e) Clerk of course.
- (f) Timer/photo finish operator.
- (g) Horse identifier.
- (h) Racing secretary, and such assistants as he or she may require.
- (i) Official veterinarian.
- (2) In case of an emergency, the association may provide a substitute steward, with the approval of the executive director, to act as the steward for the remainder of any program.
- (3) A person, other than the stewards, shall not be allowed in the stewards' stands during the running of a race, except with permission of the stewards.
- (4) A person, other than the stewards, shall not be in the stewards' stand when a decision is being made on a foul claim or stewards' inquiry.
- (5) Racing officials serving in the capacity of steward, patrol judges, clerk of course, official starter, and horse identifier may be required to take and satisfactorily pass an optical examination at the request of the executive director. The examination shall evidence a minimum corrected vision of 20/30 and an ability to distinguish colors correctly.
- (6) All racing officials, with the exception of those representing the executive director, shall be nominated by the association. All of the racing officials are subject to the approval of the executive director. The executive director reserves the right to demand a change of racing officials for what he or she considers good and sufficient reason. The successors of a racing official so replaced shall also be subject to the approval of the executive director.
- (7) A racing official shall not be the owner or part owner of a horse racing at a track where the official is serving.

R 431.4020 Stewards; duties and responsibilities.

Rule 4020. (1) In addition to the general powers specified in these rules, the stewards shall have the following specific duties and responsibilities:

- (a) Exclude from the race any horse that, in their opinion, is improperly equipped, dangerous, or unfit to race.
- (b) Investigate any act of cruelty seen by them or reported to them, whether a horse subjected to the alleged cruelty is stabled on or off the grounds.
- (c) Immediately thereafter open an investigation of any accidents to determine the cause thereof.
- (d) Closely observe the performance of the drivers and the horses to ascertain if there are any violations of racing rules, particularly interference, helping, or inconsistent racing, and exhaust all means possible to safeguard the contestants and the public.
- (e) Notify a summoned party of a hearing as soon as possible.
- (f) Be in the stand 15 minutes before the first race.
- (g) Observe the preliminary warming up of horses and scoring, noting all of the following:
 - (i) Behavior of horses.
 - (ii) Lameness.
 - (iii) Equipment.
 - (iv) Conduct of the drivers.

- (v) Changes in odds.
- (vi) Any unusual incidents pertaining to horses or drivers participating in races.
- (h) Designate 1 steward to lock the pari-mutuel machines immediately upon the horses reaching the official starting point.
- (i) Be in communication with the patrol judges, by use of patrol phones or radio, from the time the official starter picks up the horses until the finish of the race. A recording may be made and preserved of all communications between the patrol judges and the stewards' stand.
- (j) Cause the "objection" sign or "inquiry" sign to be posted in the case of an objection or possible rule violation, and immediately notify the announcer of the objection and the horse or horses involved. In addition, the stewards shall cause the "inquiry" sign to be posted when there has been an accident during the race. As soon as the stewards have made a decision, the posted sign shall be removed, the correct placing displayed, the "official" sign flashed, the announcer provided with an explanation of the decision for announcement, and a video displayed on racetrack monitors.
- (k) Display the "photo" sign if the order of finish among the contending horses is less than 1/2 length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, true copies shall be made and posted or projected for public inspection.
- (l) May review the video recordings of the races conducted the previous race day and, in instances of a possible rule infraction or for instructional purposes, show and explain such films to drivers on a daily basis at a time designated by the stewards.
- (m) Maintain a daily stewards' report in the manner and form prescribed by the executive director and report all actions of the stewards that arise during a race day.
- (2) In the performance of their duties, the stewards shall have unrestricted access to all areas and grounds of an association.
- (3) A complaint against a racing official may be made to the stewards or to the executive director. Complaints made directly to the stewards shall be reported to the executive director, in writing, together with any action which has been taken by the stewards.

R 431.4025 Reversals of form.

Rule 4025. (1) The stewards shall take cognizance of any marked reversal of form of all horses and shall, in their discretion, conduct inquiries. During inquiries, the stewards may take into consideration the betting action on the horse in question and films of the horse's previous races, and shall consider all other facts they consider relevant toward making a determination as to whether the horse being evaluated was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first. If after such review the stewards make a determination that there is a reasonable probability that the horse in question was deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, the stewards may take disciplinary action against a person found to have contributed to the restraining of the horse.

(2) If the stewards find that a horse has been deliberately restrained in any way by any means in previous races so as not to win or finish as near as possible to first, these findings may be forwarded by the executive director to law enforcement authorities.

R 431.4030 Patrol judges; duties.

Rule 4030. (1) A patrol judge shall take a position designated by the stewards. He or she shall report all fouls and improper conduct immediately by phone or radio. The result of a heat or dash shall not be announced until sufficient time has elapsed to receive the reports of the patrol judges. Where there is a patrol car, only 1 patrol judge is required.

(2) The stewards may require a patrol judge to submit to the stewards a daily written report of his or her observations.

(3) In the absence of a patrol judge, the official starter shall assume the patrol judge duties.

R 431.4035 Official starter; duties.

Rule 4035. The official starter shall be in the starting gate 15 minutes before the first race. He or she shall have control over horses and shall have authority to recommend penalties to the stewards for any violation of the rules from the formation of the parade until the word "go" is given.

R 431.4040 Clerk of course; duties.

Rule 4040. The clerk of the course has the following duties:

- (a) At request of the stewards, assist in drawing positions.
- (b) Record in the stewards' book all of the following information:
 - (i) All horses entered and their electronic eligibility numbers.
 - (ii) Names of owners and drivers and drivers' United States Trotting Association license numbers.
 - (iii) The charted lines.
 - (iv) The money won by horses at that track.
 - (v) Drawn or ruled out horses.
 - (vi) Each horse's time in minutes, seconds, and fifths of seconds.
- (c) Check electronic eligibility before and after the race, and enter all information provided for thereon, including the horse's position in the race.
- (d) Verify the correctness of the stewards' book, including race time, placing and money winnings, and reasons for disqualifications, if any, and see that the book is properly signed.

R 431.4045 Timer/photo finish operator; duties.

Rule 4045. (1) The timer/photo finish operator shall verify the correctness of the electric timing device. All times shall be announced and recorded in fifths of seconds.

(2) The timer/photo finish operator shall be in the stand 15 minutes before the first heat or dash is to be held. The timer/photo finish operator shall start his or her 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 finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

(3) The timer/photo finish operator shall record images of all horses as they cross the finish line and provide those images to the stewards.

R 431.4050 Paddock judge; duties.

Rule 4050. The paddock judge shall have general supervision over the paddock and be responsible for all of the following:

- (a) Getting the fields on the race course for post parades pursuant to the schedule given to him or her by the stewards.
- (b) Inspection of horses for changes in equipment, broken or faulty equipment, or saddle pads.
- (c) Supervision of paddock gate attendants.
- (d) Supervising the proper check in and check out of horses and drivers at the times designated and reporting any infractions to the stewards.
- (e) Ensuring that the horse identifier checks the identification of all horses coming into the paddock, including the tattoo number, unique microchip, color, and markings.
- (f) Direction of the activities of the paddock blacksmith.
- (g) Notifying the stewards of anything that could in any way change, delay, or otherwise affect the racing program.
- (h) Ensuring that only properly authorized persons are permitted in the paddock.
- (i) Ensuring that, except for warm-up trips, no horse leaves the paddock until called to post.
- (j) Informing drivers when breathalyzer tests are being conducted.

R 431.4055 Racing secretary; duties.

Rule 4055. (1) Duties of the racing secretary include, but are not limited to, all of the following:

- (a) Be familiar with the age, class, and competitive ability of all horses racing at the track.
 - (b) Where the rules require, classify and reclassify horses pursuant to the rules.
 - (c) Write conditions and schedule the daily racing programs to be presented at the track.
 - (d) Provide for the listing of horses in the daily program and examine all entry blanks and declarations to verify all information set forth therein and select the horses to start and the also-eligible horses from the declarations pursuant to the rules governing these functions.
 - (e) Examine nominations and declarations in early closing and stake races to verify the eligibility of all declarations and nominations and to compile lists thereof for publication.
- (2) The racing secretary may reject the declaration on any horse whose past performance indicates that the horse would be below the competitive level of other horses declared.
- (3) A 2-year-old shall not be permitted to start in a dash or heat exceeding 1 mile in distance, and a 2-year-old shall not be permitted to race in more than 2 heats or dashes in any single day.
- (4) Races or dashes shall be given at a stated distance in units not shorter than 1/16 of a mile. The length of a race and the number of heats shall be stated in the conditions. If the distance or number of heats is not specified, all races shall be a single mile dash.

R 431.4060 Official veterinarians; duties; recordkeeping.

Rule 4060. (1) The official veterinarian shall examine horses the stewards request him or her to examine. The official veterinarian is responsible for approving for release from

the veterinarian's list all horses that have been placed on the list because of lameness, sickness, or injury before they may be entered to race again.

(2) An official veterinarian shall not, during the period of his or her employment, for compensation or otherwise, treat or prescribe for a racing horse, except in case of emergency. In an emergency, a full and complete treatment report shall be made to the stewards. An owner or trainer shall not employ or pay compensation to an official veterinarian, either directly or indirectly, during the period for which he or she is employed by the executive director.

(3) The official veterinarian shall observe the training and warming up of horses on the grounds, shall examine any horse that appears ill or injured, and shall report such information to the stewards.

(4) The official veterinarian shall observe the horses in the paddock and warming up for the racing program, observe the race, and observe the horses pulling up after the race. They shall investigate and examine such horses that appear to be ill or injured, and shall report such information to the stewards.

(5) The official veterinarian shall examine, where possible, and where not possible to personally examine, shall confirm, the condition of horses intended to be scratched from a race so that such horses will be certified as unfit to race. A horse having been certified as unfit and scratched from a race shall not be entered again until certified as fit by the official veterinarian.

R 431.4070 Program information.

Rule 4070. (1) A printed program shall furnish all of the following information:

- (a) Horse's name and sex.
- (b) Color and age.
- (c) Sire and dam.
- (d) Owner's name.
- (e) Driver's name and colors.
- (f) In claiming races, the price for which the horse is entered to be claimed, with allowances for age and sex.
- (g) Not less than the last 5 performances and accurate chart lines. An accurate chart line shall include all of the following information:
 - (i) Date of the race and place.
 - (ii) Size of the race course if other than a half-mile race course.
 - (iii) Symbol for free-legged paces.
 - (iv) Symbol for trotting hobbles.
 - (v) Race course condition plus allowances.
 - (vi) Type of race.
 - (vii) Distance.
 - (viii) The fractional times of the leading horse, including race time.
 - (ix) Post position.
 - (x) Position at one quarter; one-half; three quarters; the stretch, with lengths behind the leader; and at the finish, with lengths behind the leader.
 - (xi) Individual time of the horse.
 - (xii) Closing dollar odds.
 - (xiii) Name of the driver.

- (xiv) Names of the horses placed first, second, and third by the stewards. The standard symbols for breaks and park-outs shall be used, where applicable.
- (h) Identification of drivers racing with a provisional license.
- (i) Identification of pacers that are racing without hobbles.
- (j) Identification of trotters racing with trotting hobbles.
- (k) A summary of the starts in purse races, earnings, and the best win time for the current and preceding year. A horse's best win time may be earned in either a purse or non-purse race.
- (l) The name of the trainer.
- (m) The consolidated line, which shall carry all of the following information if the race is not at 1 mile:
 - (i) Date, place, and time of the race.
 - (ii) Driver finish.
 - (iii) The race course condition and distance.
- (n) A stable name with the name of at least 1 owner. If the stable represents more than 1 owner, the joint ownership shall be indicated by the use of the name of 1 owner and the words "et al."
- (2) Owners, drivers, or others found guilty of providing inaccurate information on a horse's performance or attempting to have misleading information given in a program shall be subject to disciplinary action.

R 431.4075 Charting of races.

Rule 4075. The charting of races shall be done by a United States Trotting Association certified person who shall be responsible for providing a complete and accurate chart.

R 431.4080 Paddock rules.

Rule 4080. (1) Horses shall be in the paddock at the time prescribed by these rules or by the stewards, but, in any event, at least 1 hour before post time of the race in which the horse is to compete. Except for warm-up trips, a horse shall not leave the paddock until called to the post.

- (2) All of the following persons are entitled to admission to the paddock:
 - (a) Owners of horses competing on the date of the race.
 - (b) Not more than 2 members of a registered stable, other than the driver, on any 1 racing day.
 - (c) Trainers of horses competing on the date of the race.
 - (d) Drivers of horses competing on the date of the race.
 - (e) Grooms and caretakers of horses competing on the date of the race.
 - (f) Officials whose duties require their presence in the paddock.
 - (g) A licensed horsemen's representative.
 - (h) Exercise drivers.
- (3) A driver, exercise driver, trainer, or groom, once admitted to the paddock, shall not leave the paddock, other than to warm up a horse, without approval from the paddock judge or stewards, until the race or races for which the driver, exercise driver, trainer, or groom was admitted are completed.
- (4) A licensee shall not return to the paddock after horses in their stable have completed racing until all races of that program have been completed.

(5) Drivers shall report to the paddock judge 1 hour before post time for the driver's first race.

R 431.4085 Horse identification.

Rule 4085. (1) A horse shall not be permitted to race unless it is fully identified. The burden of establishing a horse's identity rests with the owner or trainer and must be verified by a racing official.

(2) A racing official will rely on the following characteristics to verify a horse's identity:

- (a) Lip or freeze tattoo numbers.
- (b) Unique microchip.
- (c) Photographs of night eyes.
- (d) Color.
- (e) Markings.
- (f) Size.
- (g) Gait.

(h) Any combination of the factors listed in this subrule. If submitted, an electronic eligibility issued by the United States Trotting Association may be considered as an aid to proper identification.

(3) A horse that has not been tattooed or microchipped shall not start in a race. Any licensee refusing to allow a horse to be tattooed or microchipped by a United States Trotting Association representative may be subject to disciplinary action.

R 431.4090 Horse eligibility certification.

Rule 4090. (1) A horse shall not be permitted to start any race unless current electronic eligibility at the proper gait is obtained.

(2) The stewards may permit a horse to start without current electronic eligibility being recorded if they are satisfied that both of the following requirements have been met:

- (a) The issuance of the electronic eligibility for the horse is verified.
- (b) The eligibility of the horse to the race is established.

(3) Applications for United States Trotting Association electronic eligibility shall state name and address of the owner and the sex, age, and breeding of the horse and shall be accompanied by such other information, membership application, and fees as required by the United States Trotting Association.

(4) Any horse on lease shall race in the name of the lessee. An electronic eligibility shall not be issued to a horse under lease unless a copy of the lease is filed with the United States Trotting Association. The names of both the owner and the lessee shall be noted on the electronic eligibility of leased horses.

(5) If the electronic eligibility is not endorsed to him or her, the new owner or lessee shall apply for an electronic eligibility, pay the regular fee, and send satisfactory information on the starts made by the horse during the current year, which will include all pari-mutuel races, fair races, qualifying races, and matinee races.

(6) A person who enters a chart line on an electronic eligibility when the race has not been charted by a licensed charter or who in any way tampers with an electronic eligibility may be subject to disciplinary action.

(7) Corrections on electronic eligibility may be made only by a representative of the United States Trotting Association or a racing official, who shall place on the electronic eligibility his or her initial and the date of correction.

R 431.4095 Electronic eligibility for foreign horses.

Rule 4095. An electronic eligibility shall not be recognized on a horse coming from a foreign country other than Canada unless all of the following information, certified by the trotting association or governing body of that foreign country from which the horse comes, is furnished:

- (a) The number of starts during the preceding year, together with the number of firsts, seconds, and thirds for each horse, and the total amount of money won during this period.
- (b) The number of races in which the horse has started during the current year, together with the number of firsts, seconds, and thirds for each horse, and the money won during this period.
- (c) A detailed list of the last 6 starts which provides all of the following information pertaining to each start:
 - (i) The date.
 - (ii) Place.
 - (iii) Track.
 - (iv) Race course condition.
 - (v) Post position or handicap, if it was a handicap race.
 - (vi) Distance of the race.
 - (vii) Position at the finish.
 - (viii) The time of the race.
 - (ix) The driver's name.
 - (x) The first 3 horses in the race.

R 431.4100 Horse eligibility restrictions.

Rule 4100. (1) If United States Trotting Association registration is properly applied for, a horse may be permitted to race during the current year with an electronic eligibility marked "registration applied for."

(2) A horse under the age of 2 or over the age of 14 shall not be permitted to race at a race meeting licensed by the executive director.

(3) A licensee withholding a registration certificate from the owner or lessee of a horse, after notification by the stewards has been made for the return thereof, may be suspended until the certificate is returned.

(4) A horse that is owned wholly or in part by, or is trained by, an ineligible or associated person is prohibited from racing.

R 431.4105 Racing eligibility; conflicting published conditions; standards to determine horse qualification in overnight races; condition books at extended pari-mutuel meetings.

Rule 4105. (1) For purposes of eligibility, a race season or a racing year shall be the calendar year. In recording winnings, gross winnings must be used and odd cents must be dropped and disregarded.

(2) Time records or bars shall not be used as an element of eligibility.

(3) Horses shall be eligible when entries close.

(4) If there are conflicting published conditions and neither is withdrawn by the track, the published conditions more favorable to the nominator shall govern.

(5) The racing secretary shall prescribe standards to determine whether a horse is qualified to race in overnight races at a race meeting. Where time standards are established at a race meeting for both trotters and pacers, trotters shall be given a minimum of a 2-second allowance in relation to pacers.

(6) At extended pari-mutuel meetings, condition books and sheets shall be prepared, and races may be divided or substituted races may be used only where regularly scheduled races fail to fill. Condition sheets or books containing not less than 1 week of a racing program shall be available to horsemen not less than 24 hours before closing on any race program contained therein. The racing secretary shall forward copies of each condition book and overnight sheet to the United States Trotting Association as soon as they are available to the horsemen.

(7) Any race conducted under a race meeting license where pari-mutuel wagering is offered shall be considered extended pari-mutuel for the purpose of eligibility.

R 431.4110 Types of races.

Rule 4110. (1) In presenting a program of racing, the racing secretary shall use exclusively the following types of races:

(a) Stakes and futurities.

(b) Early closing and late closing races.

(c) Conditioned races.

(d) Claiming races.

(e) Preferred races limited to the fastest horses at the race meeting. These may be free-for-all races, junior free-for-all races, open races, preferred races, or invitationals. Horses to be used in the races shall be posted in the racing office. Horses so posted shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list.

(2) A 2-year-old or 3-year-old horse is not eligible to be placed on the preferred or invitational list to race against older horses until it has won 7 races, unless requested by the owner or authorized agent. The owner or authorized agent may withdraw the request at his or her discretion. Where a race meeting is in progress in December and continues in January of the subsequent year, races and earnings won at that race meeting may be computed in determining whether a horse may be placed on the preferred list.

(3) Classified races are permitted when authorized by the executive director.

(4) Conditions shall not be written in a way that any horse is deprived of an opportunity to race in the normal preference cycle. Where the word "preferred" is used in a condition, it shall not supersede the date preference. Not more than 3 also-eligible conditions shall be used in writing the conditions for any overnight race.

(5) Any dash or any heat shall be considered as a separate race for the purposes of conditioned racing.

(6) Named races are not permitted, except for preferred races for the fastest horses at a race meeting as set forth in subrule (1)(e) of this rule.

(7) Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into 2 divisions shall be used only if regularly scheduled races fail to fill.

(8) A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from horses available and qualified to race.

(9) The term “start,” in any type of condition, unless specifically so stated means only those performances in a purse race.

R 431.4115 Drawings; posting of horses.

Rule 4115. (1) For all overnight races, starters and also-eligibles shall be drawn by lot from those properly declared in. When conditions have not been filled, the racing secretary may split races to fill a card. Where necessary to fill a card, not more than 2 conditioned races per day may be divided into divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division shall be by lot unless the conditions provide for a division based on performance, earnings, or sex.

(2) The names of all horses on the grounds whose electronic eligibility are recorded and are ready to race shall be posted by gait in the racing office, together with all the pertinent information concerning the horses which may be required to determine the eligibility of the horses to conditioned races offered at the race meeting. There shall be a separate posting of 2-, 3-, and 4-year-olds.

R 431.4125 Claiming; eligibility.

Rule 4125. (1) In a claiming race, a horse is subject to claim for its entered price, after allowances, by a legal entity in good standing who is currently licensed as an owner in this state. An owner may claim out of his or her initial race.

(2) A legal entity that decides to make a claim and that otherwise is not eligible as set forth in these rules may do so, after filing proper license application, and by complying with all of the following provisions:

(a) Depositing an amount not less than the minimum claiming price at the race meeting, plus the requisite transfer fees, with the horsemen's bookkeeper. The amount shall remain on account until a claim is in fact made or permission to claim has expired. If withdrawal of the amount occurs, any permit issued pursuant to this rule is automatically revoked and terminated.

(b) Sending to the stewards the written name of a trainer whose Michigan license is currently in full force and effect and who will represent the legal entity that desires to make a claim once the claim is made.

(c) Securing from the stewards a written claiming permit which is in full force and effect when a claim is made by the legal entity or a trainer or authorized agent representing the legal entity.

(3) Before issuing a claiming permit, the stewards shall determine that an individual qualifies for an occupational license and permit by the standards of occupational license. A claiming permit shall take effect upon issue and shall not be valid for more than 30 days.

R 431.4130 Claiming; prohibitions.

Rule 4130. (1) A person shall not claim his or her own horse and shall not claim a horse trained or driven by him or her.

(2) A qualified owner or his or her agent shall not claim a horse for another person.

(3) An owner shall not cause his or her horse to be claimed, directly or indirectly, for his or her own account.

(4) A person shall not 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.

(5) A person shall not enter a horse against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof is filed with the clerk of the course and the association conducting the claiming race.

(6) An entry in a claiming race which has been declared for a subsequent race, if claimed, may be withdrawn from the subsequent race without penalty.

(7) A mare known to be in foal shall not be declared into a claiming race.

(8) A person shall not claim more than 1 horse from any 1 race. No authorized agent shall submit more than 1 claim for the same horse in a race, even if the authorized agent represents several owners. When a stable consists of horses owned by more than 1 person and trained by the same trainer, not more than 1 claim may be entered on behalf of the stable in any 1 race.

R 431.4135 Claiming; procedure.

Rule 4135. (1) To claim, an owner shall have, to his or her credit with the track giving the race, an amount equivalent to the specified claiming price plus the requisite fees for transfer of registration.

(2) A declaration into a claiming race shall not be accepted unless written permission of the owner is filed with the racing secretary at the time of declaration.

(3) The basic claiming price for which each horse is entered shall be printed on the program, but all claims shall be for the adjusted price after the prescribed allowances made for sex or age have been added to the basic claiming price.

(4) All claims shall be in writing on a form approved by the executive director, and presented to the clerk of the course not less than 15 minutes before the time scheduled for the race to begin.

(5) An official or other employee of an association shall not give any information on claims filed until after the race except as is necessary for processing of the claim. Immediately after the race, the claims, if any, shall be examined by the stewards.

(6) A claimed horse must be taken to the detention barn for post-race drug testing and remains under control of the original trainer until the horse is released from the detention barn. The claimant shall present written authorization for the claim from the racing secretary.

(7) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended together with the horse until delivery is made.

(8) A claim is irrevocable except as allowed under these rules. If more than 1 valid claim is filed for the same horse, title to the horse shall be determined by lot under the supervision of 1 or more of the stewards. Claimants shall be allowed to inspect claim forms apparatus used in the drawing of lot and be present for the draw.

R 431.4140 Claiming; title transfer.

Rule 4140. (1) A horse claimed shall race in all heats or dashes of the race in the interest and for the account of the owner who declared it in the race, but title to the

claimed horse shall be vested in the successful claimant from the time when the word “go” is given in the first heat or dash except as provided in these rules.

(2) The stewards shall require a person making a claim for a horse to file an affidavit that he or she is claiming the horse for his or her own account or as authorized agent and not for any other person. Any person who files a false affidavit shall be subjected to disciplinary action.

(3) A claimed horse shall not be sold or transferred, wholly or in part, to anyone within 30 days after the day it was claimed, except in another claiming race.

(4) If a horse in a claiming race is scratched by the stewards for any reason, including being declared a non-starter, any claims on that horse are void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched. This subrule applies from the date of the scratch or declaration of a non-starter until the last day of the final harness race meeting licensed by the executive director that year. This subrule does not include horses scratched due to entry error or ineligibility, which is verified by the race office in writing. Any horse scratched from a claiming race and taken out of state to race shall upon its return to Michigan be bound by this subrule within the same year.

(5) If the analysis of a post-race blood or urine sample taken from a claimed horse results in a post-race positive test for an ARCI class 1 drug, the claimant’s trainer shall be promptly notified by the stewards and the claimant shall have the option to void the claim within 3 days of the notice by the claimant’s trainer. An election to void a claim shall be submitted in writing to the stewards by the claimant or the claimant’s trainer. If the claim is voided, the horse shall be returned to the owner of the horse who subjected the horse to claiming in the race from which the positive test resulted.

(6) If a horse is claimed, a blood sample may be taken by a licensed veterinarian to be tested for equine infectious anemia. The sample shall be forwarded within 24 hours to an approved laboratory. Pending the receipt of a negative test for equine infectious anemia, the money paid for the claimed horse shall be held by the association. If the test is positive 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. The cost of the test is to be borne by the claimant.

(7) A claimed horse is not eligible to race in any other jurisdiction other than Michigan for a period of 30 days from the date of claim or until after the close of the live race meeting at which it was claimed, whichever period of time is the less.

(8) The stewards shall be the judges of the validity of a claim.

(9) A claim not filled out completely or that does not accurately identify the claim renders the claim void.

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

(11) A person shall not enter a horse in a claiming race without disclosing the horse’s true ownership. When a horse is claimed, the change of ownership of a horse entered in a claiming race by someone who does not have undisputed possession of the horse shall not be considered after closing time for claims of that race.

R 431.4145 Claiming; price; conditions.

Rule 4145. (1) Subject to the approval of the stewards and compliance with the association's release of funds policy, the association will pay the claiming price to the owner of the horse that was claimed when the registration certificate or transfer of claim is delivered.

(2) Aside from the claiming price, conditions and allowances in claiming races may be based only on age and sex. When possible, claiming races shall be written to separate horses 5 years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a price allowance if there is no price allowance given to a spayed mare racing in a claiming race.

(3) A horse owner shall not be prohibited from determining the price for which his or her horse shall be entered.

(4) If the stewards determine that the declaration of any horse to a claiming race is fraudulent on the part of the declarer, they may void the claim and may, at the option of the claimant, order the horse returned to the person declaring it in. If the stewards determine that any claim of a horse is fraudulent on the part of the person making the claim, they may void the claim and may, at the option of the person declaring it in, return the horse to the person declaring it in.

(5) claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed shall be on file at the racing office. To facilitate transfer of claimed horses, a steward may sign the transfer if the steward then sends the registration certificate and claiming authorization to the registrar for transfer.

R 431.4150 Stakes and futurities.

Rule 4150. (1) An association presenting stakes and futurities shall, in addition to meeting United States Trotting Association notification requirements, set the nominating date and the dates for all sustaining payments on the fifteenth day of the month. There shall be no payments on yearlings, except for a nomination payment, which shall be due not later than August 15. Before taking any sustaining payment during the year the race is to be held, the date and place of the race shall be stated. A stake or futurity sustaining fee on 2-year-olds is not due before March 15, and for all other ages before February 15, of any year. There shall be no conditions that call for payments in stakes or futurities to become due after August 15 and before February 15 of the following year. No more than 1 sustaining payment of 2-year-olds in stakes and futurities that do not have a 2-year-old division is permitted. No more than 2 sustaining payments on any horse of any age in any calendar year, with the exception of the starting fee, shall be approved. The date for closing of nominations of yearlings to stakes shall be July 15.

(2) An association shall, where date schedules permit, advertise the week and place the stake or futurity will be held before taking nominations.

(3) An estimated purse shall not be advertised or published in excess of the actual purse paid or distributed during the previous year, unless increased by guaranteed added money. A stake or futurity shall not be raced for less than 75% of the average estimated purse.

(4) Conditions shall not be written so as to provide for a filly division of a race with less added money than the colt division of a race, unless authorized by the executive director.

(5) Added money shall be not less than 30% of the purse. If a stake or futurity is split into divisions, the added money for each division shall be not less than 20% of all nomination, sustaining, and starting fees paid into the stake or futurity.

(6) Failure to make any payment required by the conditions constitutes an automatic withdrawal from the race.

(7) If a mare nominated to a futurity fails to have a live foal, the nominator may substitute a foal if the conditions so provide.

(8) A deduction, voluntary or involuntary, shall not be made from any purse or stake or futurity, except that, if the conditions specifically so provide, reasonable deductions may be made for clerical, printing, postage, and surety bond expenses specifically related to the purse, stake, or futurity.

(9) Unless otherwise specified in the conditions of a stake or futurity, the money division shall be as follows:

- (a) Five or more starters: 50-25-12-8-5%.
- (b) Four starters only: 50-25-15-10%.
- (c) Three starters only: 60-30-10%.
- (d) Two starters only: 65-35%.

R 431.4155 Entries or declarations for stakes and futurities.

Rule 4155. (1) An entry or declaration shall comply with all of the following provisions:

- (a) Be made by any means established by the association, including telephone, electronic, or on paper in the entry box.
- (b) List all of the following information:
 - (i) The names of the owner or authorized agent, trainer, and the registered stable name or lessee.
 - (ii) The name, color, sex, sire, and dam of the horse.
 - (iii) The race or races in which the horse is to be entered.
 - (iv) The identity of the driver.

(2) A starting fee shall be due and payable with the declaration to start and shall not be refunded if the horse fails to start, unless the horse dies between the time of declaration to start and the start of the race. As used in this rule "starting fee" means the payment required with the declaration to start.

(3) Noncompliance with any of the requirements of subrules (1) and (2) of this rule or the false stating of facts for the purpose of deception subjects a person filing the entry to disciplinary action.

(4) Nominations and sustaining payments not actually received at the hour of closing shall be ineligible, except for those sent by letter bearing a postmark not later than the following day, excluding Sunday, or those sent electronically at or before the hour of closing and stating the color, sex, name of horse, the class to be entered, the name and residence of the owner, and the person making the nomination or sustaining payment. When a nomination or sustaining payment in a stake, futurity, early closing race, or late closing race becomes payable on a Sunday or legal holiday that falls on Saturday, the payment is to be due on the following Monday, and, if made by mail, the envelope 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, shall be

postmarked on or before the following Wednesday. The provisions of this section do not apply to declarations to start.

(5) Where an entry is received by letter bearing the postage meter date without any postmark placed thereon by the post office department, the postage meter date shall be considered to be a postmark for the purposes of this rule if the letter is actually received within 7 days following the closing date of the race. Receipt after this time of an entry by letter bearing the metered postmark date is not a valid entry or payment to any race. The meter date shall conform to the postmarked date as set forth in this subrule to be valid.

(6) Entries and payments not governed by published conditions are void. Any nominator who is allowed privileges which are not in accordance with the published conditions of the race or which are in conflict with these rules shall be barred from winning any portion of the purse, and the nominator and any person who allowed the privileges shall be considered to have been parties to fraud.

(7) A nominator is required to guarantee the identity and eligibility of his or her nominations and declarations, and, if given incorrectly, the nominator may be subject to disciplinary action and any winnings shall be forfeited and redistributed to eligible entries. A person obtaining a purse or money through fraud or error shall surrender the purse or money or, together with the parties implicated in the incident and the horse or horses, shall be suspended until the demand is complied with. However, where any horse is ineligible as a result of the negligence of the racing secretary, the track shall reimburse the owner for the resultant loss of winnings.

(8) A horse entered in a race to which it is ineligible may be transferred to any race to which it is eligible at the same gait.

(9) Associations presenting early closing and late closing races shall state the place and day the race will be held. A change in date, program, races, or conditions cannot be made after the nominations have been taken without the written consent of the owners or trainers of all horses eligible at the time the conditions are changed. All nominations and payments, other than starting fees, in early closing races shall be advertised to fall on the fifteenth day of the month. If the race does not fill, each nominator shall be notified within 10 days and a refund of the nomination fees shall accompany the notice. If conditions published for early closing race allow a transfer for change of gait, the transfer shall be to the slowest class the horse is eligible for at the adopted gait, eligibility to be determined at the time of closing of entries. The race to which a transfer may be made shall be the race nearest the date of the race originally entered. Two-year-olds, 3-year-olds, or 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 race originally entered, with entry fees to be adjusted. A complete list of nominations to any early closing race shall be published within 45 days after the closing date or after the date of the last sustaining payment. The list shall be mailed to the owners or authorized agents of all eligible horses.

(10) Conditions of early closing races or late closing races that will eliminate horses nominated to a race or add horses that have not been nominated to a race by reason of the performance of the horses at an earlier meeting held the same season are invalid. Early closing races and late closing races shall have not more than 2 also-eligible conditions.

(11) In early closing races, late closing races, and overnight races requiring entry fees, all money paid in by the nominators in excess of 85% of the advertised purse shall be

added to the advertised purse, and the total shall then be considered to be the minimum purse. If the race is split and raced in divisions, the provisions of R 431.4160(5) apply.

R 431.4160 Entries and starters required.

Rule 4160. (1) An association shall specify how many entries are required for overnight races. After the condition is fulfilled, the race shall be held.

(2) In early closing races or late closing races, if 5 or more interests are declared in to start, the race shall be held. Stakes and futurities shall be raced if 1 or more horses are declared in to start.

(3) In an early closing race, if less interests are declared in than are required to start, and if all declarers are immediately so notified, the interests declared in and ready to race shall be entitled to all the entrance money and any forfeits for each horse named.

(4) In all racing events, not more than one trailer shall be permitted, regardless of the size of the track except with the approval of the executive director. At least 8 feet per horse must be provided to the starters in the front tier. Trailers are not permitted where the race course has room to score all horses abreast.

(5) The following apply to added money races:

(a) If more horses are declared to start than allowed in one field, the race will be conducted in divisions or eliminations, as specified in the conditions.

(b) Where a race other than a stake or futurity is divided, each division must race for not less than 75 percent of the advertised purse.

(c) In added money races conducted in eliminations, starters shall be divided by lot. Unless conditions provide otherwise, 60 percent of the total purse must be divided equally among the elimination heats. The final heat must be contested for 40 percent of the total purse. Elimination heats and the final heat must not be raced on the same day except with the approval of the executive director. The winner of the final heat is the winner of the race.

(d) Unless the conditions for the added money race provide otherwise, the stewards shall draw the post positions for the final heat in elimination races by lot.

R 431.4165 Rescinded.

R 431.4170 Declaration to start; drawing.

Rule 4170. (1) Unless otherwise specified in the conditions, the declaration time is at the discretion of the stewards.

(2) A horse shall not be permitted to enter in more than 1 race on any 1 racing day. Races decided by more than 1 heat are considered a single race.

(3) To avoid confusion and misunderstanding, the time when declarations close is considered to be local time at the track where the race is being held.

(4) The association shall provide a locked box with an aperture through which declarations may be deposited. The entry box shall be in the charge of the stewards. Just before opening the box at meetings where futurities, stakes, early closing races, or late closing races are on the program, the steward present shall check with the racing secretary to ascertain if any declarations made by mail, or otherwise are in the race office and not deposited in the entry box, and the steward shall see that they are declared and drawn in the proper race.

(5) The entry box shall be opened at the advertised time by the steward and, if present, an official representative of the horsemen's organization. An owner or authorized agent for a horse with a declaration in the entry box shall not be denied the privilege of being present.

(6) Under the supervision of the steward, the entry box shall be unlocked, declarations found therein shall be sorted and listed, the eligibility verified, preference ascertained, starters selected, and post positions drawn. If it is necessary to reopen any race, a public announcement shall be made at least twice and the box reopened. A daily record shall be kept in the stewards' book showing the name of the steward who performed the functions specified in this subrule.

(7) In races with a duration of more than 1 dash or heat, the stewards may draw post positions from the stand for succeeding dashes or heats.

(8) Declarations made by any means established by the association, including telephone, electronic, or on paper in the entry box, and which are actually received and for which evidence thereof is deposited in the box before the time specified to declare in shall be drawn in the same manner as other declarations. The drawings are final. Mail, telephone, or electronic declarations shall state all of the following information:

- (a) The name and address of the owner or lessee.
- (b) The name, color, sex, sire, and dam of the horse.
- (c) The name of the driver and his or her colors.
- (d) The date and place of the last start.
- (e) A current summary, including the number of starts, firsts, seconds, thirds, earnings, and the best winning time for the current year.
- (f) The race or races in which the horse is to be entered.

(9) When an association requires a horse to be declared at a stated time, failure to declare as required is considered a withdrawal from the race.

(10) After declaration to start has been made, a horse shall not be withdrawn, except by permission of the stewards. Persons violating this subrule are subject to disciplinary action.

(11) If a person making the declaration fails to honor it and there is no opportunity for a hearing by the stewards, the matter shall be referred to the executive director.

(12) Drawings are 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 and shall take the place of an ineligible horse, considering preference, if the error is discovered before either scratch time or the printing of the program, whichever is sooner. In claiming handicap races, a horse moving into the race must be placed on the outside of the horses of that base claiming price. However, in the case of early closers of more than \$10,000.00, a stake, a handicap, and futurity races, the race shall be redrawn.

(13) When drawing post positions for handicapped races on a ½ mile race course, 1-2-3-9 are considered inside post positions.

R 431.4175 Qualifying races.

Rule 4175. At all race meetings, entries cannot be accepted without at least 1 satisfactory current charted line on the electronic eligibility. When an association determines a race will be nonbetting, entries may be accepted on a horse without a

current charted line. Declarations for overnight races shall be governed by the following qualifier provisions:

(a) The association, in conjunction with the horsemen's association, shall establish the qualifying standards for a race meeting. Horses unable to show a performance to qualify for races at the race meeting may be placed on the stewards' list, but this action shall not be recorded on electronic eligibility. Placing a horse on the stewards' list does not affect its right to compete in a stake, futurity, early closing race, or late closing race, unless the horse is placed on the list for unmanageability or dangerousness.

(b) To provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.

(c) When a horse has raced at a charted meeting during the current season and then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated. The consolidated line shall carry all of the following information if the race is not at 1 mile:

- (i) Date.
- (ii) Place.
- (iii) Time.
- (iv) Driver.
- (v) Finish.
- (vi) Race course condition.
- (vii) Distance.

(d) The stewards may require any horse that has been on the stewards' list to race in a qualifying race. If a horse has raced an individual time not meeting the qualifying standard for that class of horse, the horse shall be required to race in a qualifying race, except as provided in subdivision (a) of this rule. A horse placed on the list for choking or bleeding during a race shall requalify.

(e) The stewards may permit a horse to qualify by means of a timed workout.

(f) The identifier shall fully examine a horse starting in a qualifying race or official workout.

(g) Qualifying races shall be scheduled at least once a week during live racing including the week before the opening day of the meet. The number of qualifying races per day may be limited by the stewards.

(h) Horses in qualifying races may be subject to specimen collection and testing.

(i) Qualifying races must be recorded by the association.

(j) Qualifying races cancelled due to weather may be carried over to the following day. Alternative scheduling or the decision not to reschedule the cancelled qualifying races may be authorized by the stewards.

R 431.4180 Mutuel entries; common ties.

Rule 4180. (1) Not more than 2 horses that have common ties so as to be joined as a mutuel entry shall be entered in an overnight race. A preference for 1 of the horses shall be made when making a double entry. Two horses that have common ties by trainer only or those joined as a mutuel entry shall not both start in a race to the exclusion of a single interest.

(2) In races with a purse value of \$20,000 or more, horses with common ownership may race as separate betting interests. Horses that are trained or owned by the same person shall be indicated prominently in the program.

(3) Horses having common ties through training only, but which have separate and distinct ownership, may be uncoupled and run in a race as separate betting interests when approved by the stewards.

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

(5) In addition to the provisions of subrules (1) to (3) of this rule, horses separately owned or trained may be coupled as an entry when approved by the stewards where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries shall not be rejected.

R 431.4185 Also-eligibles.

Rule 4185. (1) Not more than 2 horses may be drawn as also-eligibles for a race. If 1 or more horses are excused by the stewards, the also-eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races.

(2) In handicap races, the also-eligible horse shall take the place of the horse that it replaces if the handicap is the same. If the handicap is different, the also-eligible horse shall take the position on the outside of horses with a similar handicap.

(3) A horse shall not be added to a race as an eligible unless the horse was drawn as such at the time declarations closed. A horse shall not 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.

(4) A horse moved into the race from the also-eligible list cannot be drawn except by permission of the stewards, but the owner or trainer of the a horse shall be notified that the horse is to race and it shall be posted at the race office. All horses which are on the also-eligible list and which are not moved in to race by 9 a.m. on the day preceding the day of the race shall be released.

R 431.4190 Preference.

Rule 4190. (1) Preference shall be given in all overnight races according to a horse's last previous purse race. If 2 or more horses have the same preference date, then a second preference date shall be used. If 2 or more horses have the same first and second preference dates, then the entry must be determined by lot. The preference date on a horse that has drawn to race and been scratched is the date of the race from which the horse was scratched.

(2) When a horse is racing for its first lifetime start, the date of the first successful qualifying race shall be considered its preference date. However, if an overnight race has been reopened because it did not fill, all eligible horses declared in to the race before the reopening shall receive preference over horses subsequently declared, irrespective of the actual preference dates.

R 431.4195 Stewards' list.

Rule 4195. (1) A horse that is unfit to race because it is dangerous, unmanageable, unable to show a performance to qualify at the race meeting, or otherwise unfit to race at the race meeting may be placed on a stewards' list by the stewards, and declarations on the horse shall be refused. The owner or trainer shall be notified of the action, and the reason for refusing declaration shall be clearly stated on the notice.

(2) When any horse is placed on the stewards' list, the clerk of the course shall make a note on the electronic eligibility of the horse, showing the date the horse was put on the stewards' list, the reason therefor, and the date of removal if the horse has been removed. Horses shall be released from the stewards list by the clerk of the course on the recommendation of the stewards.

R 431.4200 Naming drivers.

Rule 4200. Declarations shall state who shall drive the horse. Drivers may be changed until a time specified by the stewards. After such time a driver shall not be changed without permission of the stewards. The stewards shall approve or disapprove the second and third drivers. The trainer shall ensure availability of the driver named.

R 431.4205 Rescinded.

R 431.4210 Starting.

Rule 4210. (1) The official starter shall have control of the horses from the formation of the parade until he or she gives the word "go".

(2) The official starter shall notify the drivers when to come to the starting gate. During or before the parade, the drivers shall be informed as to the number of scores permitted.

(3) The horses shall be brought to the starting gate as near a quarter of a mile before the starting line as the race course will permit.

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

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

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

(c) From the point specified in subdivision (b) of this subrule to the starting point, the speed shall be gradually increased to maximum speed.

(5) On mile race courses, horses shall be brought to the starting gate at the head of the stretch and the relative speeds mentioned in subrule (4) of this rule shall be maintained.

(6) The starting point shall be a distance of not less than 200 feet from the first turn. The official starter shall give the word "go" at the starting point.

(7) When a particular speed has been reached in the course of a start, the speed shall not be decreased, except in the case of a recall.

R 431.4215 Recall; notice.

Rule 4215. (1) Before giving the word "go," the official starter shall endeavor to get all horses away in position and on gait.

(2) The official starter may, at any time before the word "go" is given, order a recall for 1 of the following reasons:

(a) A horse scores ahead of the starting gate.

(b) There is interference before the word "go" is given.

- (c) A horse has broken equipment, which the official starter notices.
- (d) A horse falls before the word “go” is given.
- (e) A horse refuses to turn or come to the gate.
- (3) In case of a recall, a light which is plainly visible to the driver shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. Where possible, the official 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 official starter shall use his or her discretion to close the wings of the gate.
- (4) There shall be no recall for a breaking horse.
- (5) There shall be no recall after the word “go” has been given, and any horse, regardless of its position or occurrence of an accident, is considered a starter from the formation of the parade, unless dismissed by the official starter.
- (6) If any of the reasons noted in subrule (2) of this rule occurs and the official starter fails to sound a recall, for whatever reason, then the offending horse or horses may be considered by the stewards to have had an unfair start and may be disqualified from the race. Wagers on the disqualified horse or horses shall be refunded.
- (7) If a second recall is sounded for the same horse or horses for any occurrences noted in subrule (2) of this rule in the same race, that horse or those horses shall be ordered dismissed and wagers on that horse or those horses shall be refunded.
- (8) Any horse scratched because of causing 2 recalls shall have to re-qualify 2 consecutive times and must be schooled behind the starting gate.

R 431.4220 Penalties to drivers.

Rule 4220. The official starter may recommend to the stewards that a driver be penalized for any of the following reasons:

- (a) Delaying the start.
- (b) Failure to obey the official starter’s instruction.
- (c) Rushing ahead of the inside or outside wing of the gate.
- (d) Coming to the starting gate out of position.
- (e) Crossing over before reaching the starting point.
- (f) Interference with another driver during the start.
- (g) Failure to come up into position and on the gate.

R 431.4225 Gate restrictions.

Rule 4225. (1) A person, other than the official starter, his or her assistant, and a patrol judge, shall not be allowed to ride in the starting gate unless permission has been granted by the stewards.

(2) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall not be higher than is necessary to carry the voice of the official starter to the drivers.

(3) If there are 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. When a horse is drawn from any tier, horses on the outside shall move in to fill up the vacancy. When a horse has drawn a post position in the second tier, the driver of the horse may elect to score out behind any horse in the first

tier if he or she does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position.

R 431.4230 Starting without gates.

Rule 4230. (1) An association shall provide a backup starting gate. In the event of an extraordinary occurrence, however, horses may be started without a gate.

(2) When horses are started without a gate, the official starter shall have control of the horses from the formation of the parade until he or she gives the word "go". The official starter shall be located at the wire or other point on the race course from which the word "go" shall be given. A driver shall not cause unnecessary delay after the horses are called.

(3) The driver of any horse refusing or failing to follow instructions of the official starter as to the parade or scoring ahead of the pole horse may be set down for the heat in which the offense occurs or for another period as the official starter shall recommend and may be subject to disciplinary action. When a driver is taken down, the substitute shall be permitted to score the horse once. A horse delaying the race may be started regardless of its position or gait, and there shall not be a recall on account of a bad actor.

(4) If the word "go" is not given, all the horses in the race shall immediately turn at the tap of the bell or other signal and shall jog back to their parade positions for a fresh start. There shall be no recall after the word "go" has been given.

R 431.4240 Unmanageable horses.

Rule 4240. If, in the opinion of the stewards or the official starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be scratched. When this action is taken by the official starter, the stewards must be notified and the stewards must notify the public. When this action is taken by the stewards, the stewards must notify the official starter and the stewards must notify the public.

R 431.4255 Drivers; licensing.

Rule 4255. (1) A person who desires to drive a harness horse at a race meeting licensed by the executive director is required to obtain a license from the executive director, upon the recommendation of the stewards, whether or not the person possesses any other license.

(2) Every applicant for a driver's license shall satisfy the stewards in a manner prescribed by the stewards, that he or she meets all of the following qualifications:

(a) Has had at least 1 year's training experience and has demonstrated the ability to drive.

(b) Is physically and mentally competent to drive.

(c) Is knowledgeable of, and conversant in, the training and driving of harness horses.

(d) Is familiar with the rules of racing.

(e) Has a minimum of 20/40 corrected vision in both eyes or, if the individual is blind in 1 eye, not less than 20/30 corrected vision in the other eye, as certified by a licensed optometrist, oculist, or ophthalmologist.

(f) Is not less than 16 years of age.

(g) Is the holder of a currently valid A (full), V (probationary), P (provisional) or Q (qualifier) license issued by the United States Trotting Association, or comparable licensing issued by Standardbred Canada.

(3) Proper licensing notwithstanding, the stewards at any race meeting may refuse to permit any driver to compete in a race if, in their judgment, he or she is unfit, unqualified, or too inexperienced to drive. The driver may be required to submit to a physical examination under conditions specified by the stewards.

(4) A person aspiring to become a driver may, after successfully completing a written exam administered by the United States Trotting Association or Standardbred Canada, apply for licensing to drive in qualifying races and nonbetting races only. Persons granted Q licenses shall be not less than 16 years of age and have the approval of the stewards. All persons driving in races on a track licensed by the executive director shall do so under the scrutiny of the stewards and, where instituted, a horsemen's advisory committee, which shall present its observations to the stewards in writing. To aid in making a determination on the ability and qualifications of the holder of a Q license, the stewards may require the driver to go a rated mile, with the times for the mile and the quarters thereof to be declared beforehand by the driver. The holder of a Q license shall perform not less than 12 satisfactory qualifying drives before being advanced to a P license.

(5) A driver holding a P license shall not be considered for advancement to an A license by the stewards until he or she has qualified pursuant to 1 of the following provisions:

(a) Had at least 1 year's driving experience while holding a P license, plus 25 satisfactory pari-mutuel starts in the calendar year before application.

(b) Had less than 1 year's driving experience while holding a P license, but had not less than 50 satisfactory pari-mutuel starts and the written approval from the stewards at a recognized meet.

(c) Made 25 satisfactory starts at pari-mutuel or grand circuit meetings in the 2 calendar years preceding the date of application if he or she has had not less than 50 satisfactory fair starts.

(6) A driver who presently holds a license and wishes to obtain a license in a higher category and who has not previously submitted to a written test may be required to take a written test before becoming eligible to obtain a license in a higher category.

(7) Repeated rule violations are grounds for refusal to grant, or grounds for revocation of, any driver's license.

R 431.4260 Driver restrictions.

Rule 4260. (1) A person who is 60 years of age or older and who has never previously held any type of driver's license shall not be issued a driver's license.

(2) An applicant for a driver's license who is 65 years of age or over may be required to submit annually, together with his or her application for a driver's license, a report of a physical examination. An applicant who has previously held any type of driver's license shall not be subsequently denied a driver's license solely on the basis of age.

(3) If a person is involved in an accident on the race course, the stewards may order the person to submit to a physical examination, and the examination shall be completed before the person drives again.

(4) The following conduct is disorderly and shall subject a driver to disciplinary action:

(a) Failure to obey the stewards' orders.

- (b) Failure to drive when programmed, unless excused by the stewards.
 - (c) Drinking intoxicating beverages within 4 hours of the first post time of the program on which the driver is carded to drive.
 - (d) Appearing in the paddock in an unfit condition to drive.
 - (e) Fighting.
 - (f) Assaults.
 - (g) Offensive and profane language.
 - (h) Smoking on the track wearing colors during actual racing hours.
 - (i) Warming up a horse before racing without wearing colors.
 - (j) Disturbing the peace.
 - (k) Refusal to take a breathalyzer test when directed by the stewards.
 - (l) Using abusive language when addressing, or showing disrespect toward, a racing official or representative of the office of executive director.
 - (m) Fraternizing with other drivers or patrons during the post parade or warm-ups.
- (5) Drivers shall wear distinguishing colors and clean white pants, and shall not be allowed to start in a race or other public performance unless, in the opinion of the stewards, they are properly dressed. A driver shall not drive during the time when colors are required on a race course unless he or she is wearing an approved safety vest and an approved protective helmet with chin strap in place.
- (6) A driver wearing colors who appears at a betting window, a bar, or a restaurant dispensing alcoholic beverages may be subject to disciplinary action.
- (7) A driver shall not, without good and sufficient reason, decline to be substituted by stewards. Any driver who refuses to be so substituted is subject to disciplinary action.
- (8) A driver holding a full license or a driver with a probationary license shall register his or her colors with the United States Trotting Association. A driver may also wear colors registered to stable owners.
- (9) A driver shall not drive against a horse in which he or she has a pecuniary interest.

R 431.4265 Driving rule violations; complaints; disciplinary action.

Rule 4265. (1) Although a leading horse is entitled to any part of the race course, except after selecting its position in the home stretch, the driver of the first horse or any other driver in the race shall not violate the driving rules by participating in any of the following conduct:

- (a) Change either to the right or left during any part of the race when another horse is so near him or her that in altering his or her position the driver compels another horse to shorten its stride or causes the driver of the other horse to pull the horse out of its stride.
- (b) Jostle or strike, or hook wheels or interfere with, another horse or driver.
- (c) Cross sharply in front of a horse or cross in front of a field of horses in a reckless manner or endanger other drivers.
- (d) Swerve in and out or pull up quickly.
- (e) Crowd a horse or driver by putting a wheel under him.
- (f) Carry a horse out.
- (g) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.

- (h) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.
 - (i) Commit any act which impedes the progress of another horse or causes it to break.
 - (j) Change course after selecting a position in the home stretch or swerve in and out, or bear in and out, in a manner as to interfere with another horse or cause it to change course or take back.
 - (k) Drive in a careless or reckless manner.
 - (l) Loud shouting or other improper conduct.
 - (m) Fail to set and maintain a pace which is reasonable for that class of horse.
- (2) All objections by drivers of any foul driving or other misconduct during the heat shall 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 objection of the rules shall, before dismounting, indicate to the official starter or the patrol judge his or her desire to enter the objection and shall immediately, upon dismounting, proceed to the telephone, where such objection shall be immediately entered. The stewards shall not cause the "official" sign to be displayed until the objection has been entered and considered.
- (3) If any violation specified in subrule (1) of this rule is committed by a person driving a horse coupled as an entry in the betting, the stewards shall set the offending horse back. The horse coupled in the entry with the offending horse shall also be set back if the stewards find that the horse improved its finishing position as a direct result of the offense committed by the offending horse.
- (4) In case of interference, collision, or violation of any of the provisions of this rule, the offending horse may be placed back 1 or more positions in that heat or dash. If a collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be subject to disciplinary action or, if a horse is set back, it shall be placed behind the horse with which it interfered.
- (5) Every heat in a race shall be contested by every horse in the race, and every horse shall be driven to the finish. If the stewards believe that a horse is being driven, or has been driven, with the intent of preventing its winning a heat or dash which it was evidently able to win, or is being raced in an inconsistent manner or to perpetrate or to aid in fraud, they shall consider such driving a violation, and the driver and anyone aiding the driver in effecting the outcome of the race or races may be subject to disciplinary action. The stewards may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the stewards and the driver fee retained from the purse money due the horse, if any.
- (6) If a drive is unsatisfactory due to the lack of effort or due to carelessness or is an inconsistent drive, the stewards may impose a penalty under this subrule.
- (7) If, in the opinion of the stewards, a driver is for any reason unfit or incompetent to drive, refuses to comply with the directions of the racing officials, or is reckless in his or her conduct and endangers the safety of horses or other drivers in the race, he or she may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be subject to disciplinary action. The substitute driver shall be properly compensated.

(8) If, for any cause, a horse fails to finish after starting in a heat, that horse shall be ruled out.

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

(10) A driver must do all of the following:

- (a) Have control of his or her horse at all times when on the race course.
- (b) Keep a line in each hand from the start of the race until the end of the race.
- (c) Not move his or her arm or arms in an exaggerated manner, and both lines shall remain reasonably taut during the entire race.
- (d) Keep both feet in the stirrups from the time the horses are brought to the starting gate until the race has been completed. A driver may remove a foot from the stirrups during the race solely for the purpose of pulling ear plugs and once the ear plugs have been pulled the foot must be placed back into the stirrup.
- (e) Not lean back during any part of the race in any manner that may cause unsafe conditions, alter the position of or impede the progress of trailing horses.
- (f) Not use any goading device, chain, or mechanical device or appliance, other than the ordinary whip, upon any horse in any race. The possession of any mechanical or electrical goading device on the grounds of an association is a violation.
- (g) Not punch, jab, or kick a horse at any time while on the grounds.

(11) Use of whip must meet all of the following requirements:

- (a) Whipping shall be limited to wrist action only with minimal elbow movement, and the whipping hand shall not be raised above shoulder height.
- (b) Drivers shall not whip below the level of the shaft or strike any part of the horse under the tail or between the legs.
- (c) Drivers shall not strike another horse or driver with a whip or use the whip so as to interfere in any way to another horse in the race.
- (d) Drivers shall not whip a horse during the post parade or after the finish of the race.
- (e) Excessive, indiscriminate, visibly injurious, or abusive use of the whip is prohibited.
- (f) Drivers shall not continue to use the whip on an exhausted horse, or on a horse that is not in contention.
- (g) A driver shall not cause visible injury. Welts, cuts, or whip marks on a horse resulting from whipping is prima facie evidence of a violation.
- (h) Drivers shall not continue to use the whip without giving the horse time to respond; continuous use of the whip is prohibited.

(12) Drivers are allowed whips that do not exceed 4 feet, 8 inches in length and are allowed snappers that are not longer than 8 inches.

(13) A horse shall not wear hobbles in a race unless it starts in hobbles in the first heat, and having so started, it shall continue to wear hobbles to the finish of the race. Any person found guilty of removing or altering a horse's hobbles during a race or between races for the purpose of fraud shall be subject to disciplinary action, expelled, or ruled off. Any horse which habitually races free-legged or with hobbles shall be required to do so unless requalifying. A horse shall not wear a head pole which protrudes more than 10 inches beyond its nose.

(14) A horse must finish the race on the race course or must be placed as not finishing.

(15) All of the following apply regarding a pylon violation:

(a) A horse while on stride, or part of the horse's sulky, shall not leave the race course by going inside the pylons which constitutes the inside limits of the race course when not forced to do so as a result of the actions of another driver or horse, or both.

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

(c) When an act of interference causes a horse, or part of the horse's sulky, to cross inside one or more pylons, the stewards may place the offending horse behind the horse with which it interfered.

R 431.4270 Breaking.

Rule 4270. (1) When any horse breaks from its gait in trotting or pacing, its driver shall at once, where clearance exists, take the horse to the outside and pull it to its gait.

(2) Any of the following conduct is a violation of this rule:

(a) Failure to properly attempt to pull the horse to its gait.

(b) Failure to take to the outside where clearance exists.

(c) Failure to lose sufficient ground by the break.

(3) If a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish, the breaking horse shall be set back.

(4) The stewards may set any horse back 1 or more places if, in their judgment, any of the conduct specified in subrule (2) of this rule has occurred.

(5) If, in the opinion of the stewards, a driver allows his or her horse to break for the purpose of fraudulently losing a heat, the driver shall be subject to disciplinary action.

(6) One of the stewards shall call out every break made, and the clerk shall at once note, in writing, the break and the character of the break.

R 431.4275 Right of course; time for accidents, loose horses.

Rule 4275. (1) Horses called for a race have the exclusive right of the course and other horses shall vacate the race course at once, unless permitted to remain by the stewards.

(2) In the case of accidents, only so much time shall be allowed as the stewards consider necessary and proper.

(3) When a loose horse leaves the race course the horse shall be scratched.

R 431.4280 Time and records.

Rule 4280. (1) In every race, the time of each heat shall be accurately recorded by an approved electric timing device and placed in the record in minutes, seconds, and fifths of seconds. When each heat has been ruled official by the stewards, the time thereof shall be publicly announced or posted. Unofficial timing shall not be announced or admitted to the record, and when the timers fail to act, times shall not be announced or recorded for that heat.

(2) In any case of alleged error in the record or an error in the announcement or publication of the time made by a horse, the time so questioned shall not be changed to favor the horse or the owner, except upon the sworn statement of the stewards and the timer who officiated in the race.

(3) When requested by the executive director, the distance of a race course licensed by the executive director shall be verified by a certified measurement made wire to wire 3 feet out from the pole or inside hub rail.

(4) The leading horse shall be timed and only its time shall be announced. A horse shall not obtain a win race record by reason of the disqualification of another horse.

(5) 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.

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

(7) Any person who is guilty of the fraudulent misrepresentation of time or the alteration of the record thereof in any public race shall be subject to disciplinary action and the time declared not a record.

R 431.4285 Trainers; licensing.

Rule 4285. (1) An applicant for a trainer's license shall satisfy the stewards, in the manner as they may prescribe, that he or she complies with all of the following requirements:

(a) Has not less than 2 years of experience under a recognized trainer and has demonstrated the ability to train.

(b) Is knowledgeable of, and conversant in, the training of harness horses.

(c) Is familiar with the rules pertaining to trainers and training.

(2) A person applying for a trainer's license shall be 18 years of age and shall submit satisfactory proof of having successfully completed a written United States Trotting Association examination or an examination given by the stewards.

(3) A person applying for a trainer's license for the purpose of training only horses he or she owns or in which he or she has an interest may be issued a trainer's license without being subject to the requirement of having 2 years' experience under a recognized trainer as set forth in subrule (1) of this rule.

(4) A licensed trainer may employ persons other than grooms to assist him or her in the care and training of horses in his or her stable. The assistant trainer shall be licensed and may perform all of the duties of a trainer, except that the trainer remains the absolute insurer of the condition of a horse.

(5) A horse shall not start unless the trainer and the owner are licensed by the executive director. A trainer and assistant trainer who are absent from his or her stable or from the grounds where his or her horses are racing for more than 2 consecutive days, and whose horses are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the horses being entered or running. The licensed trainer shall sign, in the presence of the stewards, a form furnished by the executive director accepting complete responsibility for the horses entered or running.

R 431.4290 Protective nose shield.

Rule 4290. A protective nose shield may be worn by standardbred horses in pari-mutuel races when the executive director determines that weather conditions warrant the use for humane considerations. The stewards shall approve the type of protective nose shield permitted. Under no circumstance shall the protective nose shield be constructed of

material other than that which is transparent. For purposes of photo finishes, the winner of the race shall be the horse whose nose or protective nose shield reaches the wire first.

PART 5. ACCOUNT WAGERING

R 431.5001 Definitions.

Rule 5001. As used in this part:

- (a) "Account" means an account for account wagering with a specific identifiable record of deposits, wagers, and withdrawals established by an account holder and managed by the third-party facilitator (TPF) licensee.
- (b) "Account holder" means a person who successfully opens an account.
- (c) "Account wagering" means an electronic form of pari-mutuel wagering in which a person has an account with a third-party facilitator and then uses the current balance to pay for live pari-mutuel wagering.
- (d) "Account wagering center" means an actual location, equipment, and staff of a third-party facilitator licensee or agents, or both, involved in the management, servicing, and operation of account wagering.
- (e) "Account wagering system" means a system used for the deposit and withdrawal of funds to make electronic wagers on pari-mutuel races.
- (f) "Confidential Information" means:
 - (i) The amount of money credited to, debited from, withdrawn from, or present in any particular account.
 - (ii) The amount of money wagered by a particular account holder on any race or series of races.
 - (iii) The account number and secure personal identification code of a particular account holder.
 - (iv) The identities of particular entries on which the account holder is wagering or has wagered.
 - (v) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of the account wagering center and race meeting licensee that would identify the account holder to anyone other than the MGCB, the account wagering center or the race meeting licensee.
- (g) "Credits" means all positive inflows of money to an account.
- (h) "Debits" means all negative outflow of money from an account.
- (i) "Deposit" means a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.
- (j) "Joint contract" means a contract to facilitate account wagering with the agreement signed by a TPF applicant or licensee, all race meeting licensees, and certified horsemen's organizations in this state.
- (k) "Principal residence address" means that place where the person submitting an application for an account resides not less than 50% of the time during the calendar year.

- (l) "Proper identification" means a form of identification accepted in the normal course of business to establish that the person making a transaction is an account holder.
- (m) "Secure personal identification code" means a unique alpha-numeric character code chosen by an account holder as a means by which the third-party facilitator may verify a wager or account transaction of an account holder.
- (n) "Third party facilitator" or "TPF" means a person who applies for and is licensed by the executive director to provide race meeting licensees with goods or services for the electronic processing of internet wagers using an account wagering system.
- (o) "Withdrawal" means a payment of money from an account by the TPF licensee or race meeting licensee to the account holder when properly requested by the account holder.

R 431.5005 Authorization for account wagering.

Rule 5005. (1) A race meeting licensee who is the holder of or applicant for a race meeting license issued under the act and these rules may request permission from the executive director to conduct account wagering pursuant to the act and these rules. As part of the request, the race meeting licensee or a TPF license applicant must submit a joint contract and a proposed plan of operation detailing how its proposed account wagering system would operate; the executive director may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless ordered by the executive director or until approval is obtained from the executive director after it receives a written request.

(2) A race meeting licensee must furnish certification that the race meeting licensee assumes and acknowledges responsibility for all conduct of its TPF.

(3) The TPF or its agents, or both, must establish and maintain an account wagering system and center.

(4) The executive director may require the race meeting licensee or TPF to pay for investigations or inspections.

(5) Account wagers may only be made pursuant to the act and these rules.

R 431.5010 Licensure of Third Party Facilitators (TPF).

Rule 5010. (1) A provider of an account wagering center or systems must be licensed by the executive director as a TPF.

(2) A TPF may apply for a license to operate an account wagering system whereby wagers are debited and payouts are credited to an account held by a TPF on behalf of a person.

(3) A person applying for a TPF's license and a person required to be qualified as part of the application must complete and submit the application and disclosure forms in the manner and form prescribed by the executive director.

(4) The following nonrefundable TPF license application fees must be submitted to the executive director, together with the required application form or forms:

(a) TPF license: \$1,000.00.

(b) Renewal TPF License: \$500.00.

(5) The license or renewal application fee must be used by the executive director to conduct an appropriate background investigation of the applicant as prescribed by the

executive director, the act, and these rules. No portion of a remitted license application fee shall be refunded.

(6) An additional background investigation charge may be assessed to the extent that the executive director's direct investigative cost exceeds the applicant's application fee. Unless otherwise determined by the executive director, a license may not be issued until payment of the additional assessed charge for completion of the background investigation is received by the executive director.

(7) A person applying for a TPF license must provide the name, address, and phone number of a representative to act as a liaison to the executive director or his or her designee. The liaison shall assist and cooperate with the executive director or his or her designee.

(8) A TPF is under a continuing duty to promptly disclose in writing any material changes in the information or documentation provided in or with the application, renewal, and disclosure forms submitted to the executive director.

(9) All persons employed by TPFs involved in accepting pari-mutuel wagers, and employees with access to facilities where the wagers are placed, or systems and records relating to account wagering are operated and secured, shall hold an occupational license with a recognized horse racing regulatory agency. The TPF shall provide and maintain with the executive director a current list of the employees.

(10) A licensed TPF must utilize and communicate pari-mutuel wagers to a pari-mutuel system meeting all requirements for pari-mutuel systems employed by race meeting licensees in this jurisdiction.

(11) A licensed TPF must operate and communicate with the totalisator system in a way as not to provide or facilitate a wagering advantage based on access to information and processing of wagers by TPF account holders relative to persons who wager at race tracks or public off track wagering facilities. The TPF shall have in place an independent real time monitoring system and use approved by the executive director, and use other procedures as needed, to ensure compliance with this requirement.

(12) Failure to provide information requested by the executive director to assist in any investigation, inquiry, hearing, or failure to comply with the act or rules promulgated by the executive director, may result in denial, suspension, or, upon reasonable notice, revocation of a license.

R 431.5015 Establishment of accounts.

Rule 5015. (1) A person must establish an account with the TPF before placing an account wager. An account may only be established with a licensed TPF.

(2) Accounts can only be established by natural persons and will not be transferable between persons.

(3) To establish an account, an application must be electronically signed or otherwise expressly authorized by the applicant and must contain the following information:

- (a) The applicant's full legal name.
- (b) The applicant's principal residence address.
- (c) The applicant's telephone number.
- (d) Proper identification or certification demonstrating that the applicant is at least 18 years of age.

- (e) Any other information the executive director determines is necessary to carry out its duties under applicable laws and rules.
- (4) A TPF may not sell or share an applicant or account holder's confidential information, or use an applicant or account holder's confidential information for any purpose not related to authorized account wagering, except as authorized by the applicant or account holder.
- (5) Each application for an account shall be verified with respect to name, principal residence address, and date of birth either by an independent service provider or another means authorized by the executive director to adequately ensure the accuracy of the information.
- (6) A TPF must provide the following information to each applicant when an account is established:
 - (a) The process for funding accounts and making withdrawals from accounts.
 - (b) Account wagering rules and procedures, methods, timing of crediting and debiting accounts, user fees, and any other information considered necessary by the executive director.
 - (c) Notice that the account holder may place wagers only on races authorized for pari-mutuel wagering under Michigan law.
 - (d) A unique account number.
 - (e) Notice that an account holder must be at least 18 years of age and that individuals under the age of 18 shall not have access to the account.
 - (f) Information on responsible wagering and how to obtain assistance with problem gambling, including the contact information for at least one problem gambling assistance program.
 - (g) Procedures for resolving disputes between the account holder and the TPF.
 - (h) Any other information considered appropriate by the executive director.
- (7) The executive director must approve any changes to the account's terms and conditions, before implementation by the TPF.
- (8) The TPF must notify the account holder when the terms and conditions governing the account are changed. The notification must be before the new procedures are applied to the account. The account holder must have the opportunity to close the account. If the account is not closed, it is presumed the account holder accepted the new terms and conditions of the account.
- (9) An account holder is required to supply a secure personal identification code when establishing an account. The account holder is required to supply the code when making deposits or withdrawals from the account and when placing a wager. The account holder has the right to change the code at any time.
- (10) Nothing in this chapter prohibits a TPF from refusing to open an account for reasonable business reasons.

R 431.5020 Operation of accounts.

Rule 5020. (1) An account holder may make deposits to the account in the following forms:

- (a) Cash, which may be deposited at financial or retail outlets designated by the TPF.
- (b) Check, money order, or negotiable order of withdrawal sent to the TPF.

- (c) Charges made to an account holder's credit or debit card upon authorization of the account holder.
- (d) Electronic funds transfer by the account holder, in which case the account holder is responsible for any fees imposed by the remitting entity.
- (e) Any other method approved by the executive director.
- (2) The following credits shall be posted to an account by the TPF as soon as practicable after the race is declared official:
 - (a) Credit for winnings from wagers.
 - (b) Credit for all refunded wagers as required by the laws and rules applicable to the host track.
- (3) Debits to an account shall be made as follows:
 - (a) Upon receipt of a wager, the TPF may debit the account in the amount of the wager.
 - (b) Debits may be made for fees for service or other transaction-related charges by the TPF.
 - (c) An account wagering center may authorize a withdrawal from an account as approved by the executive director.
- (4) Nothing in this chapter prohibits a TPF from refusing to accept a wager or from suspending or refusing deposits to an account for reasonable business reasons.
- (5) Disputes between an account holder and a TPF shall be administered under the dispute resolution procedures contained in the license application approved by the executive director.

R 431.5025 Conduct of wagering.

Rule 5025. (1) A TPF may accept wagers in the manner and form approved by the executive director.

(2) For account wagers made by phone, the TPF must make a voice recording of the entire transaction and must not accept any account wager if the voice recording system is inoperable. Voice recordings must be retained for not less than 6 months or another time specified by the executive director. The recordings must be made available to the executive director at his or her request.

(3) Any account wagering system must provide for the account holder's review and finalization of a wager before it is accepted by the TPF. Neither the account holder nor the TPF may change a wager after the account holder has reviewed and finalized the wager and the TPF has accepted the wager. When a wager is made by phone, the voice recording of the transaction is the actual wager, regardless of what was recorded by the account wagering system.

(4) A TPF must not accept account wagers from an account holder in excess of the account balance. No credit shall be extended by a TPF to an account holder. Any account not updated when a transaction is completed is inoperable until the transaction is posted and the account balance updated.

(5) All information about an account is not subject to disclosure except as authorized by the executive director.

R 431.5030 Closing of accounts.

Rule 5030. (1) An account holder or the TPF may close an account under the procedure approved by the executive director.

(2) If an account holder dies, unclaimed cash balances in the account must only be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, after which the account must be closed.

R 431.5035 Record keeping and reporting.

Rule 5035. (1) A TPF must maintain all of the following information on each account for a minimum of 3 years:

(a) A record of all deposits, credits, and withdrawals.

(b) A record of all wagers made.

(2) Upon request of the account holder, a TPF must provide any records it maintains on the account holder's account under subrule (1) of this rule. Records may be provided in paper or electronic format.

(3) A TPF must make an account holder's current account balance available to the account holder at all times.

(4) A TPF must allow the executive director and its designees to review and audit all records related in any way to its licensure, financial solvency, accounts, and the conduct of wagering by Michigan residents. Information relevant to the review and audit must be made available to the executive director or his or her designees upon request and in a format required by the executive director.

(5) A TPF must provide an annual audited financial statement to the executive director.

(6) A TPF must report to the executive director quarterly all payments made to the pari-mutuel horse racing disbursement account, the pari-mutuel activity on which the funds were paid, the number of accounts held by Michigan residents at the end of the reporting period, and any other information requested by the executive director.

R 431.5040 Penalties.

Rule 5040. (1) The executive director may issue a fine, suspend, or revoke a TPF license if any of the following occurs:

(a) The TPF fails to comply with all federal, state, and local laws.

(b) The TPF has knowingly provided false or misleading information to the executive director, withheld information required to be provided, or made material changes in the account wagering system without prior approval of the executive director.

(c) The TPF has had a license denied, suspended, or revoked in another jurisdiction.

(d) The TPF fails to comply with any conditions on the license imposed by the executive director.

(e) The TPF poses a threat to the public interest or the integrity of racing or wagering in Michigan.

(2) A suspension or revocation of a TPF license may be appealed under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.