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HORSE RACING

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Title 35
HORSE RACING
Part I. General Provisions

Chapter 1. Definitions

§101. Definitions

A. The following words and phrases, irrespective of literal meaning as defined in recognized dictionaries, have assumed special meanings and connotations as used in racing, and in the context of these rules shall be construed as having the following special meanings.

*Accredited Louisiana Bred*Xa thoroughbred, quarter horse or Appaloosa horse foaled in Louisiana in conformity with the respective breed or breeders association and recognized by the commission.

*Added Money*Xcash, exclusive of trophy or other award, added by the association to stakes fees paid by subscribers to form the total purse for a stakes race.

*Age*Xthe number of years since a horse was foaled, reckoned as if such horse were foaled on January 1 of the year in which such horse was foaled.

*Arrears*Xall sums due by a licensee or a permittee as reflected by his account with the horseman's bookkeeper, including subscriptions, jockeys' fees, forfeitures and any default incident to these rules.

*Association*Xany person, or persons, or legal entity, required to be licensed under the Louisiana State Racing Commission to conduct a race meeting, and when used herein, the association conducting a race meeting where such rules are applicable.

*Authorized Agent*Xany person currently licensed as an agent for a licensed owner by virtue of notarized appointment of agency lodged with the commission.

*Betting Interest*Xa single horse, or more than one horse joined in the *mutuel field*, on which a single pari-mutuel wager may be placed.

*Bleeder*Xany horse known to have bled from its nostrils during a workout or race.

*Breeder*Xrules as set forth by the Jockey Club of New York, American Quarter Horse Association or Appaloosa Horse Club, Inc.

*Claiming Race*Xany race in which every horse running therein may be transferred in conformity with these rules.

*Closing*Xtime published by the association after which entries or nominations for a race will not be accepted.

*Commission*Xthe Louisiana State Racing Commission. "Commissioner" is a member of the commission.

*Day*Xany 24 hour period beginning at 12:01 a.m. and ending at midnight. "Racing day" is a day on which races are conducted. "Calendar days" are those consecutive days counted irrespective of number of racing days. Any delay for taking action pursuant to the *Rules of Racing* shall include the counting of holidays, Saturdays and Sundays as any other day of the week.

*Declaration*Xwithdrawal of a horse entered in a race prior to time of closing of entries therefor in conformance with these rules.

*Disciplinary Action*Xaction taken by the stewards or the commission for a rule violation which can include suspension, revocation, voidance of a license or ejection or exclusion from association grounds, or assessment of a forfeiture, or reprimand, or any combination thereof.

*Disqualification*Xan order of the stewards or commission revising the order of finish of a race.

*Entry*Xthe act of nominating a horse for a race in conformance with these rules. See *mutuel entry*.

*Equipment*Xaccouterments other than ordinary saddle, girth, pad, saddle cloth and bridle carried by a horse, and includes whip, blinkers, tongue strap, muzzle, hood, nose band, bit, shadow roll, martingale, breast plate, bandages, boots and racing plates or shoes.

*Exhibition Race*Xa race between horses of diverse ownership for which a purse is offered by the association, but on which no pari-mutuel wagering is permitted.

Field or *Mutuel Field*Xa single betting interest involving more than one horse formed when the number of horses starting in a race exceeds the numbering capacity of the totalizator. The highest numbered horse within the numbering capacity of the totalizator and all horses of a higher number are grouped in the *mutuel field*.

*Forfeit*Xmoney due by a licensee or permittee because of an error, fault, neglect of duty, breach of contract or alternative order of the stewards or commission.

Handbook or *Foreign Book*Xbets taken illegally outside the pari-mutuel system.

*Handicap Race*Xa race in which the weights to be carried by the horses therein are assigned by the association handicapper with the intent of equalizing the chances of winning for all horses entered. A "free handicap" is a handicap for which no nominating fee is required to be weighted, but an entrance or starting fee may be required for starting therein.

*Horse*Xany thoroughbred, quarter horse or Appaloosa horse registered as such and when used in these rules to designate any thoroughbred, quarter horse or Appaloosa irrespective of age or sex designation.

*Ineligible*Xa horse or person not qualified under these rules or conditions of a race to participate in a specified racing activity.

*Jockey*Xa rider currently licensed to ride in races as a jockey, or apprentice jockey, or a provisional jockey permitted by the stewards to ride in two races prior to being issued a license.

*Lessee*Xa licensed owner whose interest in a horse is by virtue of a written lease.

*Lessor*Xowner of a horse that is leased.

*Licensee*Xany person, partnership, corporation or business entity receiving a license, permit or privilege from the commission to conduct a race meeting or meetings.

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

*Match Race*Xa race between two horses, for which no other horses are eligible.

*Meeting (Race Meeting)*Xthe entire period of consecutive days granted by the commission to a licensed association for the conduct of racing.

*Month*Xa calendar month.

*Mutuel Entry*Xa single betting interest involving two or more horses entered in the same race and joined for pari-mutuel purposes because of common ties as to ownership or training so that a wager on one horse joined in a *mutuel entry* is a wager on all horses joined in the same *mutuel entry*.

*Mutuel Field*Xsee *Field*.

*Nominator*Xthe person in whose name a horse is entered for a race.

*Optional Claiming Race*Xa race that is restricted to horses entered to be claimed for a stated price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed, the race shall be considered an allowance race.

*Overnight Race*Xa race for which entries close 72 hours or less before the time set for the first race of the day on which such race is to be run.

*Owner*Xany person who has, in whole or in part, any right, title or interest in a horse, or any lessee of a horse, who has been duly issued a valid owner's license for a horse.

*Permittee*Xany person, partnership, corporation or business entity which receives a license, permit or privilege from the commission to engage in a business, occupation or profession on the grounds of an association licensed to conduct a race meeting in Louisiana.

*Place*Xwhen used in the context of a single position in the order of finish in a race, *place* 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. See *unplaced*.

*Post*Xthe starting point of a race.

*Post Position*Xthe relative place assigned to each horse, numbered from the inner rail across the track at the starting line, from which each horse is to start a race.

*Post Time*Xthe advertised moment scheduled for the arrival of all horses at the starting point for a race.

*Prize*Xthe combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to finish in a race.

*Purse*Xthe gross cash portion of the prize for which a race is run.

*Purse Race*Xany race for which entries close less than 72 hours prior to its running, and for which owners of horses entered are not required by its conditions to contribute money toward its purse.

*Race*Xa running contest between thoroughbred, quarter horses or Appaloosa horses, ridden by jockeys, over a prescribed course free of obstacles or jumps, at a recognized meeting, during regular racing hours, for a prize.

*Racing Official*Xthe officials of a race meeting are as follows: stewards, placing judges, patrol judges, clerk of scales, starter, handicapper, timer, paddock judge, the racing secretary or any association official; also any person employed by an association who is required to obtain prior approval of employment from the commission, pursuant to the *Rules of Racing* or law.

*Racing Permit*Xa license granted by the Louisiana State Racing Commission to a qualified person or persons, associations or corporations, to conduct the business of horse racing in the state of Louisiana with pari-mutuel wagering thereon.

*Recognized Meeting*Xany meeting with regularly scheduled races for thoroughbreds, quarter horses or Appaloosa horses on the flat, licensed by and conducted under rules promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority which has reciprocal relations with the Jockey Club of New York, American Quarter Horse Association or the Appaloosa Horse Club, Inc., and whose race records can be provided an association by the Jockey Club of New York,

the American Quarter Horse Association or the Appaloosa Horse Club, Inc.

*Registration Certificate*Xa document issued by the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, certifying as to the name, age, color, sex, pedigree and breeder of a horse as registered by number with the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc. It shall be deemed to refer also to the document known as a "racing permit" issued by the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc. in lieu of a registration certificate when a horse is recognized as a thoroughbred, quarter horse, or Appaloosa for breeding purposes insofar as registering its progeny with the Jockey Club of New York, the American Quarter Horse Association, or the Appaloosa Horse Club, Inc.

*Ruled Off*Xexpulsion, exclusion or banishment from a racing premises.

*Rules*Xwhen used in the plural, shall be deemed to mean all current rules, promulgated by the commission. When used in the singular, shall be deemed to be confined to the numbered rule, and subparagraphs thereof, wherein such mention is made.

*Rulings*Xall determinations, decisions or orders of the stewards or of the commission duly issued in writing and posted.

*Scratch*Xwithdrawal of a horse entered for a race after time of closing of entries therefor in conformance with these rules.

*Scratch Time*Xtime set by the racing secretary as the deadline for a horseman to indicate his intent to scratch out of a race.

*Secretary (Racing)*Xthe racing official who writes and publishes the conditions of each race to be run at any race meeting, and also performs such other duties as may be assigned to him in these rules or by the commission.

*Specimen*Xsample of blood, urine, saliva or other excretion of bodily fluids taken or drawn from a horse for chemical testing.

*Stable*Xone or more horses under the jurisdiction of a single trainer.

*Stakes*Xall fees paid by subscribers to an added money or stakes race for nominating, eligibility, entrance or starting, as may be required by the conditions of such race, such fees to be included in the purse.

*Stakes Race*Xa race which closes more than 72 hours in advance of its running and for which subscribers contribute money towards its purse.

*Starter*Xa horse in a race when the starting gate doors open in front of it at the moment the starter dispatches the horses for a race.

*State Chemist*Xthe chemical testing laboratory concern or business under contract with the commission to engage in chemical testing for the commission and sometimes referred to as the commission chemist and/or testing laboratory.

*Stewards*Xthe stewards of the meeting or their duly appointed deputies.

*Subscription*Xnomination or entry of a horse in a stakes race.

*Supplemental Purse*Xany amount of money above the amount of the purse offered by an association shall be considered supplemental purse money.

Thoroughbred, Quarter Horse and *Appaloosa Horse Racing*Xthe conduct of running contest between horses, each of which is registered with the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, and certified as having a thoroughbred, quarter horse or Appaloosa pedigree, and each of which is ridden by a jockey, such conduct being licensed by a governmental regulatory body.

*Trial*Xa race, or series of races, run in preparation for, preliminary to, or as an elimination for a future stakes, derby or handicap.

*Unplaced*Xnot among the first three horses finishing a race.

*Walkover*Xa race in which the only starter, or all starters, represent single ownership.

*Weigh In*Xpresentation of a jockey to the clerk of scales for weighing after a race.

*Weigh Out*Xpresentation of a jockey to the clerk of scales for weighing prior to a race.

*Weight for Age*Xa standard assignment of pounds to be carried by horses in races at specified distances during specified months of the year, scaled according to age of the horse as set out in R.S. 4:156.

*Workout*Xa training exercise of a horse on the training track or main track of an association during which such horse is timed for speed over a specified distance.

*Year*Xtwelve consecutive months beginning with January and ending with December.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142, R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:91 (March 1976), amended LR 2:420 (December 1976), LR 3:16 (January 1977), LR 4:269 (August 1978), LR 7:262 (May 1981), LR 12:827 (December 1986), LR 13:340 (June 1987).

§102. Masculine; Feminine; Singular; Plural

A. As used herein, the masculine shall include the feminine and the singular shall include the plural.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142, R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987).

Chapter 3. General Rules

§301. Authority of Commission

A. All owners and trainers of horses and their stable employees are subject to the laws of Louisiana and the rules promulgated by its commission immediately upon acceptance and occupancy of stabling accommodation from, or approved by, an association. Owners, trainers and stable employees shall accept the decision of the stewards on any and all questions to which their authority extends, subject to their right of appeal to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142, R.S. 4:148 and R.S. 4:155.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:422 (December 1976), amended LR 3:19 (January 1977), LR 4:270 (August 1978).

§303. Impermissible Conduct

A. No person shall use improper, profane or indecent language to a racing official. No person shall in any manner or at any time, disturb the peace or make himself obnoxious on the grounds of an association. No person shall make a handbook or a foreign book on the grounds of an association. No person shall solicit for, or bet with, a handbook or a foreign book on the grounds of an association. No person shall be allowed in the stewards' stand unless previous permission is obtained from the stewards. If any owner, trainer, jockey, stable employee, or other personnel solicits bets from the public by correspondence or other methods, they shall be ruled off.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:270 (August 1978).

§305. Rule Off or Suspension

A. When a person is ruled off a course or suspended, every horse owned in whole or in part by him, or under his care or supervision, shall be ineligible to be entered or to start unless transferred by a bona fide sale or lease to a person in good standing and approved by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:152 and R.S. 4:193.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:270 (August 1978).

§307. Complaints against Officials

A. Complaints against a racing official, other than a steward, shall be made to the stewards in writing and be signed by the complainant. Complaints against a steward shall be made in writing to the commission and be signed by the complainant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:270 (August 1978).

§309. Protective Helmets

A. All persons exercising or schooling horses are compelled to wear protective helmets recommended by the stewards and approved by the commission. This shall apply to association outriders and pony riders in post parade. Anyone failing to comply with this requirement may be fined or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§311. Strikes

A. Any horseman, or licensed personnel, or their agents causing, creating or lending to the incitement of a strike, or who, through compulsion, discourage any horseman from entering horses in regularly scheduled races in order to create a malfunction in the scheduling of a race program, or to harass or embarrass the commission, track management or any agency connected with racing shall be called before the commission to show cause why their license should not be revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§313. Dogs

A. No dog, licensed or unlicensed, shall be permitted to run or be at large upon any race grounds of an association licensed by the commission. Each owner or keeper of a dog shall have such dog securely confined within his premises or enclosure, or secured by a chain therein, at all times, except that a dog may be allowed outside such enclosure if under a secure leash and accompanied by his owner or keeper. Any owner or keeper found guilty of violating this rule shall be fined not less than $25, first offense; $50, second offense; and may be ruled off the track for any subsequent offense. In cases where the rules of the association prohibit dogs, the rule will be strictly enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§315. Minors

A. Minors are prohibited from attending racing meetings except that any minor six years of age, or older, may attend any race meeting if accompanied by a parent, grandparent, or companion. In no case shall any minor in attendance be allowed to engage in wagering. (For the purpose of this rule, *companion* is defined as any person 21 years of age or older who is a relative of the minor.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 10:592 (August 1984), amended by the Department of Economic Development, Racing Commission, LR 24:912 (May 1998).

§317. ID Badges on Track

A. All licensed persons shall wear his or her identification badge on the person in clear view while in the nonpublic areas of a racing association, otherwise he or she may be penalized by the stewards in the amount of $25. Jockeys, exercise riders and outriders while fulfilling their riding assignments are excluded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 14:701 (October 1988).

§319. ID Badges at Commission Hearing

A. Any individual appearing before the commission for disciplinary hearing shall have on his or her person his or her identification badge if not previously surrendered. Failure to bring his or her badge shall result in a $75 fine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 14:701 (October 1988).

Chapter 5. Registration and Accreditation

§501. Fraudulent Registration of Horse

A. Any person or persons fraudulently registering, or attempting to fraudulently register, a thoroughbred with the Jockey Club of New York, a quarter horse with the American Quarter Horse Association, or an Appaloosa with the Appaloosa Horse Club, Inc., shall be denied a license, or have his license revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:178 and R.S.4:179.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§503. Fraudulent Registration of Louisiana Bred

A. The above penalties will also be applicable to any person or persons using, or attempting to use, fraud to certify a foal as an accredited Louisiana bred with organizations recognized by the commission and the state of Louisiana. Should any breeder organization, recognized by the commission, discover any irregularities, it shall promptly, in writing, report such violations to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:177 and R.S. 4:178.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§505. Responsibility of Accreditation

A. Each owner of a horse bred in Louisiana that intends to have his/her horse registered as an accredited Louisiana bred is responsible for having the seal of the Louisiana Thoroughbred Breeders' Association or Louisiana Quarter Horse Breeders' Association affixed to the foal registration certificate prior to placement in the possession of any racing association in the state of Louisiana. If it is determined by the Louisiana Thoroughbred Breeders' Association or Louisiana Quarter Horse Breeders' Association that a horse is not an accredited Louisiana bred, then it shall be clearly indicated as such on the foal registration certificate by the words written "not accredited."

B. If anyone accepts a foal registration certificate on behalf of any racing association that does not carry the above-mentioned determination, or any person that presents a foal registration certificate to a racing association that does not carry the above-mentioned determination, shall be disciplined by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:148, R.S. 4:177, R.S. 4:178 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978), LR 11:615 (June 1985).

Chapter 7. Quarter Horse Racing

§701. Applicable Rules

A. The rules of the commission shall govern quarter horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the American Quarter Horse Association so long as they are consistent with the rules of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§703. Cases Not Covered

A. Cases not covered by the American Quarter Horse Association's rules shall be decided by the stewards with the advice and consent of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§705. Jurisdiction

A. The jurisdiction of a licensed quarter horse race meeting shall be vested solely with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§707. Official Registry

A. The official stud book and registry of the American Quarter Horse Association shall be recognized as the sole official registry for quarter horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§709. Races with Thoroughbreds

A. Races between thoroughbred and quarter horses are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§711. Mixed Races; Distances

A. All racing associations in this state shall be allowed to schedule races in which quarter horses and thoroughbred horses can participate in the same race. The length of the races provided by this Section shall be at least one turn in the track but shall not exceed a distance of 870 yards. All races scheduled under the provisions of this Section shall be conducted as races for quarter horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:179 and R.S. 4:182.1.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:202 (March 1990).

Chapter 8. Arabian Horse Racing

§801. Applicable Rules

A. The rules of the commission shall govern Arabian horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the Arabian Jockey Club, Inc., provided they are consistent with the rules of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

§803. Cases Not Covered

A. Cases not covered by the Arabian Jockey Club's rules shall be decided by the stewards with the advice and consent of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

§805. Jurisdiction

A. The jurisdiction of a licensed Arabian horse race meeting shall be vested solely with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

§807. Official Registry

A. The Arabian Horse Registry of America, Inc., shall be recognized as the sole official registry for Arabian horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

§809. Races with Other Breeds

A. Races between Arabian horses and other horse breeds are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

Chapter 9. Appaloosa Horse Racing

§901. Applicable Rules

A. The rules of the commission shall govern Appaloosa horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the Appaloosa Horse Club, Inc., so long as they are consistent with the rules of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978).

§903. Cases Not Covered

A. Cases not covered by the rules of the Appaloosa Horse Club, Inc., shall be decided by the stewards with the advice and consent of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978).

§905. Jurisdiction

A. The jurisdiction of a licensed Appaloosa horse race meeting shall be vested solely with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978).

§907. Official Registry

A. The official stud book and registry of the Appaloosa Horse Club, Inc., shall be recognized as the sole official registry for Appaloosa horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978).

§909. Mixed Races

A. Races between thoroughbred and Appaloosa horses and races between quarter horses and Appaloosa horses are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978).

Chapter 10. Paint Horse Racing

§1001. Applicable Rules

A. The rules of the commission shall govern Paint horse racing wherever they are applicable. When not applicable, the stewards may enforce the rules of the American Paint Horse Association, provided they are consistent with the rules of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 25:831 (May 1999).

§1003. Cases Not Covered

A. Cases not covered by American Paint Horse Association rules shall be decided by the stewards with the advice and consent of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 25:831 (May 1999).

§1005. Jurisdiction

A. The jurisdiction of a licensed Paint horse race meeting shall be vested solely with the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 25:831 (May 1999).

§1007. Official Registry

A. The American Paint Horse Association shall be recognized as the sole official registry for Paint horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 25:831 (May 1999).

§1009. Races with Other Breeds

A. Races between Paint horses and other horse breeds are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:179.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 25:831 (May 1999).

Chapter 11. Louisiana Breeder Awards

§1101. General Provisions

A. Any amount paid under R.S. 4:165 and R.S. 4:177 shall not be included in estimating the value of the race to the winner. In construing this rule the definitions contained in the *Rules of Racing* adopted by the commission shall apply. All questions arising under this rule as to the breeding or foaling or accreditation of any winning horse shall be decided by the Louisiana Thoroughbred Breeders Association, the Louisiana Quarter Horse Breeders Association or the Appaloosa Horse Club, Inc. In case of a dispute, either party may appeal to the commission for final decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:165, and R.S. 4:177.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

Chapter 13. Health Rules

§1301. Livestock Sanitary Board Rules

A. All rules set forth by the Livestock Sanitary Board of the state of Louisiana will be strictly enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1304. Coggins Test

A. No horse shall be allowed to race in Louisiana unless it has had a Coggins test taken within 12 months of the date of the race in question, with a negative result. Record of the negative test shall be attached to registration papers of the horse, or such results shall be recorded on said registration papers by an employee of the commission, prior to the running of the race. The trainer of the horse is responsible for insuring that a negative Coggins test result is in the racing secretary's office as required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by Department of Commerce, Racing Commission, LR 14:226 (April 1988).

§1305. Valid Health Certificate

A. A health certificate is valid when it is made by a veterinarian licensed by the state authority which governs licensing veterinarians in the state where the examination and certificate were made. It is current if it is dated not more than 10 days prior to the date the horse described on the certificate arrives at a licensed Louisiana race track for the first time in a calendar year. The certificate shall include the temperature of the horse at the time it was examined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1307. Association's Responsibility

A. The association conducting a meet is responsible for compliance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1309. Insect Control Rules

A. When a meet is in progress or imminent, the association veterinarian shall post in a conspicuous place rules guaranteeing approval, systematic and effective measures to control flies, mosquitoes and other insects at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1311. Sanitary Conditions

A. The association veterinarian shall insure that horses are stabled in individual box stalls with separate feeding and watering facilities, and that the stables and immediate surrounding area are maintained in approved sanitary condition at all times, and that satisfactory drainage is provided, and that manure and other refuse is promptly and properly removed. This also applies to off-track facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1313. Disposable Needles

A. Veterinarians practicing veterinary medicine on a race track where a race meeting is in progress, or imminent, shall use one-time, disposable type needles and shall dispose of them in a manner approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1315. Needles or Syringes on Racing Premises

A. No one other than a licensed veterinarian may have a needle or syringe of any kind, type or description on his person or in his custody, control or possession, or in the custody, control or possession of any of his employees while on any racing premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1317. Maintenance of Equipment

A. Paddocks, starting gates and other equipment subjected to contact by different animals must be kept in a clean condition and free of dangerous surfaces. This is the responsibility of the association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1319. Sterile Equipment

A. Sterile equipment must be used for collecting material for saliva, blood and urine tests. All types of instruments used on horses, including surgical, tattooing, dental and similar items, must be properly cleaned and sterilized by boiling for 15 minutes, or autoclaving 15 minutes at 15 pounds pressure before use on any animal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978).

§1321. Isolation Facilities

A. The association shall provide isolation facilities where horses ordered isolated by the state veterinarian must be kept. Approved sanitary measures shall be instituted by the association in cooperation with the Louisiana Livestock Sanitary Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

Chapter 15. Permitted Medication

§1501. Drugs on Grounds

A. Except as a licensed veterinarian may otherwise be permitted by law or in his or her general veterinary practice, the administration, use, application and/or possession of any narcotic, stimulant, depressant, or local anesthetic are prohibited within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary stable area (as defined in §5705) where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:547 (August 1983).

§1505. Nonsteroidal and/or Anti-Inflammatory Medication

A. No nonsteroidal and/or anti-inflammatory medication may be administered to or used on a horse in training and eligible to be raced at a race meeting in this state except by a licensed veterinarian or a licensed trainer, or under his or her personal order; provided, however, that any such medication given hypodermically may only be administered by a licensed veterinarian. The nonsteroidal, anti-inflammatory medications designated below may be used in training but may not be administered within 24 hours of a race in which a horse is entered. The maximum analytical test result levels of the urine and blood of such horse, regardless of time of administration, shall be as follows:

Post-Race Urine Levels
Total of Drug and/or Metabolite

Phenylbutazone 165 micrograms per milliliter

Oxyphenylbutazone 165 micrograms per milliliter

Post-Race Blood Levels
Total of Drug and/or Metabolite

Phenylbutazone 5.0 micrograms per milliliter

Oxyphenylbutazone 5.0 micrograms per milliliter

B. In addition to any other urine or blood specimens required to be tested and analyzed, the stewards may order the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn and/or test barn as provided in §5761 which blood specimen shall be delivered to the state chemist for testing and analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:547 (August 1983).

§1507. Bleeder Medication

A. No bleeder medication may be administered to a horse in training for a race during any race meeting except upon compliance with the following.

1. Only a licensed veterinarian may prescribe, dispense and administer bleeder medication.

2. No horse entered to race may be administered bleeder medication within four hours of post-time of the race in which the horse is to run.

B. A horse shall be considered a known bleeder when:

1. it is observed bleeding by a commission or association veterinarian during and/or after a race or workout;

2. an endoscopic examination authorized by the commission veterinarian or state steward, conducted within one hour of a race or workout, reveals blood in the trachea and/or upper respiratory tract of the horse examined;

3. a statement from a commission or association veterinarian of any other racing jurisdiction, confirming that a specific horse is a known bleeder is received by the commission or stewards having jurisdiction of the race meeting where such horse may be eligible to race.

C. The stewards or commission veterinarian may require an endoscopic examination before ordering that a horse be included on the bleeder list. Such examination shall be performed by a licensed veterinarian, at the cost of and employed by the owner of the horse or his agent, and shall be conducted in the presence of, or with the approval of, the commission veterinarian.

D. The commission veterinarian at each race meeting shall maintain on a current bleeder list a list of horses classified as known bleeders together with those on bleeder medication. The commission veterinarian shall make the bleeder list available to racing officials at other race tracks operating in Louisiana. The commission veterinarian shall record and initial on the foal certificate of the horse the date of each bleeding of the horse.

E. A bleeder shall be eligible to run as follows, but only after a recorded workout:

1. first time, after the expiration of the thirteenth day he is placed on the bleeder list;

2. second time, after the expiration of the ninetieth day he is placed on the bleeder list;

3. third time, after the expiration of the three hundred sixty-fifth day he is placed on the bleeder list;

4. fourth time, lifetime suspension, provided hemorrhage from the nostrils is documented by the state veterinarian;

5. should a horse which is on the bleeder list race three times within 365 days without bleeding, it shall be considered a first-time bleeder when next it is observed bleeding by a commission or association veterinarian or an endoscopic examination, conducted within one hour of a race, reveals blood in the trachea and/or upper respiratory tract;

6. for the purposes of this rule the counting of time periods will commence on the day after the bleeding was observed before the horse can go back into entries.

F. The licensed veterinarian prescribing, dispensing, and administering bleeder medication must furnish a written report to the commission veterinarian at least one hour prior to post-time for the first race of the day on forms supplied by the commission. Furnishing of such written report timely shall be the responsibility of the prescribing, dispensing, and/or administering veterinarian.

G. A medication card for horses which are known bleeders and/or on the bleeder list must be on file with the commission veterinarian before entry of such a horse can be accepted. Filing of such medication card shall be the responsibility of the trainer of the horse.

H. In order to insure that the use of bleeder medication is reported accurately, the commission shall have the right to perform or have performed pre-race testing of blood or urine of any horse eligible to race at a meeting, whenever it is deemed necessary by it or its stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 6:174 (May 1980), amended LR 9:547 (August 1983), amended by the Department of Economic Development, Racing Commission LR 15:7 (January 1989), LR 22:12 (January 1996), LR 23:950 (August 1997).

§1509. Definitions

A. As used in this rule:

*Bleeder Medication*Xany drug or medication which is recognized by the veterinary profession for the treatment of exercise-induced hemorrhage.

*Permitted Medication*Xthe use of phenylbutazone and bleeder medication as provided in this rule.

*Veterinarian*Xa person who is licensed to practice veterinary medicine in Louisiana, and who is licensed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 6:174 (May 1980), amended LR 9:548 (August 1983).

§1511. Violations of Permitted Medication Rules

A. After notice and hearing, any person found to have violated the provisions of the permitted medication rule may be punished by fine, and/or suspension, and/or revocation of his/her license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 6:174 (May 1980), amended LR 9:548 (August 1983), amended by the Department of Economic Development, Racing Commission, LR 16:765 (September 1990), LR 19:614 (May 1993).

Chapter 17. Corrupt and Prohibited Practices

§1701. Bribes

A. If any person gives or offers, or promises to directly or indirectly bribe in any form, any person having official duties in relation to any race or race horse, or to any trainer, jockey or agent, or to any other person having charge of, or access to, any race horse; or if any person having official duties in relation to a race, or if any trainer, jockey, agent, or other person having charge of, or access to any race horse, shall accept, or offer any bribe in any form; or willfully enter, or cause to be entered, or to start in any race a horse which he knows or believes to be disqualified; or if any person is guilty of, or shall conspire with any other person for the commission of, or shall connive with any person being guilty of, any corrupt or fraudulent practice in relation to racing in this or any other country, such person may be disciplined as elsewhere provided in these rules or in the laws of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:149.1.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978).

§1703. Perjury; Discipline

A. Perjury in racing is the intentional making of a false written or oral statement in, or for use in, any proceeding or hearing before the commission or the stewards, wherein the commission or the stewards are authorized to take testimony. In order to constitute perjury in racing, the false statement must be made under sanction of an oath or an equivalent affirmation, and must relate to matter material to the issue of question in controversy. It is a necessary element of the offense that the person making such statement knew it to be false, but an unqualified statement of that which a person does not know or does not definitely believe to be true is equivalent to a statement of that which he knows to be false. Whoever commits or attempts to commit bribery, corrupt influencing, the fraudulent entering of a horse, a fraudulent practice in racing, or perjury, all as defined above may have his license revoked, be fined or suspended or both, or be ruled off of any track under the jurisdiction of the commission or any one or more of the foregoing as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:152 and R.S. 4:152.1.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17:648 (July 1991).

§1705. Conduct of Racing Personnel

A. No assistant starter or jockey room employee may wager money or other valuable thing on the result of a race. No employee of any association licensed by this commission shall furnish, other than to authorized persons, any information with respect to entries, scratches, results, or jockey changes in any race. No person shall solicit bets on the grounds of an association. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the ordinary whip approved, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of an association during the meeting, whether in a race or otherwise. No person shall tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor shall he counsel or in any way aid or abet any such tampering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:149 and R.S. 4:175.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978).

§1706. Electric Battery Violation Penalties

A. Any person whom the commission finds to have violated, attempted to violate, or conspired to violate R.S. 4:175(D) and/or LAC 35:I.1705 as it pertains to an electrical or mechanical device or other expedient, shall be revoked and such person shall be ineligible for licensing for a period not less than five years from the date such revocation takes effect. The minimum penalty established herein shall not be diminished, reduced, suspended in whole or in part, or remitted except under conditions set forth herein below.

B. In addition to license revocation and a minimum period of ineligibility, the commission may fine the violator an amount not less than $3,000 and not more than $10,000, which fine must be paid within 30 days of the date on which the commission's decision becomes effective. If any fine is not timely paid, then the person shall remain ineligible for licensing for an indefinite period of time beyond the period imposed in Subsection A.

C. Upon imposition of the penalty by the commission, it shall, pursuant to R.S. 4:175(F), notify the district attorney for the parish in which the violation occurred and formally request that the district attorney and its attorney institute a criminal prosecution.

D. The penalties imposed by the commission pursuant to Subsections A and B may only be diminished, reduced, suspended or remitted if the State Police Racing Investigations Unit, with the consent of the assistant attorney general, formally requests in writing that such penalties be modified for good cause. Such request must be made within 10 days of the commission's imposition of the penalty.

E. This rule shall be applicable to all violations occurring on or after the date of adoption of this rule.

F. Any licensed individual who refuses to answer under oath, for any reason whatsoever, any questions put to him during a deposition, hearing, or administrative investigation concerning such licensed individual's knowledge, awareness, use or possession of an electrical device, or of methods and practices engaged in by persons designing, manufacturing, creating, distributing or testing electrical devices shall be suspended by the stewards for six months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:175.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 23:708 (June 1997).

§1707. United States Food and Drug Administration Approval

A. Any substance or material for human or animal use, ingestion or injection, or for testing purposes that is not formally approved by the United States Food and Drug Administration is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978).

§1709. Illegal Weapons and Firearms

A. Except as otherwise provided for by this Section, the possession, carrying or use of a weapon, firearm, and/or explosive device within any restricted area, accessible only to permittees, is prohibited. Anyone found in violation of this Section shall be fined or suspended or both and may have his or her license revoked.

B. This Section does not apply to any person of the following categories:

1. any local, state or federal law enforcement officer;

2. any member of track security who is properly certified to carry a firearm and whose employment with an association is reported in writing to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 20:160 (February 1994).

§1711. Medication; Reporting to Stewards

A. No medication shall be administered to a horse to be entered or entered to race as may be provided in Chapter 15. If it is necessary to do so, it must be reported to the stewards by the trainer and the horse shall be scratched, if entered, as ineligible to run.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978), LR 12:11 (January 1986).

§1713. Narcotic

A. A forbidden narcotic is a narcotic, the sale, possession or use of which is prohibited by federal, state, or local laws or regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978).

§1715. Stimulant; Substances

A. A stimulant, a depressant, a local anesthetic shall mean such substances as are commonly used by the medical and veterinary professions to produce such effects, and which are defined as such in accepted scientific publications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978).

§1717. Use of Drug Affecting Performance

A. The use of a stimulant, depressant, or anesthetic in a manner that might affect, or tend to affect, the racing performance of a horse is prohibited. (Stimulants and depressants are defined as medications which stimulate or depress the circulatory, respiratory, or central nervous systems.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978).

§1719. Masking Drugs

A. The use of any drug or substance, regardless of how harmless or innocuous it might be, which by its very nature might mask or screen the presence of a prohibited drug as provided in the *Rules of Racing* is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:44 (January 1977), LR 4:287 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:764 (September 1990).

§1720. Total Dissolved Carbon Dioxide Testing

A. Definitions

Bicarbonate Loading or *Milkshaking*Xterms used to describe the administration of bicarbonate of soda (sodium bicarbonate or $NaHCO_3$) or other substances that affect total dissolved carbon dioxide levels, administered through a nasogastric tube or by any other means, which shall be deemed to have an adverse affect on the horse by changing its normal physiological state through elevation of blood total dissolved carbon dioxide.

*Nasogastric Tube*Xany tube which can be inserted through the nose that extends into the stomach.

B. Procedures

1. The state veterinarian may draw blood samples from a horse for the purpose of obtaining a TCO_2 (total dissolved carbon dioxide) concentration level.

2. Blood samples for TCO_2 shall be drawn not earlier than 90 minutes following the official post-time of the race.

3. The post-race TCO_2 level in the blood shall not exceed:

a. 39.0 millimole per liter if the horse is competing on furosemide (lasix) or other permitted medication known to affect TCO_2;

b. 37.0 millimole per liter if the horse is not competing on furosemide (lasix) or other permitted medication known to affect TCO_2.

4. In the event a post-race sample drawn from a horse contains an amount of TCO_2 which exceeds the levels described above, the following penalties shall apply.

a. The first time the laboratory reports an excessive TCO_2 level, the trainer shall be fined $1,000 and the purse shall be redistributed.

b. The second time the laboratory reports an excessive TCO_2 level, the stewards shall suspend the trainer for the duration of the race meeting plus ten days or for a period not to exceed six months, whichever is greater, and shall refer the case to the commission.

c. For each subsequent report of an excessive TCO_2 level, the penalties provided for in Subparagraph B.4.b shall apply.

5. The provisions of §1733 and §§1769-1775, pertaining to split samples, shall not apply to blood samples drawn for the purposes of TCO_2 testing.

6. No permittee other than veterinarians shall possess a nasogastric tube, as described herein, on the premises under the jurisdiction of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:1992 (September 2000).

§1721. Modern Therapeutic Measures

A. Full use of modern therapeutic measures for the improvement and protection of the health of a horse is

authorized, however, no such medication will be used on the day of the race except as may be provided in Chapter 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978), LR 6:174 (May 1980), LR 6:543 (September 1980).

§1723. Personal Veterinary Records

A. Personal veterinary records, which accurately record all medications, shall be maintained by veterinarians, owners, trainers, and/or authorized personnel and will be made available to racing officials on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:153.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978).

§1725. Controlled Medication

A. Controlled medication is permitted in Louisiana under the conditions set forth in Chapter 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978).

§1727. Drug Which Affects Performance; Guarding Horse

A. No person shall administer, or cause or knowingly permit to be administered, or connive at the administration of any drug not permitted by Chapter 15 to any horse to be entered or entered for a race. Every owner, trainer or groom must guard, or cause to be guarded, each horse owned, trained or attended by him in such manner as to prevent any person or persons from administering to the horse, by any method, any drug, not permitted by Chapter 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978), LR 12:11 (January 1986).

§1729. State Chemist Report

A. When a report is received from the state chemist reflecting in his expert opinion that the chemical analysis of blood, saliva, urine, or other samples taken from a horse indicated the presence of a forbidden narcotic, stimulant, depressant or analgesic, local anesthetic or drugs of any description not permitted by Chapter 15, this shall be taken as prima facie evidence that such has been administered to the horse. Such shall also be taken as prima facie evidence that the owner and/or trainer and/or groom has been negligent in handling of the horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978).

§1731. Defenses to Report

A. The owner and/or trainer and/or groom and/or other person shall be permitted to interpose reasonable and legitimate defenses before the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission, 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978).

§1733. Racing a Horse under Investigation

A. When a report as described in §1729 is received from the state chemist, the state steward shall immediately advise the trainer of his rights to have the "split" portion of the sample tested at his expense. The stable shall remain in good standing pending a ruling by the stewards, which shall not be made until the split portion of the original sample is confirmed positive by a laboratory chosen by the trainer from a list of referee laboratories. The horsemen's bookkeeper shall not release any affected purse monies until the results of the split portion of the sample are received by the commission. The horse allegedly to have been administered any such drug or substance shall not be allowed to enter in a race during the investigation, and until the completion of the stewards' hearing.

B. In the event the horse is claimed in the race in which the horse allegedly ran with a prohibited drug or substance, the new owner may enter and race the horse; however, should the horse be claimed thereafter by the same owner who raced the horse, allegedly with prohibited drug or substance, in the previous race in question, the horse shall not be allowed to enter a race during the investigation and hearing concerning the horse in the previous race in question.

C. For the purpose of this rule "the investigation and hearing" referred to herein shall mean the stewards' hearing following receipt of the report of the state chemist described herein and in §1729.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978), LR 7:262 (May 1981), LR 9:755 (November 1983), amended by the Department of Economic Development, Racing Commission, LR 18:367 (April 1992), LR 23:951 (August 1997), LR 24:1682 (September 1998).

§1735. Trainers Responsible for Condition of Horse

A. The trainer and/or assistant trainer shall be responsible for and be the absolute insurer of the condition of the horses he enters regardless of acts of third parties.

Trainers and/or assistant trainers are presumed to know the rules of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978).

§1737. When Horse Found Drugged

A. Should the chemical analysis of any sample of the blood, saliva, urine or other excretions of body fluids of a horse contain any prohibited drug or substance of any description not permitted by Chapter 15 or prohibited by §1719, the trainer of such horse shall be entitled to request a split sample as provided for in §1775. Following confirmation of a split sample by a referee laboratory that a split sample was positive for the same drug or substance contained in the primary sample not permitted by Chapter 15 or prohibited by §1719, the trainer of the horse may, after a hearing before the stewards, be fined, suspended or ruled off, if the stewards conclude that the prohibited drug or substance contained in the sample could have produced analgesia in, stimulated or depressed the horse, or could have masked or screened a drug or substance which could have produced analgesia in, stimulated or depressed the horse. The stable foreman, groom and any other person shown to have had the care or attendance of the horse may be fined, suspended or ruled off. The owner(s) of a horse so found to have received administration of such prohibited drug or substance shall be denied, or shall promptly return, any portion of the purse or sweepstakes and any trophy awarded to such horse, and the said purse, sweepstakes and any trophy shall be distributed as in the case of a disqualification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142 and 148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:764 (September 1990), LR 18:369 (April 1992).

§1739. Disqualified Horse Recognized as Winner

A. When the stewards declare a horse to be the winner or qualifier of an elimination or eligibility race for a futurity, stakes or handicap and, thereafter, a report as described in §1729 is received from the state chemist, the horse shall be deemed to have forfeited its eligibility to compete in any subsequent race related to that futurity, stakes or handicap.

B. However, except as otherwise provided in this Section, the horse declared by the stewards to be the official winner of the race will be recognized as the winner of the race for the purposes of meeting the eligibility and conditions of all subsequent races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 15:961 (November 1989), LR 17:169 (February 1991).

§1741. Use of Abusive Language

A. If any owner, trainer, assistant trainer, groom or stable attendant should interfere with, or use abusive language to the state veterinarian, his assistants, or any racing official while in the discharge of his duties, such person may be fined or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978).

§1742. Issuance of NSF Checks

A. Upon a check payable to the order of the commission or one of its employees, agents or representatives being dishonored when presented for payment, each maker/drawer thereof shall be fined by the stewards a sum of $25 together with the amount, if any, charged the commission by its depository.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 17:261 (March 1991).

§1743. Possession of Drugs, Syringes or Needles

A. No person shall have in his possession, within the confines of a race track or within its stables, buildings, sheds or grounds, or within an auxiliary (offtrack) stable area, where horses are lodged or kept which are eligible to race over a race track of any association holding a race meeting, any prohibited drugs, hypodermic syringes or hypodermic needles or similar instruments which may be used for injection. Anything herein to the contrary notwithstanding, a licensed veterinarian may have in his possession such drugs, instruments or appliances, etc., as required in the practice of general veterinary medicine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:288 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:765 (September 1990).

§1745. Tampering with a Horse

A. Anyone tampering with a horse in any manner will be prosecuted as provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:288 (August 1978).

§1747. Taking of Sample

A. During the taking of a sample by a representative of the commission, the owner, trainer, hot walker, groom, authorized agent or chemist, representing the owner or trainer, may be present at all times. The sample so taken shall be placed in an authorized container and shall be immediately sealed, and the evidence of such sealing shall be indicated thereon by the signature of such representative of the owner or trainer. The veterinarian representing the owner or trainer shall have the right to attend and witness the examination and testing of the blood, saliva, or other excretion of body fluid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:288 (August 1978).

§1749. Searches

A. The commission, or the steward representing the commission, investigating violations of law or the rules of the commission, shall have the power to authorize searches of the person or the power to authorize entry and search of the stables, rooms, vehicles, or any other place within the track enclosure at which a race meeting is being held, or other tracks or places where horses eligible to race at the race meeting are kept.

B. The commission, or the steward representing the commission, shall also have the authority to conduct or authorize searches of all persons licensed by the commission, and of all employees and agents of any race track association licensed by the commission, and of all vendors who are permitted by the race track association to sell and distribute their wares and merchandise within the race track enclosure, in order to inspect and examine the personal effects or property on such persons or kept in stables, rooms, vehicles, or other places.

C. Each licensee and permittee, in accepting a license, shall be deemed to have consented to such search and does waive and release all claims or possible actions for damages that he may have by virtue of any action taken under this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:45 (January 1977), LR 4:288 (August 1978).

§1751. Consent to Use of Criminal Record

A. Each licensee and/or permittee, in accepting a license, shall be deemed to have consented to have any prior criminal arrest and/or criminal conviction disclosed and/or utilized during any steward's hearing, commission hearing, or in any subsequent litigation arising from these hearings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1753. Detention Barn

A. All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the person in charge of the detention barn. No person other than the owner, trainer, groom, or hot walker of a horse to be tested shall be admitted to the detention area without permission of the person in charge of the detention barn. No lead pony shall be admitted to the detention area without permission of the person in charge of the detention barn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1755. Equipment and Attention for Horse in Detention Barn

A. Stable equipment other than that necessary for washing and cooling out a horse is prohibited in the detention area. Buckets and water will be furnished by the person in charge of the detention barn. If a body brace is to be used, it shall be supplied by the responsible trainer and administered only with the permission, and in the presence, of the person in charge of the detention barn. A licensed veterinarian may attend a horse in the detention area only in the presence of the person in charge of the detention barn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1757. Witnessing Taking of Specimen

A. During the taking of a specimen from a horse, the owner, or responsible trainer (who, in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimen and so signify in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1759. Taking of Samples

A. All containers previously used for specimens shall be thoroughly cleaned in the commission chemist's laboratory and shall be sealed with the laboratory stamp which shall not be broken except in the presence of the witness. Only water, with or without acetic acid, shall be used to moisten gauze used in collection of saliva. Instruments and utensils used in the taking of samples shall be sterilized after each use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1761. Equine Urine Sample Identification

A. The temperature of each equine urine sample shall be promptly taken and recorded by the designated detention barn employee.

B. The specimen shall be placed in a container then sealed with a permanent top. The container shall bear a printed identification bar code sticker. A duplicate of the bar code sticker shall be placed on the specimen identification forms as well as the container of the split portion of the sample, in the presence of a witness.

C. The detention barn employee shall identify the horse from which such specimen was taken, as well as the time, race and day, verified by the witness, and this information shall be noted on the proper identification forms. A duplicate of the identification form shall be forwarded to the commission office.

D. The person in charge of the detention barn shall take every precaution to ensure that the commission chemist and no member of the laboratory staff shall know the identity of the horse, from which a specimen was taken prior to the completion of all testing thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Racing Commission LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978), amended by Department of Economic Development, Racing Commission LR 17:648 (July 1991).

§1763. Taking Blood/Urine Sample

A. If after a horse remains one and one-half hours in the detention area and a urine specimen has not been taken from the horse, the state veterinarian may take a blood sample.

B. Except as provided in Subsection A, the state veterinarian may, at any time, be directed by the state steward to take random equine blood samples.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:603 (July 1990).

§1765. Use of Diuretic

A. With the consent of the trainer or attendant, the person in charge of the detention barn may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen identification tag by the person in charge of the detention barn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1767. Safeguarding and Delivery of Specimens

A. The person in charge of the detention barn shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the commission chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1769. Handling of Specimen by Commission Chemist

A. Each specimen shall be divided into portions so that one portion shall be used for initial testing for unknown substances, and another portion shall be preserved for further testing as the commission may direct. The commission chemist shall be responsible for safeguarding and testing each specimen delivered to his laboratory by the commission representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1771. Tests for Prohibited Substances

A. The commission chemist shall conduct individual tests for prohibited substances on each specimen, and shall identify any prohibited substance or metabolic derivative thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1773. Disposition of Remains of Specimen

A. Upon the finding that a test for prohibited substances is negative, the remaining portions of such specimen may be discarded. Upon the finding of test results which are suspicious, positive, or indicative of prohibited substances, such test may be reconfirmed, and the remaining portion, if available, of such specimen shall be preserved and protected until such time as the stewards rule it may be discarded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:450 (December 1976), amended LR 3:46 (January 1977), LR 4:288 (August 1978).

§1775. Testing of a Split or Referee Sample

A. The following procedure is hereby established for the testing of a split or referee sample.

1. After a horse has voided and its urine collected for testing, the volume of urine collected shall be split or divided into approximately equal parts, one being processed for initial commission laboratory testing for the detection of the presence of prohibited drugs or substances therein. The remaining part shall be identified as the split or referee sample to be processed for future testing under the procedures hereby established. If the urine is from a 2-year-old horse, the specimen tag shall so indicate.

2. Should blood be drawn at the test or retaining barn for testing, it shall be split or divided into approximately equal parts to be processed for testing by the initial commission test and the split or referee test. If the blood is drawn from a 2-year-old horse, the specimen tag shall so indicate.

3. Within 72 hours from the time the stewards notify a trainer that the initial commission laboratory test on a urine or blood specimen from a horse entered and raced by him was positive for the presence of a prohibited drug or substance, the trainer must request the stewards in writing to have the split or referee sample tested by an approved referee laboratory. The commission shall provide a list of referee laboratories which must be able to demonstrate competency for that drug or substance at the estimated concentration reported by the primary laboratory, from which a trainer must select one. At the time of his request the trainer must forward the necessary fees to cover all expenses to be incurred in shipping and testing the split or referee sample to the referee laboratory. Failure of a trainer to make a request to the stewards for a split sample within the required 72 hours constitutes a waiver of any and all rights to have the split or referee sample tested.

4. A trainer timely requesting a testing of a split or referee sample shall select one of the laboratories designated by the commission as referee laboratories to perform the testing. The trainer shall sign a hold-harmless agreement for a split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing, said agreements shall remain with the stewards of the track at which the positive was reported.

5. If the split portion of the test confirms the findings of the primary laboratory, it shall constitute prima facie evidence of a violation of the applicable provisions of this Chapter.

6. If the split portion of the test does not confirm the findings of the primary laboratory the commission shall not consider the sample to constitute prima facie evidence of a violation of the applicable provisions of this Chapter and no penalty shall be imposed, except as provided in Paragraph 7 hereof.

7. If, through no fault of the commission, its agents or employees, a split portion of the sample cannot be tested because of loss, damage, or decomposition then, and in that event only, the findings of the primary laboratory shall constitute the prima facie evidence of a violation of the applicable provisions of this Chapter.

8. The identity of the drug or substance shall be revealed to the referee laboratory. Any communication between the primary and referee laboratory is limited to the exchange of the analytical method and threshold level used to confirm the identity of the drug or substance.

9. Primary laboratory, for the purpose of this rule, shall mean the laboratory selected by the commission to test urine or blood for the presence of prohibited drugs or substances.

10. Referee laboratory, for the purpose of this rule, shall be one of the referee laboratories approved by the commission to test split portions of urine or blood samples when timely requested by a trainer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:405 (August 1982), amended LR 10:660 (September 1984), amended by the Department of Economic Development, Racing Commission, LR 17:878 (September 1991), LR 18:368 (April 1992).

§1777. Reporting of Test Findings

A. The commission chemist shall submit to the state steward a written report as to each specimen tested, indicating thereon by specimen tag identification number, whether a specimen was tested negative or positive for prohibited substances. The commission chemist shall report test findings to no person other than the state steward, commission, or their designated representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:451 (December 1976), amended LR 3:47 (January 1977), LR 4:288 (August 1978).

§1779. Request for Additional Test Time

A. In the event the commission chemist should find a specimen suspicious of a prohibited medication, he may request additional time for test analysis and confirmation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:451 (December 1976), amended LR 3:47 (January 1977), LR 4:288 (August 1978).

§1781. Distribution of Purse Awaits Test Results

A. The horsemen's bookkeeper shall make no distribution of any purse until given clearance of chemical tests by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:451 (December 1976), amended LR 3:47 (January 1977), LR 4:288 (August 1978).

§1783. Test Not Normal

A. The commission chemist will make a further report to the state steward and the commission on any substance his tests showed, which is not normal in a horse. These reports shall be confidential and are not evidence for disciplinary

action. They can be used as a warning to the trainer or veterinarian, by the stewards or by the commission veterinarian, to improve his surveillance. The residue of specimen material from such tests will be preserved by the commission chemist until released by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:451 (December 1976), amended LR 3:47 (January 1977), LR 4:288 (August 1978).

§1785. Positive Test

A. In reporting to the state steward that a test of a specimen was positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of his professional opinion as to the positive finding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:451 (December 1976), amended LR 3:47 (January 1977), LR 4:288 (August 1978).

§1787. Pre-Race Testing

A. A laboratory testing program for the detection of the presence of prohibited medications or drugs in horses prior to a scheduled racing program may be requested by an association, and conducted at that track upon designation by the commission. Such pre-race testing program shall be supervised by the commission. All provisions of the *Rules of Racing*, not inconsistent with this Section, remain in full force and effect. Should any existing provision conflict herewith, the provisions of this rule shall take precedence and govern; however, all existing rules on post-race testing remain in full force and effect.

B. At any track so requesting and designated, the track operator shall provide such facilities, appurtenances, equipment, and trained personnel for a drug detection program as the commission may specify.

C. Blood or urine or other samples shall be taken from all horses programmed to race prior to the race in which it is programmed at a location specified by the track operator and the commission.

D. Such blood, and/or urine, and/or other sample shall be taken not less than three hours nor more than six hours prior to the approximate post-time of the race. If the horse is to receive bleeder medication (furosemide) on the day of the race in accordance with the *Rules of Racing*, the sample shall be taken prior to the administration of that medication.

E. Such blood, urine, or other sample shall be taken by the commission veterinarian or by a licensed veterinarian under his supervision. Professional fees for veterinarians collecting these samples for the pre-race testing program shall be paid by the association.

F. The trainer or his representative shall accompany the horse at the prescribed time and to the prescribed location, and shall manage the horse as directed. Willful failure to be present at, or refusal to allow, the taking of any such sample, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons therefor to such disciplinary action as the stewards may determine.

G. A horse shall not race if it has not been tested in accordance with the provisions of this Section.

H. Whenever pre-race laboratory test reports indicate the presence of a prohibited medication or drug in the sample taken from a horse scheduled to race, particularly, but not limited to specific maximum by quantitative determination of 5.0 micrograms phenylbutazone per milliliter of blood or 5.0 micrograms oxyphenbutazone per milliliter of blood, stewards shall scratch the horse from the race. On the first offense a penalty of not less than $100, nor more than $200, shall be assessed the trainer. Upon second or multiple offenses for positive tests, the stewards shall take whatever action they deem appropriate, consistent with law and the *Rules of Racing*.

I. The pre-race testing program so conducted at a designated track shall in no way change or interfere with the post-race testing program of the commission. In the event of a conflict between pre-race and post-race tests, the post-race test governs and prevails.

J. The laboratory and/or its representatives performing pre-race chemical testing for a designated association are officials of racing. The laboratory shall:

1. be under the direction of and responsible to the stewards;

2. be approved by the commission.

K. The stewards shall deliver all pre-race specimens or samples to the laboratory performing the pre-race chemical testing.

L. Definition of *Pre-Race Testing*. A procedure approved by the commission, conducted by a qualified testing laboratory, at a race track after the association operating the track initially makes a written request that such procedure be conducted at its facility, whereby each horse scheduled to run shall have its blood or saliva or urine or other excretions of body fluid analyzed no more than six and no less than three hours before the race in which the horse is scheduled to run in order to determine whether such sample contains any narcotic, stimulant, depressant, local anesthetic, analgesic or drug of any description not permitted by the *Rules of Racing* or which could affect the speed of the horse in the race in which the horse was entered to race. Such test shall not be for the purpose of determining whether a horse is physically fit to race and no physical examination of the animal is contemplated by this procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:140 (March 1982), amended LR 12:419 (July 1986).

§1789. Reporting of Corrupt Act

A. If any person licensed by the commission shall be approached with an offer or a promise of a bribe, or with a request or a suggestion for a bribe, or for any improper, corrupt or fraudulent act or practice in relation to a race or racing, or that any race shall be conducted otherwise than fairly and in accordance with the *Rules of Racing*, such licensed person shall immediately report the matter to the stewards or the commission; should any person be found by the stewards or the commission to have violated this Section, said licensed person shall have such punishment by fine and/or suspension of license, as is deemed appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:233 (May 1982).

§1791. Testing for Dangerous Substance Abuse

A. No person licensed by the commission shall use any controlled dangerous substance as defined in the "Louisiana Controlled Dangerous Substance Act," R.S. 40:961 et seq., or any prescription legend drug, unless such substance was obtained directly, or pursuant to a valid prescription or ordered from a licensed physician, while acting in the course of his professional practice. It shall be the responsibility of the person licensed by the commission to give notice to the state steward that he is using a controlled dangerous substance or prescription legend drug pursuant to a valid prescription or order from a licensed physician. This notice shall be in the form of an affidavit provided by the commission and completed by the licensed practitioner. Failure to provide the state steward with the appropriate affidavit prior to the collection of a urine sample shall result in a positive violation and shall be administered pursuant to Subsection D. Failure of a licensed person to provide this affidavit from his doctor or physician within 10 days of being notified by the stewards of a finding for a prescription drug shall be treated as a positive and having the person subject to a penalty as contained herein.

B. Every person licensed by the commission at any licensed racetrack may be subjected to a urine test, or other noninvasive fluid test at the discretion of the state steward in a manner prescribed by the commission. Any licensed person who fails to submit to a urine test when requested to do so by the state steward shall be liable to the penalties provided herein. Failure or refusal to submit to a urine test when ordered by the state steward shall result in a minimum 90-day suspension. Failure or refusal to submit to a urine test for a second time shall result in a suspension by the stewards to the full extent of their power and referral to the commission.

C. Any person licensed by the commission who is requested to submit to a urine test shall provide the urine sample to a chemical inspector of the commission. When requested to provide a sample, that person shall submit the sample before leaving the race track. Failure to do so shall be considered a refusal. The sample so taken shall be immediately sealed and tagged on the form provided by the commission and the evidence of such sealing shall be indicated by the signature of the tested person. The portion of the form which is provided to the laboratory for analysis shall not identify the individual by name. In obtaining any sample, it shall be the obligation of the licensed person to cooperate fully with the chemical inspector who may be required to witness the securing of such sample. Anyone who tampers with a urine sample shall be fined and/or suspended as provided for by R.S. 4:141 et seq. and/or the *Rules of Racing*.

D. A positive controlled dangerous substance or prescription drug result shall be reported in writing to the commission or its designee. On receiving written notice from the official chemist that a specimen has been found positive for a controlled dangerous substance or prescription legend drug, the commission or its designee shall proceed as follows.

1. The licensed person shall, as quickly as possible, be notified in writing and a hearing scheduled with the stewards.

a. If a person having tested positive for a dangerous substance or prescription drug so desires, he/she may request within five days to the stewards to have the split or referee sample tested by a commission-designated alternate laboratory as provided herein. At the time of the request, the licensed person must deposit with the stewards an amount equivalent to the fee charged by the referee laboratory chosen to cover expenses to be incurred in testing the split sample. Failure of a licensed person to make a request within five days constitutes a waiver of any and all rights to have the split sample tested.

b. Split samples shall be stored in a locked freezer pending the laboratory results of the original samples. If an original sample's result is negative, the split sample may be disposed of. However, if the result is positive, the split sample shall be retained in the locked freezer until needed or until final disposition of the case.

c. A licensed person's timely request for the testing of the split sample may then select any one of the commission-designated alternate laboratories to perform the testing.

2. For a licensed person's first violation, he shall be suspended 30 days and denied access to all racetracks, off-track wagering facilities and approved training facilities in Louisiana. His reinstatement shall be contingent upon evaluation by a commission approved board certified drug evaluator or counselor, and after providing a negative urine report.

3. For a licensed person's second violation, he shall be suspended six months and denied access to all racetracks, off-track wagering facilities and approved training facilities in Louisiana. His reinstatement may be allowed upon proof of enrollment, and continued attendance in a commission approved drug rehabilitation program.

4. For a licensed person's third violation, he shall be suspended for 15 years and denied access to all racetracks,

off-track wagering facilities and approved training facilities in Louisiana.

5. The stewards and/or commission approved board certified drug evaluator or counselor may require urine/hair analyses or other noninvasive body fluid tests at any time during rehabilitation for reasonable cause.

6. Unexcused absences from a drug rehabilitation program shall result in the participant being suspended for seven days from racing.

7. Excused absences from a drug rehabilitation program must be approved prior to the participant's absence by the commission approved drug evaluator or individual counselor.

8. Amphetamines and other central nervous system stimulants are not permitted except in cases of exogenous obesity. In those cases, the participant must give proof that multiple dietary attempts to control exogenous obesity have failed and that he is participating in a medically supervised dietary program which includes the short term (two to three weeks) usage of amphetamines.

E. Any information received in the process of obtaining a urine sample, including but not limited to, medical information, the results of any urine test, and any reports filed as a result of attending a drug rehabilitation program, shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a drug rehabilitation program shall be limited to the commissioners of the Louisiana State Racing Commission, the commission and/or its designee, counsel to the commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the commission or its designee.

F. Information received and reports prepared pursuant to this Rule shall be stored in a locked secure area in the office of the commission for a period of one year, after which time, they shall be destroyed. However, the commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987), amended by Department of Economic Development, Racing Commission, LR 15:620 (August 1989), LR 16:394 (May 1990), LR 17:172 (February 1991), LR 17:648 (July 1991).

§1793. Testing for Alcohol Abuse

A. Any person licensed by the commission shall, when directed by the state steward, submit to a breathalyzer test and, if the results thereof show a reading of 0.05 percent or more of alcohol in the blood such person shall not be permitted to continue his duties.

B. For the first offense, any person having a reading of 0.05 percent or more shall be fined $50 and not be permitted to perform his duties for the day. For the second offense, any person having a reading of .05 percent or more shall be fined $100 and not be permitted to perform his duties for the day. For a third offense, any person having a reading of 0.05 percent or more shall be suspended for 30 days and be subjected to an evaluation as called for in §1791.

C. Failure or refusal to submit to a breathalyzer test when directed by the state steward shall result in a minimum seven-day suspension. Failure or refusal to submit to a breathalyzer test for a second time shall result in a suspension by the stewards to the full extent of their power and referral to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987), amended by Department of Economic Development, Racing Commission, LR 17:172 (February 1991), 17:1203 (December 1991).

§1795. Classification of Foreign Substances by Category

A. Prohibited drugs and prohibited substances are classified in the appropriate one of five classes.

B. Known and identified prohibited drugs and substances are classified and listed according to their appropriate class as defined in the Association of Racing Commissioners International, Inc. Drug Testing and Quality Assurance Program's *Uniform Classification Guidelines for Foreign Substances*.

C. Unknown or unidentified drugs or substances which are prohibited but not listed shall be appropriately classified by the state chemist upon discovery or detection. A supplemental listing of the appropriate classification of such discovered or detected drugs shall be maintained at the domicile office and be made available to the public upon request. A prohibited drug or substance remains prohibited regardless of whether it is listed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 19:613 (May 1993).

§1797. Penalty Guidelines

A. Upon finding a violation by a permittee of prohibited medication rules, of prohibited substance rules, or of improper or excessive use of permitted medications, the stewards, or the commission, shall consider the classification level as set forth in §1795 and will, in the absence of mitigating or aggravating circumstances, endeavor to impose penalties and disciplinary measures consistent with the recommended guidelines contained herein. Whenever a majority of the stewards find or conclude that there are mitigating or aggravating circumstances, they should so state

in their ruling such finding or conclusion, and should impose the penalty which they find is appropriate under the circumstances to the extent of their authority or, if necessary, refer the matter to the commission with specific recommendations for further action.

B. The recommended guidelines for a violation of each classification level are as follows.

1. Class I: suspension of license for a period of not less than one year and not more than five years and a fine of $5,000. The purse shall be redistributed.

2. Class II: suspension of license for a period of not less than six months and not more than one year and a fine of not less than $1,500 and not more than $2,500. The purse shall be redistributed.

3. Class III: suspension of license for a period of not less than sixty days and not more than six months and/or a fine of not more than $1,500. The purse shall be redistributed.

4. Classes IV and V: possible suspension of license for a period not more than 60 days and a fine of not less than $500 nor more than $1,500, or both, depending on the severity and number of violations occurring within a 12-month period. The purse may be redistributed.

a. On ordinary violation(s) of Classes IV or V within a 12-month period, the penalty shall be a fine of $500 on the first violation, a fine of $1,000 on the second violation, a fine of $1,000 on the third and subsequent violations and referred to the commission. The purse shall be redistributed commencing with the fourth violation within a 12-month period.

b. On extraordinary violation(s) of Classes IV or V in a manner that might affect the performance of a horse within a 12-month period the penalty shall be a fine of $1,000 on the first offense; a fine of $1,000 and referred to the commission for further action on second and subsequent violations. The purse shall be redistributed commencing with the third violation within a 12-month period.

c. On gross violation(s) of Classes IV or V in a manner that intends to affect the performance of a horse, the penalty shall be not less than $1,000 and referred to the commission for further action. The purse shall be redistributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 19:613 (May 1993), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

Chapter 18. Exclusion and Ejection

§1801. Categories of Persons to Exclude or Eject

A. This Rule is adopted and is to be applied pursuant to R.S. 4:191-197 and, in particular, R.S. 4:192-193.

B. Any person(s) of the following categories may be excluded or ejected from a race track, race meeting, race or licensed establishment or association:

1. who are not of age;

2. who have been convicted of a felony under the laws of the United States, this state or any other state or country, of any crime or offense involving moral turpitude;

3. who are career or professional offenders as defined by regulations of the commissions, or who are bookmakers or convicted bookmakers. A career or professional offender is defined as a person who has been held in violation of the *Rules of Racing* for six or more times;

4. who are of notorious or unsavory reputation or whose presence, in the opinion of the commission, would be inimical to the state of Louisiana and its citizens or to the track, meeting, race or licensed establishment or both;

5. who have had a license or permit refused, suspended or withdrawn under R.S. 4:150 or R.S. 4:152;

6. whose action or inaction on a race track would disrupt, interfere or hinder the orderly conduct of the business of horse racing;

7. whose conduct at a race track in Louisiana or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interest of racing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:191 to R.S. 4:197.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:233 (May 1982), amended LR 8:471 (September 1982), LR 11:518 (May 1985).

Title 35
HORSE RACING
Part III. Personnel, Registration and Licensing

Chapter 19. Racing Officials

§1901. Nomination and Examination

A. Persons nominated by an association to serve as racing officials during a race meeting must first be approved by the commission. Any proposed person not previously approved by the commission as an official in the capacity for which he is nominated, shall pass a written examination on the rules and laws of racing before being finally approved and licensed. The test shall be administered under the direction of the commission. Racing officials shall serve only as long as approved by the commission, and shall be under the supervision of the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

§1903. Monetary Interests Prohibited

A.1. No person while licensed and/or serving as a racing official shall own an interest in:

a. a horse that races at a race meeting where he is employed;

b. a jockey contract; or

c. an association under his supervision.

2. Nor shall any such person buy or sell, or cause to be bought or sold for himself or another, any thoroughbred, quarter horse or Appaloosa under his supervision. Nor shall any such person wager on any race under his supervision. No such person shall write or solicit horse insurance or have any monetary interest in any business which seeks the patronage of horsemen or racing associations.

B. For the purposes of this section only, *racing official*, as used herein shall mean and include a:

1. steward;
2. placing judge;
3. patrol judge;
4. paddock judge;
5. clerk of scales;
6. starter;
7. assistant starter;
8. handicapper/racing secretary;
9. assistant racing secretary;
10. track superintendent;
11. general superintendent;
12. jockey room custodian;
13. valet;
14. outrider;
15. jockey;
16. identifier;
17. association and state veterinarian;
18. official state chemist (including the persons under his supervision);
19. member of the State Police Racing Investigations Unit;
20. director of racing; and
21. stall superintendent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:764 (September 1990).

§1905. Optical Examination

A. Racing officials serving in the capacity of stewards, placing and/or patrol judges, clerk of scales, starter, and horse identifier shall take and satisfactorily pass an optical examination within one year prior to the race meeting at which they serve, such examination evidencing corrected 20-20 vision and ability to distinguish colors correctly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

§1907. Resignation of Employment and Vacancy

A. Any racing official who desires to leave his employment during the race meeting must first obtain permission from the commission. In the event a vacancy occurs among racing officials other than stewards, the association shall promptly nominate a successor, subject to approval of the commission. In the event the association does not nominate a successor in time to permit the orderly conduct of racing, then the stewards shall immediately appoint a temporary successor.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission, 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

Chapter 21. Stewards

§2101. Qualifications for Appointment

A. To qualify for commission appointment or approval as a steward an individual shall be required to:

1. document five years prior experience as a steward, racing secretary, assistant racing secretary, starter, placing judge, paddock judge, clerk of scales, jockey, trainer or equivalent experience in the racing industry;

2. satisfactorily pass a commission-approved Stewards Training Program. This requirement may be waived for individuals who have served as a steward for at least two years in a recognized jurisdiction at an extended thoroughbred or quarter horse pari-mutuel race meeting, and who is otherwise qualified to serve as a steward;

3. satisfactorily pass an optical examination conducted not more than 90 days before the appointment, indicating 20-20 vision, corrected, and the ability to distinguish colors;

4. satisfactorily pass a criminal background check;

5. satisfactorily pass a written examination prescribed by the commission. A passing grade for the written exam is 85 on a scale of 100. Applicants must satisfactorily pass the written examination every three years;

6. participate in an oral interview conducted by the executive director or a designee of the executive director;

7. be physically fit to perform the duties of a steward.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 18:367 (April 1992).

§2103. Nomination and Appointment

A. There shall be three stewards for each race meeting, one of whom shall be appointed by the commission and two of whom shall be nominated by the association for approval by the commission. Names of an association's nominees for steward shall be submitted at the time of application for its association license, if possible. In all cases, the names must be submitted no later than 30 days before commencement of a race meeting and be accompanied by biographical data setting out the experience and qualifications of the nominees. The association shall submit successive nominees until two persons are approved by the commission as qualified to serve as stewards. No steward shall serve until approved by the commission, which shall not withhold its approval except for just cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

§2107. Responsible to the Commission

A. Stewards shall be responsible to the commission and may be replaced by the commission at any time for failure to perform their duties to the satisfaction of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

§2109. Deputy

A. If one or more stewards are absent, the ones present shall appoint a deputy or deputies to act temporarily for those absent. Should all three be absent the racing secretary shall appoint three deputies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:271 (August 1978).

§2111. Powers

A. The stewards shall have and exercise the powers of supervision, control and regulation of racing at each licensed race meeting on behalf of the commission. By way of illustration and without limitation thereof, the powers of the stewards shall include:

1. authority over all horses and all persons, licensed or unlicensed, on association grounds during a race meeting as to all matters relating to racing;

2. authority to resolve all questions, disputes, protests, complaints, or objections concerning racing which arise during a race meeting;

3. authority to suspend the license of a participant in racing, or eject or exclude from association grounds, or any part thereof, licensed or unlicensed persons upon reasonable belief that a violation of these rules has occurred, or is about to occur;

4. the power to 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 customs of the turf, subject to the authority and orders of the commission;

5. authority to issue decisions or rulings pertaining to racing which shall supersede orders of the officers, directors and officials of an association and which shall, if the stewards deem proper, vary any arrangement for the conduct of a race meeting, to include without limitation thereof, postponing a race, canceling a race or ruling a race run as "no contest";

6. the power to request and receive assistance from racing officials, members of the track security police, state

or local police, in the investigation of possible rule infractions;

7. authority to conduct hearings on all questions, disputes, protests, complaints or objections concerning racing matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147, R.S. 4:172 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:20 (January 1977), LR 4:272 (August 1978).

§2113. Appointment of Substitute

A. In the event a regularly named rider, trainer or racing official, other than a steward, is unable for any reason to perform, the stewards may select a substitute therefor. Upon suspicion of fraud or misconduct, the stewards may excuse a horse or replace any rider, trainer or racing official other than a steward.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:424 (December 1976), amended LR 3:21 (January 1977), LR 4:272 (August 1978).

§2115. Specific Duties and Responsibilities

A. In addition to their general powers, the stewards shall have certain specific duties and responsibilities, to wit.

1. They shall take cognizance of all misconduct or rule infractions irrespective of whether or not complained of, and cause investigations to be made of all instances of possible rule infractions. They shall take such action as they deem necessary to prevent a rule infraction.

2. At least one steward shall be on association grounds from scratch time, or if not a racing day, when entries are first taken, until entries are closed. At least one steward shall be present for the regular showing of racing films or videotapes. All three stewards shall be on association grounds for a continuous period beginning two hours before post time for the first race until conclusion of the last race.

3. At least one steward, or a designated representative of the stewards, shall be present in the paddock at least 20 minutes before each race and until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock and to inspect, with the paddock judge and association and/or state veterinarian, all horses for fitness.

4. The stewards shall inspect all applications for licenses to participate in racing, and administer or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer's license and jockey agent's license. They shall make recommendations to the commission as to the qualifications of all applicants for licenses to participate in racing.

5. They shall review all licenses, registration certificates and all contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, jockey and apprentice jockey contracts, appointment of agents, adoption of racing colors or stable name and determine the eligibility and appropriateness thereof for participation in racing.

6. They shall require proof of eligibility of a horse or person to participate in a race if such is in question, and in absence of sufficient proof to establish eligibility, they may rule such horse or person ineligible.

7. The stewards shall review and approve stall application forms. They also shall advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to such undesirable persons.

8. They shall supervise the taking of entries, receive all declarations and scratches and determine all questions arising from and pertaining thereto. The stewards may, in their discretion, refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries in any way.

9. They shall cause the "inquiry" sign to be posted on the infield odds board immediately after the horses have crossed the finish line in a race if any doubt is held by any steward or patrol judge as to the fairness of the running of the race. They shall cause the "objection" sign to be posted on the infield odds board upon the lodging of an objection. And they 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.

10. The stewards shall review the patrol films or videotapes of each day's races before commencement of the successive day's races and draw up a list of riders, including all apprentice jockeys who the stewards feel should review such films for instructional purposes and cause the list to be posted in the jockeys' room.

11. They shall maintain a daily log, reporting all their actions on all controversies which arise during the day. The reports shall show the name of the track, date, weather, track condition, claims, rulings issued and any other circumstances or conditions regarded as unusual. Such reports shall be signed by all three stewards and filed within 24 hours at the commission's general office.

12. They shall make periodic inspections of the barn area and check track security, and make occasional informal visits to the jockeys' room and observe and check security at the weighing out. Such inspections and observations made shall be noted in the steward's report.

13. The stewards shall maintain a minute book which shall contain a detailed written record of all questions, disputes, protests, complaints or objections brought to their attention. The minute book shall also include reports of all investigations undertaken by the stewards, summaries of all related interviews conducted and the rulings which resulted. If a ruling is not unanimous, the dissenting steward shall record reasons for his dissent. The steward's minute book shall be available to the commission for inspection at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147, R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:425 (December 1976), amended LR 3:21 (January 1977), LR 4:272 (August 1978).

§2117. State Steward's Report

A. Within seven days after the conclusion of a race meeting, the state steward shall submit to the commission a written report setting out the condition of the meeting and association grounds, and any recommendations for the improvement thereof which he may deem appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:22 (January 1977), LR 4:272 (August 1978).

§2119. Presiding Steward

A. The state steward is the presiding steward at all race tracks under the jurisdiction of the Louisiana State Racing Commission. All other stewards shall report all their actions to the state steward.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:22 (January 1977), LR 4:272 (August 1978).

Chapter 23. Racing Secretary

§2301. Duties

A. The racing secretary shall discharge all duties, expressed or implied, required by the *Rules of Racing* and he shall report to the stewards all violations of the rules or regulations of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 (10), R.S. 4:145 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:22 (January 1977), LR 4:272 (August 1978).

§2303. Further Responsibilities of Secretary and Staff

A. The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches. Among the duties for which the racing secretary and his staff are responsible are:

1. safekeeping of registration certificates and racing permits for horses, recording information required thereon, and returning same to the owner or trainer at the conclusion of the race meeting;

2. having ownership of each horse current and up to date on foal certificates;

3. daily posting of entries for the benefit of the public as soon as possible after the entries have been closed and declarations have been made;

4. assigning stall applicants such stabling as he may deem proper after consultation with the stewards, and maintaining a record of arrival and departure of all horses stabled on association grounds;

5. publishing the official daily program, insuring the accuracy therein of the following information:

a. sequence of races to be run and post time for the first race;

b. purse, conditions and distance for each race, and current track records for such distance;

c. the full name of licensed owners of each horse, and description of racing colors to be carried. Where a horse or horses have been leased, both lessee and lessor will be listed;

d. the full name of the trainer, the full name of the jockey named for each horse and 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;

g. such other information as may be requested from time to time by the association or the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143(10), R.S. 4:145 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:426 (December 1976), LR 3:22 (January 1977), LR 4:272 (August 1978).

§2305. Essential Conditions Concerning 2-Year-Olds

A. In writing his condition book, the racing secretary shall respect these essential conditions.

1. No 2-year-olds shall compete in any race with older horses prior to September 1 of any year.

2. No race for 2-year-olds prior to May l of any year, shall be at a distance greater than four and one-half furlongs, and no race for 2-year-olds after September 15 of any year shall be at a distance less than five and one-half furlongs. Provided, however, this rule shall not apply to tracks which are less than one mile in length.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 (10), R.S. 4:145 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:22 (January 1977), LR 4:273 (August 1978).

Chapter 25. Clerk of Scales

§2501. Duties

A. The clerk of the scales shall weigh jockeys out and in, and he shall record and publish any overweight or variation from the weight appearing on the racing program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143(9) and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:22 (January 1977), LR 4:273 (August 1978).

Chapter 27. Paddock Judge

§2701. Duties

A. One racing official shall serve as paddock judge. He shall have general supervision of the paddock and he is responsible for:

1. assembling the horses in the paddock no later than 15 minutes before the scheduled post time for each race;

2. properly identifying all horses entered in each race. The horse identifier shall be under the supervision of the paddock judge;

3. maintaining a written record of all equipment and inspecting all equipment of each horse saddled, and reporting any change thereof to the stewards;

4. inspection of bandages of a horse. The paddock judge may order such bandages removed. He shall see that the numbers on the saddle cloth, jockey's shoulder and cap correspond. The paddock judge shall require the plater in attendance in the paddock to see to it that all horses are properly shod, and shall report any irregularities to the stewards. However, in the absence of the plater, the veterinarians in the employ of the commission shall perform such duties;

5. schooling of all horses in the paddock, which must be approved by the stewards;

6. taking such measures as to insure that the saddling of all horses is orderly, open to public view, free from interference, and that horses are mounted at the same time and leave the paddock for the post in proper sequence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:22 (January 1977), LR 4:273 (August 1978).

Chapter 29. Starter

§2901. Orders a Fair Start

A. The starter shall give orders to secure a fair start.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143(9) and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2905. Starter Responsible for Horses out of Paddock

A. Horses are in the hands of the starter from the moment they enter the track from the paddock.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2907. Starter Determines Equitable Start

A. Where the film patrol is not used, the starter shall make the sole decision on the question of what horse or horses are prevented from an equitable start in a race through failure of the gates to function.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2909. Assistant Starters

A. The starter may employ such assistant starters as he may deem necessary and shall change the gate position of each assistant starter without notice to the assistant starters until the field for each race shall come upon the track.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2911. Receipt of Monies and Bets

A. No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, anything of value or other compensation for such starter's or assistant starter's service in connection with the running of any race or races. No starter, nor assistant starter, shall either directly or indirectly bet on any race or engage in any betting transaction, nor have any interest in any horse. This rule has no application to salaries received from associations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2913. Stall Gates

A. All races shall be started out of a stall gate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2915. Stakes Race Surplus Gates

A. If the starters for a stakes race do not exceed the capacity of the track but do exceed the capacity of the gate, the surplus shall be started from outside the gate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2917. Starter's Recommended Suspension or Fine

A. The starter may recommend suspension or fine to the stewards, and such action must be promptly reported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2919. First-Time Starters, Unruly Horses, Treatment of Jockeys

A. First-time starters shall be schooled under the supervision of the starter or his assistant, who shall report to the racing secretary horses that are schooled sufficiently to start. Unruly horses shall be placed on the schooling list, which must be posted, and shall not start until approved by the starter. The starter or his assistants shall not mistreat or use abusive language to a jockey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2921. False Start

A. A false start is void and the horses shall be started again as soon as practical. Any horse running the course from a false start may be excused by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2923. Locked Gate

A. If a horse is locked in the gate, the starter shall immediately notify the stewards who will notify the mutuel department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2925. Numerical Loading into Gates

A. Horses shall take their positions in a starting gate in numerical order from the inside rail according to post position, unless in the starter's opinion a horse is unduly fractious or unruly, in which case the starter shall be the final authority as to the horse's numerical loading into the starting gate. Horses refusing to enter their designated stalls, or which are otherwise unruly, may be started from outside the gate and behind the starting line.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§2927. Annotated Official Program

A. The stewards shall be furnished an official program at the end of each day's racing showing the name of each horse handled by an assistant starter and the name of the assistant starter handling the horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

Chapter 31. Patrol Judge

§3101. Responsible to Stewards

A. The patrol judges for each race shall take their stations at a place designated by the stewards. They shall duly report all their pertinent observations to the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

Chapter 33. Placing Judges

§3301. Decides Winners

A. The placing judge or judges shall decide which horse wins, and shall assign the respective places in the race to as many horses as they think proper. When the judges differ, the majority shall govern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§3303. Basis of Decision

A. In determining the places of horses at the finish of a race, the placing judges shall consider only the noses of the horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§3305. Cameras

A. On all tracks, approved cameras shall be installed as an aid to the placing judges. However, in all cases, the

camera is merely an aid and the decision of the judges shall be final. The type of photofinish equipment is to be designated by the commission from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

Chapter 35. Timer

§3501. Number of Timers

A. There shall be one or more timers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§3503. Workouts

A. Every person exercising a horse shall upon request of an official timer, correctly identify the horse he is exercising and shall state the distance over which such horse is to be worked and the point on the race track where it is intended to start the workout. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

§3505. Daily Posting of Workout Sheets

A. The timer will post daily his workout sheets in the racing secretary's office and in appropriate places in all betting areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:23 (January 1977), LR 4:273 (August 1978).

Chapter 37. Veterinarians

§3701. Emergency Use of Unlicensed Veterinarian

A. In an emergency, if an unlicensed veterinarian is employed, a report must be filed immediately with the stewards at the track where the horse is registered by the owner or trainer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:273 (August 1978).

§3703. Association Appointed Veterinarian

A. The association shall appoint a veterinarian and he shall be assigned various duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:273 (August 1978).

§3705. Commission Appointed Veterinarian

A. There shall be not more than three veterinarians appointed by the commission. They shall perform various duties as directed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:273 (August 1978).

§3707. Commission Veterinarian's Schedule

A. A commission veterinarian shall be present to serve under the direction of the stewards at scratch time, and at 12 noon each day, and at 6 p.m. when night racing prevails.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§3709. Restriction of Practice

A. No veterinarian employed by the commission or by an association shall be permitted, during the period of his employment, to treat or prescribe for any horse on the grounds or registered to race at any race track, for compensation or otherwise, except in case of emergency, in which case a full and complete report shall be made to the stewards. No owner or trainer shall employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he is employed by the commission or an association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

Chapter 41. Jockey Room Custodian

§4101. Order, Decorum and Cleanliness

A. It shall be the duty of the jockey room custodian to see to it that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§4103. Further Duties

A. He shall assist the clerk of the scales in any way that official requires. He shall oversee the care and storage of all racing colors. He shall oversee the jockey valets and arrange their rotation among jockeys in the manner of weighing out. He shall report to the stewards any irregularities that occur in his province. He shall see to it that jockeys and valets are neat in appearance and attire, in keeping with the rules, when they leave the rooms to ride in a race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§4105. Admission to Jockey Room

A. No person, other than racing officials, the commissioners and necessary jockey room attendants, shall be admitted to the jockey room after 11 a.m. on a racing day, nor after 5 p.m. on a racing night, without consent of the stewards for each time of entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), LR 3:29 (January 1977), LR 4:277 (August 1978).

Chapter 45. Owner

§4501. Notarized Bill of Sale for Transfer

A. After a horse has been registered with the racing secretary, listing the owner, no horse will be transferred, unless claimed, without permission of the stewards and a notarized bill of sale from the registered owner. However, the stewards may, at their discretion, allow sellers 72 hours within which to file the notarized bill of sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§4503. Procedure for Change of Ownership

A. Every change of ownership or trainers of a horse during a race meeting must be approved by the stewards and every application therefor must be submitted on an official transfer form furnished by the commission, in triplicate, signed by both parties. If approved by stewards, such approval shall be endorsed in writing on the transfer form, a copy being furnished the racing secretary with a copy retained by the parties. The racing secretary is responsible for the proper transfer on the foal certificate on file in his office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§4505. Stalls

A. The purchase or transfer of any horse on the grounds at any track, whether by private sale, claim or public auction, does not guarantee the new owner a stall for such horse unless approved by the stewards. The association has the right to allocate stalls to those horses which fit the racing program, as well as those horses which are sound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§4507. Sale to Nonregistered Person or Stable

A. Horses sold to any person or stable not registered for racing in Louisiana must be removed from the grounds of an association within 24 hours, unless permission to remain on the grounds is granted by the association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

Chapter 51. Handicapper

§5101. Assign Weights

A. The handicapper shall assign the weights to be carried by each horse in a handicap.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§5103. Fixing of Weights

A. The handicapper shall append to the weights for each handicap the day and hour from which winners will be liable to weight penalty. If there are no penalties, the fact shall be appended to the weights. No alteration of weights shall be made after publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§5105. Correction of Error

A. In case of omission, through error, of the name or weight of a horse duly entered, the omission shall be rectified by the handicapper.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

Chapter 57. Associations' Duties and Obligations

§5701. Employees of the Association Appointed by the Commission

A. Before entering upon the discharge of their duties the following officials employed by an association shall be approved in writing by the commission, viz., all stewards, racing secretaries, handicappers, starters, placing judges, clerks of scales, paddock and patrol judges, timers, examining and track veterinarians, private police agencies, calculators of mutuels, mutuel managers, money room supervisors and such other persons as the commission may designate from time to time because of their importance in the actual conduct of racing. Should any change or anticipated change in the above officials occur during a meet, the association must get prior approval from the commission at least ten days before the anticipated change or changes. The association must submit, in writing, the time and reason for the change and furnish a resume of the replacement, except as provided in §1907.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§5702. Penalty for Failure to Comply

A. Should a permittee or licensee fail to promptly comply with each provision of R.S. 4:146(B) or R.S. 4:161(B) or R.S. 4:222, the permittee or licensee who fails to comply with such provision(s) may be subject to a fine of $200 for each day such violation shall continue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:146, R.S. 4:148, R.S. 4:161 and R.S. 4:222.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 17:258 (March 1991), amended LR 18:366 (April 1992).

§5703. Minor Employees

A. No person under the age of 16 years shall be employed in or about the track of any association, and all minors 16 years of age or older must have work permits from the Louisiana State Labor Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:157.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§5705. Security of Stable Area

A. The stable area of the premises of every association shall be enclosed with a fence, the type and construction of the fence to be subject to the approval of the commission. The association shall maintain a 24-hour guard at any opening of the fence during the horse race meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:277 (August 1978).

§5707. Fire Prevention Security

A. A round-the-clock patrol of the fenced area shall be maintained by 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978).

§5709. Housing of Stable Employees

A. Each association shall provide adequate and sanitary living quarters with proper sanitary arrangements, and ample and convenient toilet and heating facilities for stable employees, and shall provide in its stable area at least one tack room of a minimum area of 100 square feet for every six horses stabled, with adequate facilities for housing personnel therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978).

§5711. First Aid Services

A. During racing and training hours, each association shall provide, on track grounds, a registered paramedic and a certified emergency medical technician who are trained in first aid practices, and shall provide a room or area adequately equipped in which to serve individuals in need of first aid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978), LR 9:546 (August 1983), amended by the Department of Economic Development, Racing Commission, LR 16:763 (September 1990), LR 22:804 (September 1996).

§5713. Ambulance

A. Each association shall provide one ambulance during its training and racing hours. During such time, the ambulance shall be ready for duty, properly equipped to provide emergency medical services, including equipment

and personnel, and shall have immediate access to the racing strip.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:546 (August 1983).

§5715. Amount of Purse

A. Associations licensed to conduct meetings shall give as a purse, stakes, or reward, an amount in cash of not less than $1,000 for each race, unless the association has applied for and received special permission from the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:161.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978).

§5716. Program Statistics

A. Each association shall print statistics covering the top ten jockeys, trainers and winners by post position and distance, excluding quarter horse races, in a conspicuous place in its racing program. Such statistics shall be updated on a weekly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 17:262 (March 1991).

§5717. Filming or Videotaping of Races; Preservation

A. All race tracks under the jurisdiction of the commission shall take and make, at the association's expense, a complete film or videotape recording of all races run by said association. The arrangements for film or videotape recordings shall be in a form satisfactory to the commission. They shall be susceptible to development as needed after the end of any race in order to enable the officials to better judge the races and rule on all claims of infractions of the rules, and thereby better protect the interests of the public in racing.

B. Each association shall preserve the film or videotape recordings of each of its races for at least 90 days after the close of each of its race meetings. Upon a timely request of the commission within such period, an association shall furnish the commission with a clear positive print of the film recording and/or a kinescope print of the videotape recording of any race run during its race meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17:258 (March 1991).

§5719. Showing to Jockeys

A. In order to educate and protect the jockeys, the association involved shall show the films and videotape recordings to the jockeys at a designated time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978).

§5721. Hours of Racing

A. Each association shall, according to its license, conduct thoroughbred, quarter horse, or Appaloosa horse racing between the hours of 10 a.m. and 12 midnight. If for any reason the races scheduled for the night cannot be fulfilled by 12 midnight, the stewards will cancel the remaining race or races. Not more than nine races may be run by an association in any one racing day, unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:91 (March 1976), amended LR 2:434 (December 1976), LR 3:30 (January 1977), LR 4:278 (August 1978).

§5723. Lighting

A. The stable area must be properly lighted, so that it will be entirely void of darkness in any section. Lights will be turned on at dusk and they shall remain on until one hour after the last race. Lights shall not be turned on or off while the horses are on the track.

B. The parking area must be properly lighted, so that it will be entirely void of darkness in any section. Lights will be turned on at dusk and they shall remain on until one hour after the last race, or until all cars have departed, whichever may first occur.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978).

§5725. Horsemen's Bookkeeper

A. Each association conducting a race meeting shall provide a separate office to be used by the horsemen's bookkeeper who shall keep a separate bank account to be known as the "horsemen's bookkeeper account."

B. Except for the fee of a jockey (the deposit of which shall be made as provided for in LAC 46:XLI.725), prior to the first race of each race day in which races are run at a licensed race meeting conducted by an association, the horsemen's bookkeeper account shall contain at all times

funds sufficient to cover all monies due horsemen relative to purses (offered by an association on its official program), stakes, rewards, claims and other deposits. The association conducting the race meeting shall be required to make a deposit in the horsemen's bookkeeper account each day racing is conducted by it, and as required herein, in an amount equal to the purses to be distributed by it for the races to be run at its track on each race day. Withdrawals from said account shall be only for the purposes set forth herein and no other, except by written order of the stewards. The horsemen's bookkeeper account shall be subject to audit by the commission at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:434 (December 1976), LR 3:30 (January 1977), LR 4:278 (August 1978), LR 12:11 (January 1986), LR 13:289 (May 1987).

§5727. Access by Commissioners

A. Commission members and its representatives shall have the right to full and complete entry to any and all points of the grounds of any association or its other facilities. All racing associations shall recognize and honor buttons issued by the Association of Racing Commissioners International, Inc., and parking permits issued by the Louisiana State Racing Commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:153.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:763 (September 1990).

§5729. Submission of Conditions of Races

A. Each association conducting racing shall submit to the commission the conditions for all races it proposes to hold, together with the stakes, purse, or reward to be offered, all of which shall be approved by the commission before being published.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:31 (January 1977), LR 4:278 (August 1978).

§5731. Totalizator; Cameras

A. Each association shall maintain a totalizator and totalizator board satisfactory to the commission at each of its race meetings where pari-mutuel wagering is authorized and conducted. Each association shall install and adequately maintain two photofinish cameras at the finish line at its track. A photograph of the finish of each race, when called for by the stewards and evidenced by the "photo" sign on each of the track's totalizator boards, shall be promptly posted by the association for public viewing in at least one public conspicuous place in each area of the grandstand and clubhouse areas of its track where pari-mutuel wagering is conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:31 (January 1977), LR 4:278 (August 1978), amended by Department of Economic Development, Racing Commission, LR 17:262 (March 1991).

§5733. Betting Other Than through Pari-Mutuel Machines

A. Betting within the confines of a race track other than through pari-mutuel machines is strictly prohibited. Any person making a handbook, or betting with a handbook, shall be ejected from the grounds and denied any further admission. If any person solicits bets to be made on horses, he shall be ejected from the grounds and denied further admission. No gaming device, other than that permitted by law, shall be allowed on the grounds. Cards, dice and petty games of chance are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:31 (January 1977), LR 4:278 (August 1978).

§5735. Distribution of Purses

A. All portions of purse money shall be available to the winners thereof upon order of the stewards, following their winning. No percentage of winnings shall be deducted by any association or horsemen's bookkeeper for itself or for another person, club or body, unless at the request of the person to whom such winnings are payable, except that an association or horsemen's bookkeeper may withhold from winnings any money due it. This section shall not apply to races written exclusively for accredited Louisiana-bred thoroughbreds, quarter horses and Appaloosa horses which shall be governed as provided by statutes regulating purses for such races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:165.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:278 (August 1978).

§5736. Purses from Video Poker

A. In accordance with, and as defined by, R.S. 33:4862.23, monies in the Video Draw Poker Purse Supplement Fund shall be annually appropriated to the commission, and shall be allocated by the commission as follows.

1. Two-thirds of the total funds to all thoroughbred racing associations, proportionately distributed to each association based on the number of prior calendar year thoroughbred race days per track to the total number of prior

calendar year thoroughbred race days. Such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association, and only on Louisiana-bred thoroughbred races with purses not exceeding $15,000.

2. One-third of the total funds to the Louisiana Quarter Horse Breeders Association to be used solely to supplement Louisiana-bred quarter horse purses.

B. The commission shall distribute the above thoroughbred funds based upon issuance of each condition book from each racing association. Quarter horse funds shall be distributed periodically based on requests from the Louisiana Quarter Horse Breeders Association for scheduled race days during active race meetings.

C. Each receiving association shall maintain funds in a separate interest-bearing bank account approved by the commission, with appropriate transfers made to the horsemen's bookkeeper for purse distribution. The purse fund account so designated shall be a separate account from all other sources of purse funds, and the source of funds shall be indicated as such on racing association daily racing programs (Louisiana Thoroughbred Breeders Association or Louisiana Quarter Horse Breeders Association).

D. Unused funds at the end of a race meeting shall be retained in such bank account, for use during the next race meeting, and shall be subject to the same restrictions as specified herein.

E. Adequate records, to the satisfaction of the commission, shall be maintained, and fund usage and records will be audited by the commission, with reports issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 33:4862.23.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 22:13 (January 1996).

§5737. Net Slot Machine Proceeds

A. The commission, pursuant to R.S. 27:354, finds that it is in the best interests of licensed associations, breeders associations, horsemen, and the state that the annual payments provided for in R.S. 27:361 be paid in monthly installments.

B. The definitions set forth in R.S. 27:353 are incorporated herein by reference.

C. Not later than the date on which an association installs slot machines at its facility, it shall open three separate checking accounts as provided for herein. One account shall be a control bank account into which not less than 18 percent of the net slot machine proceeds for the activity month shall be deposited in sufficient time to be distributed or disbursed not later than the 20th day of the following month as required by these rules. The association shall also open two distinct interest bearing accounts, one for thoroughbred purse proceeds and one for quarter horse purse proceeds, into which the association shall make its deposits for purse supplements totaling 15 percent of net slot machine proceeds and from which funds, including interest earned, such purse supplements shall be made available as provided by law and these rules.

D. While an association is conducting live racing, the monies due to be paid pursuant to R.S. 27:361.B.(4)(a) shall be made available monthly for use as purses prior to the 20th day of the month following the month in which they are earned, during the current race meeting.

E. While an association is not conducting live racing, the monies due to be paid pursuant to R.S. 27:361.B.(4)(a) shall be deposited in the appropriate breed account either:

1. for accrual until the first day of the next live race meeting conducted by that association for that breed, at which time such accumulated monies, including interest, shall be used to supplement appropriate purses during that race meeting; or

2. with prior written agreement of the Louisiana HBPA for reimbursement to the association for actual funds advanced to supplement purses at a preceding race meeting in anticipation of the revenue to be earned from slot machines. However, an association shall not be reimbursed except from proceeds earned during the same annual period during which it advanced the purse supplements.

F. The monies due to be paid by an association pursuant to R.S. 27:361.B.(4)(b) and (c) shall be remitted monthly to the appropriate breeders association and the monies due to be paid by an association pursuant to R.S. 27:361.B.(4)(a)(i) and (ii) shall be remitted monthly to the HBPA, prior to the 20th day of the month following the month in which they are earned.

G. Each racing association conducting slot machine gaming shall file with the commission a complete report, on a form acceptable to the commission, not later than the 20th day of each month, setting forth the amounts deposited and payments made from the net slot machine proceeds earned the preceding month, as well as payments for purses and payments to breeders associations and to the HBPA. Copies of those bank accounts required to be maintained by Subsection C of this rule shall be submitted to the commission along with the monthly report.

H. Each racing association, after conducting slot machine gaming for 12 months, shall file an annual report with the commission, on forms acceptable to the commission, not later than the 20th day of the following month, and on that date each following year, which report shall certify under oath by a responsible officer the association's compliance with all requirements under R.S. 27:361.B.(4) and under this rule. Each such 12-month period shall constitute an annual period for the purposes of this rule.

I. All records and reports pertaining to slot machines, including checking accounts, maintained by an association shall be subject to inspection, reporting procedures and audits by the commission. All records and reports on revenues and expenses from slot machines shall be included

as part of the association's annual CPA opinion audit submitted to the commission.

J. Before receiving any payments provided by R.S. 27:361.B.(4)(b) or (c), the respective Executive Committee of the Louisiana Thoroughbred Breeders Association and Executive Committee of the Louisiana Quarter Horse Breeders Association shall file with the commission the schedule or formula and within a time period which it has established for the distribution of such funds. Any amendments or modifications to such distribution schedule or formula shall be filed with the commission within 30 days of its adoption by the Executive Committee. A true and complete copy of each such filing with the commission shall be delivered to each racing association and the filing shall so certify delivery. Each Executive Committee shall also file a monthly report with the commission of revenue received, payments made, and the bank balance on hand along with a copy of the bank statement.

K. After the expiration of one year from the filing of its first distribution schedule or formula with the commission but within 20 days thereafter, and on that date each following year, the respective Executive Committee of the Louisiana Thoroughbred Breeders Association and Executive Committee of the Louisiana Quarter Horse Breeders Association shall file with the commission a report which shall certify under oath by a responsible officer the association's compliance with its applicable distribution schedule or formula and within a time period which it has established for the distribution of such funds.

L. An association shall publicly disclose its schedule for the distribution of funds for purse supplements to be made pursuant to R.S. 27:361.B.(4)(a). Excluding those funds statutorily dedicated to races restricted to accredited Louisiana breds, the remaining funds shall be distributed proportionately according to the conditions of the races in which the remaining funds are used to insure parity among restricted and non-restricted races.

M. Whenever it appears to the executive director of the commission that a violation may have occurred, he shall furnish the apparent violator with a warning letter, sent by ordinary mail and by fax, affording the party 15 days from the date of the transmission of the letter to correct the violation.

N. If the apparent violation has not been timely corrected, the executive director, or his designee, shall within 10 days give written notice, by certified mail, to the party that its responsible officers are to appear before him for an informal conference to determine whether a violation has occurred and, if so, whether the violation can be corrected in the absence of imposing a fine or indefinitely suspending the license of the party, or refusing to allow the party to receive payments under this rule. Such informal hearing shall be conducted in accordance with the Administrative Procedure Act applicable to such hearing.

O. If the executive director, or his designee, determines after affording the party an opportunity for an informal conference that a violation has occurred and that a fine, license suspension, or other appropriate action should be taken, he shall file a *rule to show cause* with the commission for the notified party and its responsible officers to appear before the commission and show cause why disciplinary action or sanctions should not be imposed. The *rule to show cause* shall be forwarded by certified mail and by fax to the party. The cited party shall have 10 days from transmission, excluding holidays and weekends, to file with the commission a written response, under oath, and to submit a list of the names and addresses of all witnesses it desires to be subpoenaed for the hearing, including those to produce documents and other things. The failure to timely file a verified response may, in the commission's discretion, result in the cited party being refused to participate in the hearing on the *rule to show cause.*

P. At the conclusion of the hearing, the commission shall take action appropriate to the violation if it finds that one has occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:353, R.S. 27:354 and R.S. 27:361.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 29:36 (January 2003).

§5738. Commission Office

A. Each association shall provide and furnish an adequate office for the use of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:278 (August 1978), repromulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 29:38 (January 2003).

§5739. Telephones and Telegraphs Permitted

A. Associations may allow telephones on their respective grounds for the transaction of ordinary association business. Associations may also allow telegraph wires on their respective grounds during their race meeting for the benefit of the public press, but no information regarding the result of any race shall be transmitted out of the race track until the results are official, nor shall any message transmitting money, or other things of value, or directing the placing of any wager on the result of a race be sent over the wires. Nor shall any message be sent in cipher code or any form other than in plain and intelligible English, under penalty of forfeiture of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:171.1, R.S. 4:171.2 and R.S. 4:171.3.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:435 (December 1976), amended LR 3:31 (January 1977), LR 4:278 (August 1978).

§5741. Stable Telephone

A. No telephone shall be installed in the stable area except upon the request of the association conducting the

meeting and the written approval of the chairman of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:435 (December 1976), amended LR 3:31 (January 1977), LR 4:278 (August 1978), LR 13:495 (September 1987), amended by the Department of Economic Development, Racing Commission, LR 17:878 (September 1991).

§5743. Concessionaires and Caterers

A. Each association shall submit in writing to the commission for approval, with their application for dates, the names of persons or corporations who will operate the concessionaires and/or caterers within the confines of the track for the duration of the race meeting. Concessionaires are hereby defined as parties engaged in the sale of liquor, soft drinks, ice cream, sandwiches, cigars, cigarettes, etc. Caterers shall be defined as parties engaged in the operation of dining rooms for sale of food, etc. The rules, regulations and conditions herein shall apply for the purpose of the sale of foods, beverages (both alcoholic and nonalcoholic), tobacco and other related items, each and every day that a race is conducted from the dates upon which a license has been granted by the commission for racing privileges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:435 (December 1976), amended LR 3:31 (January 1977), LR 4:278 (August 1978).

§5745. Providing Concession Services

A. The operation shall be conducted so that all persons who patronize the respective tracks shall be satisfactorily served. Food, beverages (both alcoholic and nonalcoholic), tobacco and other generally related items may be available for sale to the patrons of the various tracks on each day that racing is conducted under the license, permit or privilege granted by the commission. Concessionaires vending any liquid refreshments shall not permit the surrender of glass containers to customers except in appropriate areas as designated by the association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission LR 2:92 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:278 (August 1978), LR 11:6 (January 1985).

§5747. Cleanliness and Inspection

A. The premises shall be kept in a clean condition, in good repair, well lighted and ventilated. The quality, quantity and price of all items of food, liquor, beer and other items sold shall be subject to the commission's inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:279 (August 1978).

§5749. Taxes

A. All taxes, including sales tax, shall be promptly paid in accordance with the request of the Department of Revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:279 (August 1978).

§5751. Commission Inspection of Facilities

A. All facilities, including but not limited to those areas in which the food is prepared, shall be open for inspection by the commissioners or any person designated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:279 (August 1978).

§5753. Filing of Contracts

A. Upon demand of the commission, the association or permittee shall file copies of all contracts, including all instruments evidencing any indebtedness, between the association and the permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:153.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:279 (August 1978).

§5755. Employment Preferences

A. The permittee and/or an association who conducts the sale of food, beverages (alcoholic and nonalcoholic), tobacco and other generally related items shall give preference to persons domiciled in Louisiana in the hiring of employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147, R.S. 4:148 and R.S. 4:174.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:279 (August 1978).

§5757. Sanitation

A. All establishments dispensing food or drink shall provide on the premises adequate and conveniently located toilet facilities for its employees. Toilet rooms shall be kept in a clean condition, in good repair and well lighted and ventilated. The water supply shall be easily accessible to all rooms in which food or drink is prepared or utensils are washed and shall be adequate and of a safe, sanitary quality. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles in such a manner as

not to become a nuisance. All food, drink and beverages shall be wholesome and free from spoilage. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. The premises of all public eating and/or drinking places shall be kept clean and free of litter or rubbish. All vending machines shall be constructed, installed, maintained and operated in an approved manner. All glasses, cups, spoons and other utensils which come in contact with the mouth or lips must be properly cleaned and sanitized after each use. Single service utensils must be used only once. All soft drink beverages whether carbonated or uncarbonated, and alcoholic beverages, shall be dispensed in, or from, the original container as filled and sealed at the bottling plant, or from closed dispensers or containers fitted with a suitable faucet or spigot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:93 (March 1976), amended LR 2:435 (December 1976), LR 3:31 (January 1977), LR 4:279 (August 1978).

§5759. Health Rules

A. The rules and regulations as prepared and promulgated by the Louisiana State Board of Health shall be adhered to.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:93 (March 1976), amended LR 2:436 (December 1976), LR 3:32 (January 1977), LR 4:279 (August 1978).

§5761. Test Sample Barn

A. Racing associations shall provide a special barn, approved by the commission, for the taking of all blood, urine and saliva tests. Horses shall be required to remain in the barn until all tests are taken. Personnel and facilities for the securing of saliva or urine or other samples and for the chemical analysis of such samples shall be prescribed by the commission and shall be required at all meetings. Samples shall be taken from such horses as may be ordered by the commission, stewards or the state steward.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§5763. Distance Poles

A. Distance poles of all racing associations shall be of standard color designations, which are: one-quarter poles, red and white; one-eighth poles, green and white; one-sixteenth poles, black and white.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§5765. Employment on Track Grounds

A. Any individual deriving economic benefits from employment on the grounds of a racing association or at an off-track wagering facility, except members of the working press, shall be licensed by the commission whether he or she is in the employ of an association or individual. Economic benefit includes, but is not limited to, fixed salary, hourly wage or income from gratuities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 14:700 (October 1988).

§5767. Disclosure

A. Any association conducting a race meeting shall disclose in writing any and all activity it has reason to believe may be criminal under the laws of this state or the United States and violations of the *Rules of Racing* to the Louisiana State Racing Commission. Failure to do so may subject the association to a fine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 14:701 (October 1988).

§5769. Security Check

A. Any association conducting a race meeting shall have an annual physical security check performed by the Louisiana State Police Racing Investigations Unit or an independent agency authorized and approved by the commission. The Louisiana State Police Racing Investigations Unit or the independent agency shall issue a written report on its security check to the commission within ten days of the conclusion of the physical security check. The association then has 90 days in which to correct any deficiencies found, or to appeal the findings of the report to the commission within 10 days of receipt of the report. Failure to correct these deficiencies within the allotted time may subject the association to a fine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 14:701 (October 1988).

Title 35
HORSE RACING
Part V. Racing Procedures

Chapter 63. Entries

§6301. Procedure

A. Entries and declarations shall be made in writing and signed by the owner or trainer of the horse, or his authorized agent or his subagent. Jockey agents may make entries for owners or trainers after presenting the stewards with written permission from the owners or trainers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§6303. Entrance Fee

A. The entrance to a race shall be free, unless otherwise stipulated in its conditions. If the conditions require an entrance fee, it must accompany the entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§6305. Identity of Horse

A. In entering a horse, it must be clearly identified by stating its age, name, color, sex and the names of its sire and dam. Horses must be tattooed before being eligible to start. If its dam was covered by more than one stallion, the names of all of them must be given in order of service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§6307. Refusal of Entry

A. The entries of any person, or the transfer of any entry, may be refused for good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§6309. Limitation of Entries

A. On race courses and tracks less than a mile, in purse races and overnight handicaps with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the association on the day of the race, which will be determined by lot when necessary, however, in races constituting the daily double and exactas, owners may declare out to 10 interests. Declarations below eight interests may only be made by permission from the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§6311. Registration of Horse

A. No horse shall be allowed to enter or start in any race conducted by any licensee unless the horse is a quarter horse, thoroughbred, Appaloosa or Arabian. Registration of a thoroughbred horse by the Jockey Club of New York, a quarter horse by the American Quarter Horse Association, an Appaloosa horse by the Appaloosa Horse Club, Inc., or an Arabian horse by the Arabian Horse Registry of America, Inc., shall be prima facie evidence that such horse is a thoroughbred, quarter horse, Appaloosa or Arabian. However, such registry shall not be conclusive evidence, nor binding on the commission.

B. At the time of entry such certificate of registration and Coggins test certificate must be on file in the office of the racing secretary, except when such certificates are on file at another track which is then operating. The foal certificate must be on file with the racing secretary before a horse starts. The stewards may, at their discretion, waive this rule in the case of horses shipped in to start in stakes races in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:91 (March 1976), amended LR 2:436 (December 1976), LR 3:32 (January 1977), LR 4:279 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 15:7 (January 1989), LR 17:258 (March 1991).

§6313. Change of Name

A. If a horse's name is changed, its new name shall be registered with the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc., and its old, as well as its new name, must be given in every entry list until it has run three races, and both names must be printed on official programs for those three races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:91 (March 1976), amended LR 2:436 (December 1976), LR 3:33 (January 1977), LR 4:279 (August 1978).

§6315. Necessity of Trainer

A. No horse shall be permitted to enter or to start unless it is in the care of, and is saddled by, a licensed trainer and has been fully identified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:33 (January 1977), LR 4:279 (August 1978).

§6317. Change of Identity in Violation of Rules

A. No person shall change, or attempt to change, the identity of ownership of a horse in a manner which would violate these rules or the laws of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:33 (January 1977), LR 4:279 (August 1978).

§6319. Publication of Past Performances

A. No horse shall be permitted to enter or start unless approved by the association. Further, the stewards shall require that published past performances, in races or workouts, be sufficient to enable the public to make a reasonable assessment of its racing capabilities. No horse shall be entered to race that has not had a published workout or a race within 60 days of the date of the entered race. Horses without sufficient workouts must be scratched by the stewards before any wagering begins on that day's race program. Late workouts shall be posted for public view in at least one conspicuous place in the public enclosure, and announced to the public via public address system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:33 (January 1977), LR 4:279 (August 1978), amended by the Department of Economic Development, Racing Commission LR 17:262 (March 1991), LR 18:367 (April 1992).

§6321. Registration with Racing Secretary

A. No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary. The registration certificate must be deposited in the office of the racing secretary within 48 hours after the date of arrival.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:279 (August 1978).

§6323. Identify Horse to Starter

A. Whoever is in charge of a horse taken to the gate for schooling or work must identify it to the starter or one of his assistants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:279 (August 1978).

§6325. Filing of Ownership with Secretary

A. All ownership in a horse, except a trainer's percentage of its winnings, shall be filed with the racing secretary before the horse shall start. Every change in ownership thereafter during the meeting shall also be filed with the racing secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6327. Filing of Mortgage, Bill of Sale or Lien

A. The holder of a mortgage, bill of sale or lien of any kind against a horse, shall be required to file the same with the racing secretary prior to the time the horse is entered. Failure to do so shall forfeit his rights in the winnings of the horse prior to the time his claim is properly filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6329. Two Races on a Day

A. No horse may be entered in two races in a single day of racing unless one is a stakes race. Preference of running in a stakes race or purse race must be declared at scratch time.

B. Any horse entered to race at more than one association on the same day in which one is not a stakes race shall be scratched from all races in which it was entered and the trainer shall be subject to a fine by the stewards serving at each association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978), LR 13:289 (May 1987), amended by the Department of Economic Development, Racing Commission LR 18:368 (April 1992).

§6331. Eligibility

A. A horse must be eligible to run at the time of starting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6333. Invalid Entries

A. If any entry from any disqualified person, or of a disqualified horse is received, such entry shall be void. No entry shall be accepted from husband or wife while either is disqualified. No horse on a steward's, veterinarian's or schooling list shall be qualified to be entered or to start.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6335. Owner's Entry of More Than One Horse

A. Not more than two horses of the same ownership or interest shall be entered in any purse race or overnight event and both may start, or one or both may be declared at the option of the owner, but in conformity with the rules governing declarations. When making a double or joint entry, the owner or trainer must express a preference, and in no case may the two horses of an entry start to the exclusion of a single entry. In divided races, the starters in the separate divisions shall be determined by lot. In all races, joint entries may be made by any one or more of the owners. If a race is to be divided, an additional conditional entry may be accepted from any interest. Each interest may have a joint entry. All divided races will be considered separate races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6336. Preference for Eliminated Horses

A. Should two horses which are owned separately, but trained by the same trainer, be entered in any race, causing an excess of the number of horses which may, because of track limitation, be permitted to start, the horses to start shall be determined and selected by lot from all of the horses entered. Those entries which are eliminated shall receive a preference as provided in these rules.

B. A double entry shall be superseded by a single entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987), amended by the Department of Economic Development, Racing Commission, LR 14:702 (October 1988).

§6337. Unfilled Races

A. If any race fails to fill and is declared off, the names of all the horses that were entered therein shall be publicly posted in the office of the racing secretary not later than 1 p.m. of the same day, except all purse or handicap races having six or more separate interests at scratch time must be carded and run, with the exception of such races for 2-year-olds between January 1 and June 30, both dates inclusive. The commission steward shall be furnished with a copy of entries in races that fail to fill. In the event a carded or programmed race shall be called off, the association may split any race that may have been previously closed and cause a new drawing for post positions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6339. Withdrawal of Nomination in Sweepstakes

A. A nomination in a sweepstakes is a subscription and cannot be withdrawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6341. Refund of Money

A. Entrance money is not refunded on the death of a horse, or his failure to start.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6343. Time of Entry

A. Nominations shall be closed at the advertised time, and no nomination accepted thereafter. The racing secretary, however, may postpone closing of overnight races. When an hour for closing is designated, nominations for sweepstakes cannot be received afterwards, but if an hour is not designated, they may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race. If a miscarriage of any nomination in a stakes race is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time, or it shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6345. Compilation and Posting

A. When the nominations have closed, they shall be compiled without delay by the racing secretary and conspicuously posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6347. Excessive Entry of Horses

A. In the event the number of entries to any purse race is in excess of the number of horses permitted to start in such race, the starters for the race shall be determined by lot in the presence of those making the entries and the post positions shall be in the order in which they are drawn. The same methods shall be employed in determining the starters and post positions in split races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6349. Drawing of Overflow Entries

A. A list of names not to exceed six may be drawn from the overflow entries and listed as eligible to start if originally carded horses are withdrawn. After a regularly carded horse, or horses, has been excused from a race, a new drawing shall be taken from the remaining horses on the also-eligible list and their order of eligibility and post positions shall be determined by the sequence in which they are drawn. The owner or trainer of any horse so eligible, if he does not intend to start, shall notify the racing secretary not later than scratch time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:33 (January 1977), LR 4:280 (August 1978).

§6351. Limitations on Number of Entries

A. The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and extensions thereof. The maximum number of starters shall further be limited by the number of horses which, in the opinion of the stewards, considering the safety of the horses and riders, can be afforded a fair and equal start. An owner of a horse in a stakes race when denied the opportunity of starting because the number of entries exceeds the capacity of the stall gate starting machine and extensions thereof, and when the stewards limit the maximum number of starters, will be entitled to a refund of nomination and/or entry box fee. In handicap stakes and allowance stakes preference will be given to high weights according to the conditions of the particular race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978), LR 9:209 (April 1983).

§6353. Entry after Excused

A. The entry of any horse which has been excused by the stewards from starting due to physical disability or sickness shall not be accepted until the expiration of three calendar days after the day the horse was excused.

B. The state veterinarian shall maintain a veterinarian's list of those horses determined to be unfit to compete in a race due to physical distress, unsoundness or infirmity. When a horse is placed on the veterinarian's list, the trainer of such horse shall be notified within 72 hours. A horse placed on the veterinarian's list shall be removed from the list only after having demonstrated to the satisfaction of the state veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race. A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample may be taken from the horse and the provisions of this rule may apply to such official workout in the same manner as to a scheduled race, except that the results of such blood and/or urine test shall not be used for any purpose other than to determine the fitness of the horse to race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978), LR 11:615 (June 1985), amended by the Department of Economic Development, Racing Commission, LR 14:702 (October 1988), LR 22:13 (January 1996).

§6355. Changing of Entry

A. No alteration shall be made in any entry after closing of entries but an error may be corrected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6356. Apprentice Engaged before Claiming Allowance

A. Trainers must have an apprentice jockey engaged before claiming the apprentice allowance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:340 (June 1987).

§6357. Furnish Jockey's Name

A. Any authorized person entering a horse in any given race shall, at the time of making such an entry, name the jockey for said horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:437 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978), LR 13:432 (August 1987).

§6358. Jockeys' Names on Next Race Day Program

A. The names of all jockeys who are to ride on the next race day's program shall have alongside their names on the overnight:

1. indicating first call; and

2. indicating second call.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:432 (August 1987).

§6359. Shoes

A. A horse starting in a race, shall not be shod with ordinary or training shoes. Bar plates may be used only with the consent of the stewards, and permission to discontinue their use must be obtained from the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6360. Rider Named on Two Horses

A. A rider may be named on two horses in a race provided one is on the also-eligible list. A coupled entry shall be considered one horse for the purpose of this Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:432 (August 1987), amended by the Department of Economic Development, Racing Commission, LR 17:170 (February 1991).

§6361. Trainer Entry of More Than One Owners' Horses

A. In added money events where a trainer enters two or more horses, each having bona fide separate owners, the horses may be allowed to run as separate betting units at the discretion of the stewards. However, in all other races only two horse entries may be split.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978), repealed LR 6:543 (September 1980), repromulgated LR 6:721 (December 1980), LR 13:340 (June 1987).

§6363. Payments of Stakes and Futurities

A. Conditions and payments for stakes and futurities scheduled by an association will be handled by the association unless authority is delegated to an organization approved by the commission. However, in no case shall such authority be delegated to a person or organization residing or domiciled outside the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6365. Determination of Post Position

A. Post position shall be determined publicly by lot in the presence of the racing secretary or his deputy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

Chapter 65. Preferred List

§6501. Definition

A. The racing secretary shall keep a list of all horses excluded from races because of too many entries, and they are to have preference in any race in which they may afterwards be entered in accordance with the regulations, as adopted by the racing secretary for the meeting. This shall be known as the preferred list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6503. Division of List

A. Division of the preferred list with regard to claiming price and/or to distance shall be made at the discretion of the racing secretary, but whichever system is adopted shall be maintained for the entire meeting, unless a change is approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6505. Order of Preference

A. If a horse has been excluded twice consecutively, it shall have preference over a horse excluded only once, and so on. No horse shall be placed on the preferred list if the owner thereof did not accept, when presented, the opportunity of starting. Horses whose names appear in the entries and have an opportunity to start will be given no preference whatsoever should they be entered for the following day and the race overfills.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6507. Posting of List

A. A copy of the preferred list must be posted at the close of entries and any claim of error must be made by 10 a.m. of the following racing day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6509. Claim of Preference

A. In entering horses on the preferred list, a claim of preference must be made at time of entry and noted on the entry, or the preference shall be lost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6511. Run in Trial

A. No horse running in a trial will lose any preference for subsequent races, nor will such race be considered a stakes race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

Chapter 67. Declarations and Scratches

§6701. Proper Procedure

A. No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent has given due notice in writing to the racing secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6703. Procedure for Stakes Races

A. For stakes races, if a horse is not named through the entry box at the usual time of closing, or as established in the conditions of the race as approved, the horse is automatically out.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6705. Action Irrevocable

A. The declaration or scratch of a horse out of an engagement is irrevocable. Horses may be declared from stakes races until 45 minutes before post time for that race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:280 (August 1978).

§6707. Number Permissible per Race

A. In purse races and overnight handicaps with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by the regulations of the association on the day of the race, such right to be determined by lot when necessary.

B. However, in races constituting the daily double, exacta or other such exotic wagering, owners may declare out to 10 interests. Declarations below stipulated interests may only be made by permission from the stewards. Any race carded for exacta or exotic wagering must have at least eight betting interests, otherwise the stewards at their discretion may disallow exactas or exotic wagering for that particular race. The also-eligibles shall have the preference to scratch over regularly carded horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:28 (January 1977), LR 4:280 (August 1978).

Chapter 69. Postponement and Cancellation of Races

§6901. Procedures

A. If a stakes race is declared off, all subscriptions and fees paid in connection with that race shall be refunded. No race which has closed shall be declared off except by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

Chapter 71. Dead Heats

§7101. Division of Money

A. When a race results in a dead heat, the dead heat shall not be run off. Owners shall divide first and second money.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§7103. Division of Prizes; Dead Heat for Second and Third

A. When two horses run a dead heat for first place, all prizes to which first and second horses should have been entitled shall be divided equally between them. This applies in dividing prizes, whatever the number of horses running a dead heat. Each horse shall be deemed a winner and liable to penalty for the amount he shall receive. Likewise, when two horses run a dead heat for second place, they shall divide the second and third money.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§7105. Dead Heat Second Horses Winners When Objection Sustained

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§7107. Division of Prizes among Owners

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

Chapter 73. Walking Over

§7301. Procedure for Weighing Out and Ride to Post

A. If only one horse shall have weighed out, that horse shall be ridden past the judges' stand and go to the post, and shall then be deemed the winner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§7303. Horse Must Walk Over

A. In a sweepstakes, even if all the horses but one have declared forfeit, that horse must walkover, except by the written consent of all persons who pay forfeit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§7305. One-Half the Money Given

A. In case of a walkover, one-half of the money offered to the winner is given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§7307. Arrangements by Owners

A. When a walkover is the result of arrangements by owners of horses engaged, no portion of the added money nor any other prize need be given.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§7309. Money or Prizes for Other Than the Winner

A. Any money or prize which, by the conditions of the race, is to go to the horse placed second, or in any lower place in the race, shall, if the winner has walked over, be dealt with as follows:

1. if part of the stakes, it shall go to the winner;

2. if a separate donation from the association or any other source, it shall not be given at all;

3. if entrance money for the race, it shall go to the association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:422 (December 1976), LR 3:38 (January 1977), LR 4:283 (August 1978).

Chapter 75. Winnings

§7501. Definition

A. Winnings shall include all first place money earned up to the time appointed for the start, and shall apply to all races in any country, and shall include money won by walking over or by virtue of forfeit, but not any other money, or the value of any prize not of money or not paid in money.

Winnings during the year shall be reckoned from and include January 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§7503. Winner of a Certain Sum

A. Winner of a certain sum shall mean winner of a single race of that value, unless otherwise expressed in the conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§7505. Stakes Race

A. The winnings of a horse in a stakes race shall be computed on the value of the gross earnings. In estimating the net value of a race to the winner, all sums contributed by its owner or nominator shall be included in the amount it won.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§7507. Extra Money

A. In estimating the value of a series of races in which an extra sum of money is won by winning two or more of the series, the extra money shall be estimated in the last race by which it was finally won.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§7509. Purse Payments Pending Licensure

A. No share or shares of any purse shall be paid to the owner of any horse finishing in a race until said owner has been licensed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:169.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 14:702 (October 1988).

Chapter 77. Paddock to Post

§7701. Permission to Exercise between Races

A. Permission must be obtained from the stewards to exercise a horse between races unless the horse is being warmed up on the way for a race. The official program number of a horse warming up must be displayed by his rider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7703. Attendance in Paddock; Saddling

A. Horses must be in the paddock at least 15 minutes before post time. Every horse must be saddled in the paddock.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7704. Paddock Inspection

A. Should the carry-over pool for the super six exceed $150,000, the following additional steps are to be taken in each of the six races comprising the super six.

1. The state veterinarian shall make a close inspection in the paddock as to the physical condition of every horse entered in any of the races comprising the super six. He shall sign-off as to his observations and the soundness of each horse. This report shall be submitted to the commission at the conclusion of the racing program. Any horse found unsound shall be scratched immediately.

2. The state steward shall be in the paddock from the time the horses enter the paddock until the last horse has reached the racing surface and shall likewise sign-off as to his observations of each horse.

3. The starting gate veterinarian, after close inspection, shall likewise sign-off as to the soundness of each horse when loading in the starting gate.

4. Three horses from each of the six races comprising the super six shall be sent to the test barn for testing. The winner, the second-place horse and a third horse selected by the stewards shall be tested.

B. Should the carry-over pool for the twin trifecta exceed $50,000, the following additional steps are to be taken for the two races comprising the twin trifecta.

1. The state veterinarian shall make a close inspection in the paddock as to the physical condition of every horse entered in the two races comprising the twin trifecta. He shall sign-off as to his observations and the soundness of each horse. This report shall be submitted to the commission at the conclusion of the racing program. Any horse found unsound shall be scratched immediately.

2. The state steward shall be in the paddock from the time the horses enter the paddock until the last horse has reached the racing surface and shall likewise sign-off as to his observations of each horse.

3. The starting gate veterinarian, after close inspection, shall likewise sign-off as to the soundness of each horse when loading in the starting gate.

4. The first three finishers, or in the case of a dead-heat for third, the first four finishers, in each of the two races comprising the twin trifecta shall be sent to the test barn for testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:261 (March 1991).

§7705. Parade

A. All horses shall parade, carrying their weight and wearing their equipment, from the paddock to the starting post. They must pass the stewards' stand in numerical order. Any horse failing to do so may be disqualified by the stewards. No lead pony leading a horse in the parade shall obstruct the public's view of the horse it is leading, except with permission of the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7707. Dismount in an Emergency

A. In case of emergency the stewards or the starter may permit all jockeys to dismount and all horses to be attended during a delay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7709. Procedure if Jockey is Thrown

A. If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, return to the point where the jockey was thrown and then proceed over the route of the parade to the post.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

Chapter 79. Post to Finish

§7901. Right to the Track; Swerve

A. A leading horse is entitled to any part of the track, but if any horse swerves, or is ridden to either side, so as to interfere with or impede any other horse, it is a foul. The offending horse may be disqualified, if in the opinion of the stewards the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding. If the stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7903. Striking Another; Appearance of Foul

A. No jockey shall willfully strike or touch another jockey or another jockey's horse or equipment. No jockey shall unnecessarily cause his horse to shorten its stride so as to give the appearance of having suffered a foul. All horses shall be ridden out in every race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7905. Cognizance of Foul; Who May Complain

A. The stewards shall take cognizance of foul riding whether or not a formal complaint is made, but no complaint shall be considered which comes from any person other than the jockey, trainer or owner of the horse interfered with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7907. Coupled Horses Disqualified for a Foul

A. If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7909. Frivolous Claim

A. No owner, trainer or jockey shall make a frivolous claim of foul.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§7911. Track Record of Disqualified Horse

A. If a horse winning a race equals or betters a track record and is disqualified, its time will be recognized as a track record unless the horse was disqualified for being stimulated. This track record shall be noted with an asterisk

which will reveal that the horse was disqualified when it established the record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

Chapter 81. Objections

§8101. Procedure for Filing Objection

A. All objections, except claims of interference during a race, must be made to the stewards in writing and signed by the objector, and must be filed not later than one hour before post time. The stewards, however, may scratch an ineligible horse or reassign any prize a horse may have won, at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:281 (August 1978).

§8103. Withdrawing Objections

A. Permission of the stewards is necessary before an objection can be withdrawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:281 (August 1978).

§8105. Payment of Costs

A. Any person or persons lodging an objection must pay all the costs and expenses incurred in determining the objection in such proportions as the stewards decide, unless relieved from such expense by the commission.

B. The stewards may require a cash deposit of $50 before considering an objection, which may be forfeited if the objection should prove to be unreasonable or unnecessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:34 (January 1977), LR 4:281 (August 1978).

§8107. Who May Make an Objection

A. Objections to a horse engaged in a race may be made by the owner, trainer or jockey of some other horse engaged in the same race, or by the officials of the meeting. Proof of the qualifications of any horse against which a protest has been lodged may be demanded by the stewards, and in default of such proof being given, they may declare the horse disqualified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§8109. When to Object

A. Objections to a horse based on what occurred in a race must be made before the numbers of the horses placed in the race have been officially confirmed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:438 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§8111. Unnecessary Complaints

A. Owners and trainers who make unnecessary complaints may be fined, suspended or ruled off.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§8113. Entitlement to Prize Money

A. If by reason or sustained objection, ineligibility or insufficient weight, a race or place is erroneously awarded to another horse, the owner so wronged is entitled to the prize or money of which he was deprived, and in case of default, the stewards shall disqualify an owner who retains the prize money.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§8115. Withholding Prize Pending Determination

A. Pending a decision based on an objection, any prize which the horse against which the objection is lodged may have won, or may win, in the race, or any money held by the association as the price of a horse claimed in a race, if involved in the determination of the case, shall be withheld until the objection is determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:439 (December 1976), LR 3:35 (January 1977), LR 4:281 (August 1978).

§8117. Time Limitation in Fraud or Willful Deception

A. In all cases of fraud, or willful deception, the time limitations shall not apply, provided the stewards are satisfied that the allegations are bona fide and are susceptible of verification. Also, the stewards may, on their own

initiative, call for proof that a horse neither is disqualified in any respect, nor nominated by, nor the property wholly or in part, of a disqualified person, and in default of such proof, they may declare the horse disqualified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§8119. Timing of Objections Based on the Course

A. Any objection to a horse, on the grounds of not having run the proper course, or of the race having been run on the wrong course, or of any other matter occurring in the race, must be made before the place of the horse in the race is confirmed officially.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:172.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

Chapter 83. Appeals to the Commission

§8301. Suspensive Appeal; Timing

A. Any person penalized or disciplined by the stewards may apply to the commission for a suspensive appeal staying the effects of the stewards' action pending disposition of such appeal by the commission. All appeals must be filed in writing at the office of the commission within five days of the date of the penalty or imposition of the discipline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, R.S. 4:148 and R.S. 4:197.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:286 (August 1978).

§8303. Petition for a Declaratory Order

A. Any license or legal entity granted privileges by the commission may file with the commission a petition for a declaratory order or ruling as to the applicability of any statutory provision, or any rule, or order of the commission or its employees. Such petition shall be in writing and signed under oath by the petitioner. The petition shall contain sufficient information to enable the commission to act thereupon and the commission may request additional information and facts. The commission shall issue its order or ruling as expeditiously as possible after deliberate consideration of the issues involved and the interests affected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, R.S. 4:148 and R.S. 4:197.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission LR 2:448 (December 1976), amended LR 3:44 (January 1977), LR 4:286 (August 1978).

§8305. Deposit for Expenses

A. A deposit of not less than $50 nor more than $500 may be required by the commission to defray the necessary expenses of witnesses called and necessary equipment required by the commission upon appeal to the commission by stewards' final rulings.

B. However, a deposit of $1,000 shall be required by the commission upon appeal of a stewards' ruling pursuant to LAC 35:I.1706.

C. If the commission upholds the stewards' ruling, the commission shall retain the full deposit. If the commission finds in favor of the appellant, the deposit shall be returned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, R.S. 4:148 and R.S. 4:197.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:289 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:763 (September 1990), LR 23:707 (June 1997).

§8307. Subpoenas and Notices of Hearing

A. The commission may issue an administrative subpoena to an individual referred to the commission, an individual appealing a stewards' ruling and any witness. The commission may issue a notice of hearing to an individual requesting reinstatement or an individual requesting to come before the commission for special circumstances. Excluding witnesses, the individual's responsibility shall include, but is not limited to the following:

1. submitting notarized documents of evidence to the commission's domicile office prior to the meeting (Such documentation may include any documents evidencing reasons for the individual's reinstatement.);

2. if desired by the individual, being represented by an attorney;

3. bringing his/her badge to the meeting, unless previously surrendered to the stewards or the commission;

4. if pertinent, submitting the name, address and telephone number of any parole officer, to the commission's domicile office prior to the meeting;

5. if audio-visual equipment is desired by the individual, setting up and operating such equipment, and all costs incurred thereof.

B. The commission may issue a notice of hearing to an individual's attorney, which may include, but is not limited to the following:

1. the requirement of the attorney's written request of any witnesses he desires to appear before the commission,

including their addresses and to what each witness will testify;

2. a responsibility clause to provide for reimbursement to individual's witnesses for their costs and/or travel expenses incurred.

C. The commission may issue a notice of hearing to an owner when having an interest in the matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:144, R.S. 4:148, R.S. 4:154, R.S. 4:192 and R.S. 4:197.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:172 (February 1991).

Title 35
HORSE RACING
Part VII. Equipment and Colors

Chapter 85. Colors

§8501. Supplied and Registered

A. Owners must provide themselves with suitable racing colors which must be registered with the racing secretary, except at tracks where colors are furnished by the association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§8503. Use of Other Colors

A. Anyone using colors other than his own is subject to be fined. However, in case of emergency, the stewards may allow the use of substitute colors once.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

§8505. Repair and Design

A. Colors must be kept clean and in good repair. No colors that are vertical halves or quarters shall be allowed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

§8507. Refusal to Accept Colors for Registration

A. The commission may refuse to accept for registration racing colors which:

1. are not readily distinguishable by color and pattern from racing colors currently registered in this state;

2. include advertising, promotional or cartoon symbols or words, or which, in the opinion of the commission, are not in keeping with the traditions of the turf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

§8509. Exceptions

A. Exceptions to the above may be allowed by the commission upon request and approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

§8511. Responsibility for Wearing Correct Colors

A. The clerk of scales, and the valet serving a jockey, shall be jointly responsible for having the correct colors and cap on each rider when leaving the jockey room for the paddock.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

Chapter 87. Equipment Changes

§8701. Permission from Stewards for Change from Last Race

A. Permission for any change of equipment from that which a horse carried in its last previous race can be obtained only from the stewards and must be obtained before the advertised scratch time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

§8703. Blinkers

A. Permission to add blinkers to equipment, or to discontinue the use of them, must be approved by the starter before being granted by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

Chapter 89. Whips

§8901. Announcement of Ride without; Use

A. In all races where a jockey will not ride with a whip, an announcement shall be made over the public address system of that fact.

B. No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his best efforts to win.

C. Jockeys are prohibited from whipping a horse upon the head, or excessively or brutally, or during the post parade except when necessary to control the horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and R.S. 4:175.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:283 (August 1978).

§8903. Size; Approval

A. No whip shall weigh more than 1 pound, nor exceed 31 inches in length including the popper. No stingers or projections extending through the hole of a popper, nor any metal part on the whip shall be permitted. All whips shall be approved by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147, R.S. 4:148 and R.S. 4:172.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 18:369 (April 1992).

Title 35
HORSE RACING
Part IX. Weights

Chapter 91. Weight Penalties and Allowances

§9101. Claiming of Allowance; Obligation of Penalty

A. Penalties are obligatory. Allowances are optional as to all or any part thereof, and must be claimed at time of entry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§9103. Entitlement to Allowance

A. A horse shall start with only the allowance to which it is entitled at the time of starting, regardless of its allowance at the time of entry. Horses incurring weight penalty or penalties for a race shall not be entitled to any weight allowance for that race. Horses not entitled to the first allowance in a race shall not be entitled to the second, and so on. Omission to claim an allowance is not cause of disqualification. No horse shall incur a penalty or be barred from any race for having been placed second or lower in any race. No horse shall be given an allowance for failure to finish second or in any lower place in any race. No horse shall receive an allowance for having been beaten in one or more races. This rule shall not prohibit maiden allowances or allowances to horses which have not won within a specific period or which have not won a race of specified value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§9105. Disputed Race

A. When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties attached to the winning of that race until a winner has been adjudged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§9107. Races on Unreported Tracks

A. Races won on tracks which are not reported in the Daily Racing Form or a comparable publication shall not count toward penalties with respect to horses and apprentice jockeys.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§9109. Placement from Disqualification

A. No horse shall incur a weight penalty for a placement from which he is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement, however, shall make a horse ineligible for a race which has already been run.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

Chapter 93. Weight Scale

§9301. Weights for Ages and Distances

A. The following is the attached scale of weights for ages, and shall be carried when not otherwise specified in the conditions of the race (see below for weight scale).

Distance	Age	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1/2 Mile	2-year-olds	-	-	-	-	-	-	-	105	108	111	114	114
	3-year-olds	117	117	119	119	121	123	125	126	127	128	129	129
	4-year-olds	130	130	130	130	130	130	130	130	130	130	130	130
	5-year-olds & up	130	130	130	130	130	130	130	130	130	130	130	130
6 Furlongs	2-year-olds	-	-	-	-	-	-	-	102	105	108	111	111
	3-year-olds	114	114	117	117	119	121	123	125	126	127	128	128
	4-year-olds	129	129	130	130	130	130	130	130	130	130	130	130
	5-year-olds & up	130	130	130	130	130	130	130	130	130	130	130	130
1 1/4 Mile	2-year-olds	-	-	-	-	-	-	-	-	96	99	102	102
	3-year-olds	101	101	107	107	111	113	117	119	121	122	123	123
	4-year-olds	125	125	127	127	127	126	126	126	126	126	126	126
	5-year-olds & up	127	127	127	127	127	126	126	126	126	126	126	126
1 Mile	2-year-olds	-	-	-	-	-	-	-	-	-	-	-	-
	3-year-olds	107	107	111	111	113	115	116	118	120	121	122	122
	4-year-olds	127	127	128	128	127	126	126	126	126	126	126	126
	5-year-olds & up	128	128	128	128	127	126	126	126	126	126	126	126
2 Miles	2-year-olds	-	-	-	-	-	-	-	-	-	-	-	-
	3-year-olds	98	98	104	104	108	111	114	117	119	121	122	122
	4-year-olds	124	124	126	126	126	126	126	126	126	126	126	126
	5-year-olds & up	126	126	126	126	126	126	126	126	126	126	126	126
1 1/2 Miles	3-year-olds	96	96	102	102	106	109	112	114	117	119	120	120
	4-year-olds	124	124	126	126	126	126	125	125	126	124	124	124
	5-year-olds & up	126	126	126	126	126	126	125	125	126	124	124	124

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:443 (December 1976), amended LR 3:39 (January 1977), LR 4:284 (August 1978).

§9303. Intermediate Length Races

A. In races of intermediate lengths, the weights for the shorter distance shall be carried.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

§9305. Unspecified Races of 2- or 3-Year-Olds

A. In a race exclusively for 2-year olds the weight shall be 122 pounds when not otherwise specified in the conditions of the race. In a race for 3-year-olds the weight shall be 126 pounds when not otherwise specified in the conditions of the race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

§9307. Fillies and Mares

A. With the exception of handicaps, 2-year-old fillies shall be allowed 3 pounds, and fillies and mares 3 years old and upward shall be allowed 5 pounds before September 1, and 3 pounds thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

§9309. Louisiana Bred Horses

A. A weight allowance of three pounds will be allowed for all Louisiana bred horses, except in handicaps and stakes, or races exclusively for accredited Louisiana breds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

§9311. Minimum Weight in Age Exclusive Races

A. When a race is for 2-year-olds, or exclusively for 3-year-olds, or exclusively for 4-year-olds, the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps, or stakes, or to races in which 3-year-olds or 4-year-olds compete with older horses. Nor shall this rule apply to quarter horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing

Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

Chapter 95. Weighing Out

§9501. Time of Weighing

A. Jockeys shall be weighed out by the clerk of scales not less than 10 minutes before time for the race. In case of any change, it shall be announced and posted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

§9502. Maximum Overweight

A. No horse shall carry more than two pounds overweight without the consent of its owner, his agent or his representative. No horse, however, shall carry more than seven pounds overweight in any race. The owner or trainer of a horse may substitute a jockey to ride his horse when the engaged jockey is reported overweight in excess of two pounds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by Department of Economic Development, Racing Commission, LR 17:260 (March 1991).

§9503. Equipment

A. If a horse runs in a throttle, hood, muzzle, martingale, breast plate or suspensory, they must be included in the jockey's weight. His weight shall also include his clothing, boots, goggles, arm number, saddle and its attachments, saddle cloth, pommel pad, etc. No whip, bridle, blinkers, head number, bit, reins, safety vest, safety helmet or number cloth shall be weighed. No safety vest or bridle shall exceed two pounds each in weight, and no whip shall exceed one pound in weight.

B. No jockey or apprentice jockey shall participate in any race conducted by any association unless he or she wears a safety vest, designed to provide shock absorbing protection to the upper body, as evidenced by a label with at least a rating of five, by the British Equestrian Trade Association. The clerk of scales shall be responsible for insuring compliance with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 20:644 (June 1994).

§9505. Attendants

A. The association shall provide the only attendants who will be permitted to assist jockeys in weighing out.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:444 (December 1976), amended LR 3:40 (January 1977), LR 4:284 (August 1978).

Chapter 97. Weighing In

§9701. Required after Race

A. After a race, all jockeys shall be weighed in unless excused by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§9703. Unsaddling

A. No one shall assist a jockey unsaddling except by permission of the stewards, and no one shall throw any covering over a horse before it is unsaddled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§9705. Same Weight In and Out

A. Each jockey shall weigh in at the same weight at which he weighed out, and if short by more than two pounds, his mount shall be disqualified from any portion of the purse and all money wagered on it returned to holders of redeemable tickets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

Title 35
HORSE RACING
Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9901. Any Horse May Be Claimed

A. In claiming races any horse is subject to being claimed for its entered price by any racing interest recognized by the commission, by any licensed horse owner, or his authorized agent, but only for the account of the person making the claim, or for whom the claim was made by the agent (provided, however, that no person shall claim his own horse or a horse in which he has an interest or cause his horse to be claimed directly or indirectly for his own account). Also, a claim may be made by any person who has established his qualifications to claim by filing an application for license as a horse owner and has been granted a certificate authorizing the claim by the stewards at the meeting where a horse is to be claimed.

B. A claim certificate shall not be issued until all conditions and qualifications for a horse owner's license have been met or completed. A claim certificate thus issued will be void if no claim is made within 30 days of issuance, and the owner's license will be withdrawn.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978), LR 8:63 (February 1982), LR 10:660 (September 1984).

§9903. Services of Trainer and Additional Qualifications

A. The licensed prospective claimant must have obtained the services of a licensed trainer and may be required to provide additional evidence of his qualifications as a horse owner when such evidence is requested by the stewards of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), amended LR 3:41 (January 1977), LR 4:285 (August 1978).

§9907. Claiming Price

A. The claiming price of each horse in a claiming race shall be the entered claiming price, plus tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978).

§9909. Resale; Movement

A. If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a selling or claiming race, for a period of 30 days from date of claim, nor shall it, unless reclaimed, remain in the same stable or under the control of management of its former owner or trainer for a like period, nor shall it race in any other state until after the close of the meeting at which it was claimed, unless special permission is obtained from the commission. However, a horse claimed at a track in Louisiana must remain at the track where it was claimed for a period of 60 calendar days or until the current meeting at which it was claimed is terminated. Where a race meeting is authorized and conducted as a split-meeting, a horse claimed in such a race meeting must remain at the track where it was claimed for a period of 60 calendar days or until that segment of the split meeting at which it was claimed is terminated. The following calendar day shall be the first day and the horse shall be entitled to enter at another track in the state whenever necessary so the horse may start on the sixty-first day following the claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17:878 (September 1991).

§9911. Claiming Procedures

A. All claims shall be signed, sealed, time stamped and deposited in a locked box provided for that purpose in a designated place, at least 15 minutes prior to post time for each race. The claim box shall be opened by the stewards and all claims shall remain in their possession. The claim envelopes shall not be opened by the stewards earlier than 10 minutes prior to post time for the designated race. Notification will be made by the stewards to the proper officials of any claim or claims, if any. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the horsemen's bookkeeper, must first deposit with the horsemen's bookkeeper the whole amount of his claim in cash, for which a receipt will be given. If more than one person shall enter a claim for the same horse, the disposition of the horse shall be decided by lot by one of the stewards or his deputy, and the person so determined to have the right of the claim shall become the owner of the horse whether it be alive or dead, sound or unsound or injured during the race or after it. Any horse, other than the winner, that has been claimed, shall be taken to the paddock after the race has

been run, for delivery to the claimant unless sent to the retention barn for delivery to the claimant after the specimen has been collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:446 (December 1976), LR 3:42 (January 1977), LR 4:285 (August 1978).

§9913. Vesting of Title; Tests

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the paddock. The successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound, or injured at any time after leaving the paddock, during the race or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test, shall be absorbed by the successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), LR 5:136 (June 1979).

§9915. Number of Horses Claimed per Race

A. No person shall claim more than two horses in a race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1013 (May 2002).

§9917. Whose Account Horse Runs

A. Each horse shall run for the account of the person in whose name it starts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9919. Claim Is Irrevocable

A. When a claim has been lodged it is irrevocable, and it is at the risk of the claimant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9921. Neurectomy or Cryosurgical Intervention

A. When a claimed horse has had posterior digital (heel nerve) neurectomy or cryosurgical intervention in the areas reserved for posterior digital neurectomies, performed prior to the claim, the claimant shall have 48 hours from the moment the horse leaves the paddock to protest the claim in writing to the stewards. Cryosurgical intervention in the areas reserved for posterior digital neurectomies shall be considered "heel nerved."

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978), LR 5:325 (October 1979).

§9923. Claiming for Another

A. If the stewards should be of the opinion that any person is claiming a horse for the benefit of another, they may require him to make an affidavit that he is not doing so.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9925. Delivery on Written Order from Secretary

A. No horse shall be delivered except on a written order from the racing secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9927. Refusal to Deliver

A. Any person refusing to deliver a claimed horse shall be suspended and his case referred to the commission. The claimed horse is disqualified until it is delivered to the successful claimant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9929. Engagements Follow Horse

A. In claiming races, engagements follow the horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9931. Prevention of Claiming Process

A. Any person who shall attempt to prevent another person from claiming any horse in a claiming race, or any owners running a horse in any claiming races who may make any agreement for the protection of claiming of each other's horses, may be fined or suspended by the stewards or ruled off by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:287 (August 1978).

§9933. Entering Horse against Which There Is a Claim

A. Any person or persons who shall enter, or allow to be entered, in a claiming race a horse against which any claim is held, either as mortgage, bill of sale or lien of any kind, shall be ruled off, unless when or before entering the horse, the written consent of the holder of the claim shall be filed with the racing secretary where the horse is entered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9935. Stewards Judge Validity

A. The stewards shall be the sole judge of the validity of a claim.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978).

§9937. Blanks and Envelopes

A. All claims shall be on blanks and in envelopes furnished by the association and approved by the commission. Both blanks and envelopes must be filled out completely, and the horse's name must be spelled accurately to identify the claim, otherwise the claim shall be void. The horse's name shall be spelled as it appears in the official racing program of the association, otherwise the claim shall be void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission, 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 24:912 (May 1998).

§9939. Number of Claims on Stable or Trainer

A. When a trainer is training for more than one owner, only two claims from that stable will be allowed for any one race. Only one claim from owners having the same trainer will be allowed for any one horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission LR 2:447 (December 1976), amended LR 3:42 (January 1977), LR 4:286 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1013 (May 2002).

§9941. Place and Time of Delivery

A. Delivery of a claimed winning horse to the claimant or his representative shall be made in the commission retention barn after specimens (blood, urine and/or saliva) have been obtained. This rule shall also apply to claimed horses selected for extra tests ordered by the commission, stewards or racing officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

§9943. Determination of Age and Sex of Horse

A. Notwithstanding any designation of sex or age appearing on 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:275 (August 1978).

§9945. Canceled Claiming Race

A. Should a claiming race be called off or canceled for any reason, any claim lodged for any horse in said claiming race shall be null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 12:11 (January 1986).

§9947. Scratched Horse

A. Should the stewards determine that a horse was scratched from a claiming race because of a claim, the horse may be required, at the discretion of the stewards, to run back for a claiming price not to exceed the claiming price when the scratch occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 14:702 (October 1988).

Chapter 101. Engagements and Transfers

§10101. Sale

A. If a horse is sold by private treaty or at public auction, the written acknowledgement of both parties is necessary to prove the fact that he was sold with his engagements, but when a horse is claimed out of a claiming race, the horse's engagements are included.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978).

Title 35
HORSE RACING
Part XIII. Wagering

Chapter 103. Pari-Mutuels

§10301. Minors Wagering; Jockeys in Betting Area

A. No minor shall be allowed to wager. No jockey in racing colors shall enter the betting area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10303. Claim of Wrong Ticket

A. Any claim by a person that a wrong ticket has been delivered to him must be made before leaving the mutuel ticket window.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10305. Manager Makes Emergency Decision

A. Should any emergency arise in connection with the operation of the pari-mutuel department which requires an immediate decision and is not covered by these rules, then the manager of the pari-mutuel department shall make the decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10307. Manager Notified of Horses Competing

A. The manager of the pari-mutuel department shall be properly and timely advised by the placing judges prior to the beginning of wagering on each race, of the horses that will compete in the race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10309. Entry Wager

A. When two or more horses run in a race, and are coupled because of common ties, they are called an "entry," and a wager on one of them shall be a wager on all of them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10311. Wager on Field

A. When the number of horses competing in a race exceeds the numbering capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together and called the "field," and a wager on one of them shall be a wager on all of them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10313. Odds; Tote Board

A. Before the wagering starts on each race, the morning line showing approximate odds on each horse may be posted on the public board.

B. Entries shall be listed as one horse and, likewise, the field shall be listed as one horse.

C. After wagering has begun on each race and immediately after there is $1,000 (more or less, depending on circumstances) in the straight pool, the approximate odds on each horse must be computed on each cycle of the tote and promptly posted on the tote board.

D. The cycle of frequency of change on the totalizator board shall not be more than 60 seconds.

E. The approximate odds shall agree with the amount wagered on each horse in the straight pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10315. Minimum Set of Approximate Odds

A. There shall be a minimum of four sets (and more under proper circumstances) of approximate odds posted during the wagering on each race. These odds, however, are approximate and not the exact figures used in the payoff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing

Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978).

§10317. Closing and Opening of Pari-Mutuel Machines

A. The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay.

B. The pari-mutuel ticket issuing machines shall be locked by the state steward and the "off" bell sounded when the gate opens.

C. It shall be the duty of the stewards to see to it that the horses arrive at the starting gate as near to post time as possible. If their arrival at the starting gate exceeds two minutes past the advertised post time as reflected by the infield board, the pari-mutuel machines shall be locked unless extenuating circumstances exist as determined by the stewards such as an accident to a horse or jockey, or equipment failure.

D. At the discretion of the state steward, the ticket issuing machines may be unlocked prior to the declaration that the result of the race is official. However, in no case shall the mutuel cashiers' windows be opened until after the declaration that the result of the race is official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:35 (January 1977), LR 4:281 (August 1978), LR 5:96 (May 1979), amended by the Department of Economic Development, Racing Commission, LR 17:169 (February 1991).

§10319. Notification if Horse Is Locked in Gate

A. If a horse, or horses, is locked in the gate, the proper racing official shall promptly notify the manager of the pari-mutuel department of the name and the number of the horse or horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:36 (January 1977), LR 4:281 (August 1978).

§10321. Placing Judge Advise Manager of Winners

A. At the end of each race, the placing judges shall advise the manager of the pari-mutuel department via telephone of the official placement of the horses. No payoff shall be made until the receipt of such information, which will be followed in writing at the end of the race day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:36 (January 1977), LR 4:281 (August 1978).

§10323. Error in Payoff Figures on Public Board

A. If an error is made in posting the 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 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:439 (December 1976), amended LR 3:36 (January 1977), LR 4:281 (August 1978).

§10325. Breakdown of Machines

A. In the event of an irreparable breakdown of the totalizator, or the ticket issuing machine, or both, during the wagering on a race, the wagering for that race shall be declared closed. The payoff for that race shall be computed on the sums wagered in each pool up to the time of the breakdown. Wagering on the remaining races for that day, or until the next race after the defective machinery has been put in order, may be continued by employing the manual system of ticket selling. To cover this contingency it is suggested that each association shall have on hand at the beginning of a race day approved mutuel tickets for hand selling sufficient for not less than seven races.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:281 (August 1978).

§10327. Horse Excused after Wagering

A. In all cases when a horse has been excused by the stewards after wagering has started but before it becomes a starter, all money wagered on the horse so excused shall be deducted from the pool and refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:281 (August 1978).

§10329. Horse Locked in Gate; Refuses to Start

A. If a horse refuses to break, or wheels or props at the start, there shall be no refund; but if one horse, or more, is prevented from leaving the post at the start because of being locked in the gate, the money wagered on the horse, or horses, locked in the gate shall be deducted from the pool and refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:281 (August 1978).

§10331. No Horse Finishes

A. If no horse finishes in a race, all money wagered on that race shall be refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10333. When Horses Are Coupled

A. If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refunds unless all of the horses so coupled are excused before the start, or all of the horses so coupled are locked in the gate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10335. Jockey Short of Weight

A. If a jockey weighs in short of weight by more than two pounds, and his mount is disqualified in consequence of short weight, all monies wagered on the horse shall be deducted from the pool and shall be refunded on presentation of ticket sold on the horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10337. When One Jockey from Entry or Field Is Short of Weight

A. In case of any entry, if one of the jockeys riding the entry weighs in short of weight by more than 2 pounds and his mount is disqualified in consequence of short weight, no refund shall be made unless the other portion of the entry is also disqualified for the same reason (short weight), in which case all money wagered on the entry so disqualified shall be deducted from the pool and shall be refunded. This rule applies with equal effect to the field.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10339. Postponed Race

A. In the case of a race postponed beyond the day originally scheduled, as elsewhere provided for, all money wagered on that race shall be refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10341. Race Declared Off after Wagering

A. If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10343. Electric Failure

A. In the event the track is thrown into darkness during the running of a race by virtue of a failure of electricity, such race shall be declared "no race" and all wagering upon the race shall be refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10345. No Money Wagered on Winning Horse to Win

A. If a horse wins and there is no money wagered on him to win, the straight pool shall be apportioned among the holders of the place tickets on that horse, if any. If neither win nor place tickets were issued on a winning horse, then the straight pool shall be apportioned among holders of the show tickets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10347. No Money Wagered on Horse to Place

A. If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10349. No Money Wagered on Horse to Show

A. If no money has been wagered to show on a horse which is placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of shown tickets on the other horses which are placed first, second or third in that race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10351. When Only One or Two Horses Finish

A. If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of place and show tickets on that horse. If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10353. Official Results

A. When the results are "official," that word shall be flashed on the result board and shall signify that the placing of horses at that time by the judges is final insofar as the payoff is concerned. If any change is made in the order of finish of a race after the result is so declared official, it shall not affect the payoff. The posting on the result board of the order of winning, place and show horses and the prices to be paid, shall not be deemed to signify that the result and prices are official until the "official" signal has been shown on the result board or announced by the public address system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10355. Foul Claimed

A. In the event of a foul being claimed, the word "inquiry" or "objection" shall be flashed forthwith on the result and mutuel board and an announcement thereof shall be made on the public address system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10357. Award of Purse Money No Bearing on Mutuel Payoff

A. Any ruling of the stewards with regard to the award of purse money made after the sign "official" has been purposely displayed by the placing judges shall have no bearing on the mutuel payoff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:36 (January 1977), LR 4:282 (August 1978).

§10359. Difference in Pool

A. Whenever there is a difference in any pool or pools, i.e., a difference between the sum total of the wagers on the individual horses as compared with the grand total as shown by the tote board, the larger amount shall be used as the basis for computing the payoff. The larger amount shall be used as the base on which the commissions are computed and paid to the association and to the state respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10361. Calculating Sheets; Copies

A. The manager of the pari-mutuel department shall furnish a copy of all calculating sheets daily to the commission. The association, if operating a pari-mutuel system without the totalizator system, shall, in taking off total or mutuel ticket sales, prepare two additional carbon copies thereof at the time of making, and furnish them to the commission before the calculations for mutuel prices to be paid are made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission LR 2:440 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10363. Records for Commission

A. Complete and detailed records of each race, containing each change of readings of the odds and the actual possible payoff on each horse, shall be filed with the commission at the end of each racing day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:440 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10365. Association's Deduction from Pari-Mutuel Pool

A. The commission deducted by the association from pari-mutuel pools shall not exceed that percentage which is provided by law of the gross amount of money handled and the odd cents over any multiple of $0.10 of winnings per dollar wagered. All associations licensed by the commission to conduct racing under the pari-mutuel or certificate system of wagering must in all cases of a minus pool, pay off $1.05 on each $1 wager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:166 and R.S. 4:166.3.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 23:709 (June 1997).

§10367. Method of Payments

A. Payments due on all wagers shall be made in conformity with the well-established practice of the pari-mutuel system. Money wagered on winning tickets is returned in full plus the profits. The practice is to work in dollars and not in number of tickets. The break permitted by law is deducted in all of the calculations which are necessary to arrive at the payoff prices, i.e., the odd cents over any multiple of $.10 of winnings per dollar wagered, except in the case of a minus pool, as provided in §10365.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:166 and R.S. 4:166.3.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 23:709 (June 1997).

§10369. Correction of Error Posted on Public Board

A. If an error is made in posting payoff figures on the public board, prior to the cashing of any pari-mutuel tickets affected by such error, it shall be corrected promptly and a statement explaining the facts made over the public address system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10371. Error in Calculating Payoff Prices

A. In the event of an error in calculations of payoff prices which results in underpayments to the public, the aggregate of such underpayments shall be paid into the corresponding pool of the next race or races. If any such error should occur in computing the daily double or the exacta pools, the underpayment shall be added to the corresponding pool of the following race day for the daily double and the next exacta pool. Immediately upon the discovery of such an error, the commission and the state steward shall be furnished a detailed statement thereof in writing, signed by the association's manager of the mutuel department. In the event of an overpayment, the licensee shall absorb the amount paid in error.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10373. Wagering on Race Held in Another State or Country

A. Pari-mutuel wagering within the enclosure of a licensed association's facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the commission. The following conditions must be met upon written application by the licensed association to the commission.

1. The horse race must be of outstanding nature and of interest to a great number of patrons.

2. The horse race must be televised regionally, nationally or internationally or by closed-circuit network, so that patrons at the association's facility may view the racing event.

3. The licensed association must submit a written agreement with the host track or association where the race is held.

4. The licensed association must submit written approval by the host racing commission or board.

5. The licensed association must submit written approval by the host track or jurisdiction's horsemen's association.

6. Application to the commission must be made at least 30 days before the racing event is to be held.

7. Notwithstanding the provisions of Paragraph 2 failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:546 (August 1983).

§10375. Conditions on Association for Event

A. Upon approval by the commission of an association's application for pari-mutuel wagering on a racing event fulfilling the above criteria, the association agrees to:

1. schedule not more than two such other track wagering events per day;

2. schedule not more than 12 wagering events per day;

3. accept wagers not more than 36 hours prior to the racing event;

4. publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks and a morning line of odds;

5. display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:546 (August 1983).

§10377. Race Televised Out of State

A. A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another

state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq., Interstate Horseracing Act), and the laws of this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:547 (August 1983).

§10379. Authority to Grant Permission for Interstate Wagering

A. The chairman is authorized to grant permission for any request for interstate simulcasting whenever he finds that there is not impediment to the request by virtue of federal or state law, that there is no conflict with the rules or policies of the commission regarding such permission, and that such permission is in the best interest of racing in Louisiana. Any such action on the part of the chairman, or a duly authorized vice-chairman acting in his place, shall not require further ratification by the commission. Any such action taken pursuant to this rule shall constitute the consent of the commission pursuant to 15 U.S.C. Section 3004(a)(2) or (3), whichever is applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149 and R.S. 4:149.3.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 23:708 (June 1997).

Chapter 105. Daily Double

§10501. Maximum Daily Doubles per Race Card

A. No more than two daily doubles shall be permitted during any single race card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978), LR 6:542 (September 1980), LR 12:289 (May 1986).

§10503. Race in Daily Double a Dead Heat

A. If either race of the daily double results in a dead heat, the payoff will be figured the same as a place pool, i.e., first, the regulation commission is deducted, then the total amount wagered on the winning combination is deducted, leaving the profit which is divided equally between holders of the winning combinations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10505. Time of Posting of Payoff

A. The payoff shall be posted after the pool closes and before the race completing the daily double has been run, except in the event of a dead heat in the first half of the daily double, then the posting of the payoff may be deferred until the race completing the daily double has been run.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:282 (August 1978).

§10507. Separate Pool

A. The daily double is not a parlay and has no connection with or relation to mutuel betting. All tickets on the daily double will be calculated in an entirely separate pool. All tickets will be to win (straight) only. Entries are coupled in the daily double as in regular betting. Fields are coupled in the daily double as in regular betting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:283 (August 1978).

§10509. No Ticket Sold Combining Two Winners

A. If no ticket is sold combining the two winners, the daily double pool then shall be apportioned equally between those having tickets including the winner in the first race and those having tickets including the winner in the second race in the same manner in which a place pool is calculated and distributed.

B. If no ticket is sold including the winner of the first race, the entire pool will be paid to holders of tickets which include the winner of the second race of the daily double.

C. Likewise, if no ticket is sold including the winner of the second race, then the entire pool will be paid to holders of tickets which include the winner of the first race of the daily double.

D. If no ticket is sold including the winner of either race, then the pool shall be paid to the holders of tickets which include the horses finishing second in the two races of the daily double.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:37 (January 1977), LR 4:283 (August 1978).

§10511. If Second Race Canceled or No Race

A. If, for any reason, the second race of a daily double is canceled and declared "no race," the daily double shall be distributed to the holders of the daily double tickets on the

winner of the first race in the same manner as the straight pool of the first race is distributed, except as to the amount of distribution, which shall be controlled by the amount bet in the daily double pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:441 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10513. If First Race Canceled or No Race

A. If, for any reason, the first race of the daily double is canceled and declared to be "no race," full and complete refund will be made of the daily double.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10515. Coupled Horses Not Starting

A. If any horse in the first half of the daily double not coupled with a starter is scratched or excused by the stewards, or if it is determined by the stewards that any horse not so coupled has been prevented from racing because of the failure of the stall doors of the starting gate to open, all money wagered on such horse shall be deducted from the daily double pool and shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon.

B. Should any horse in the second half of the daily double not coupled with a starter be scratched or excused by the stewards, or if it be determined by such stewards that any horse not so coupled has been prevented from racing because of failure of the stall gate to open, then all tickets combining the scratched horse with the actual winner of the first race in the daily double shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows:

> "The net daily double pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winner of the first half and the quotient thus obtained shall be the price to be paid to holders of consolation tickets. The entire consolation pool shall be deducted from the net daily double pool."

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10517. Lose First Race, Second Scratched

A. If a ticket holder loses the first race of the daily double, and the horse is scratched in the second race, no money shall be refunded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10519. Full Refund of Pool

A. If no ticket is sold which would require distribution of the daily double pool as per the foregoing rules, a complete and full refund of the daily double pool shall be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10521. Displaying Daily Double Rule

A. This rule shall be prominently displayed throughout the betting area of each track conducting the daily double and printed copies of this rule shall be distributed by the track to patrons upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985), amended by the Department of Economic Development, Racing Commission, LR 25:830 (May 1999).

Chapter 107. Exacta

§10701. Object; Separate Pool

A. The object of the exacta is to select, in order, the official first and second place finishers in the designated exacta race. The exacta pool shall be held entirely separate from all other pools and is in no way a part of the daily double, or the win, place or show pools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10703. Approval by Commission

A. Races in which exacta betting shall be conducted shall be approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Racing Commission, LR 2:442 (December 1976), amended by the Department of Commerce, Racing Commission, LR 3:38 (January 1977), LR 4:283 (August 1978).

§10705. Scratched Horse

A. If a horse is scratched or excused from racing, no further tickets shall be sold designating that horse, and all tickets previously sold designating that horse shall be refunded and the money deducted from the gross pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10707. Dead Heats

A. In the event of a dead heat for win, the net pool shall be distributed to each combination of winners separately as in a win pool dead heat, e.g., in a dead heat of two horses there are two winning combinations, in a dead heat of three horses there are six winning combinations. In the event of a dead heat for second, the net pool shall be divided as in a win pool dead heat among holders of tickets combining the winner with each second place horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10709. No Ticket Sold with Winning Combination

A. If no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and/or holders of tickets selecting the second place horse to finish second.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978).

§10711. Coupled Entries

A. Coupled entries are permitted in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of §6361.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:442 (December 1976), amended LR 3:38 (January 1977), LR 4:283 (August 1978), LR 5:136 (June 1979), repealed LR 6:542 (September 1980), repromulgated LR 6:721 (December 1980).

Chapter 109. Super Six

§10901. Super Six

A. The super six pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalizator, nor to the rules governing the distribution of such other pools.

B. A super six pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the said ticket shall constitute an acceptance of the super six provisions and rules.

C. A super six may be given a distinctive name by the association conducting the meeting, subject to approval of the commission.

D. The super six pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a super six ticket shall designate the winning horse in each of the six races comprising the super six.

E. Those horses constituting an entry of coupled horses or those horses coupled to constitute the field in a race comprising the super six shall race as a single wagering interest for the purpose of the super six pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the super six calculation and the selection shall not be deemed a scratch.

F. The super six pari-mutuel pool shall be calculated as follows.

1. The net amount in the pari-mutuel pool referred to in this Section is defined as the pari-mutuel pool created by super six wagering on that particular day and does not include any amounts carried over from previous days' betting as provided by in Subparagraph F.4.a below.

2. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders, plus any carryover resulting from provisions of Paragraph F.4, shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the super six.

3. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the second most official winners, but less than six, in each of the six races comprising the super six.

4. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the super six, the net pari-mutuel pool shall be distributed as follows.

a. Seventy percent of the net amount in the pari-mutuel pool shall be retained by the association as distributable amounts and shall be carried over to the next succeeding racing day as an additional net amount to be distributed as provided in Paragraph F.2.

b. Thirty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners, but less than six, in each of the six races comprising the super six.

5. Should no distribution be made pursuant to Paragraph F.1 on the last day of the association meeting, then that portion of the distributable pool and all monies accumulated therein shall be distributed to the holders of tickets correctly designating the most winning selections of

the six races comprising the super six for that day or night; the provisions of Subsections I and J have no application on said last day.

G. In the event a super six ticket designates a selection in any one or more of the races comprising the super six and that selection is scratched, excused or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs. In the event the amount wagered in the win pool on two or more favorites is identical, the favorite with the lowest number on the program will be designated as the actual favorite.

H. In the event of a dead heat for win between two or more horses in any super six race, all such horses in the dead heat for win shall be considered as winning horses in that race for the purpose of calculating the pool.

I. No super six shall be refunded except when all of the races comprising the super six are canceled or declared as "no contest." The refund shall apply only to the super six pool established on that racing card. Any net pool carryover accrued from a previous super six feature shall be further carried over to the next scheduled super six feature operated by the association.

J. In the event that any number of races less than six comprising the super six are completed, 100 percent of the net pool for the super six shall be distributed among holders of pari-mutuel tickets that designate the most winners in the completed races. No carryover from a previous day shall be added to the super six pool in which less than six races have been completed. Any net pool carryover accrued from a previous super six feature shall be further carried over to the next scheduled super six pool operated by the association.

K. No pari-mutuel ticket for the super six pool shall be sold, exchanged or canceled after the time of the closing of wagering in the first of the six races comprising the super six, except for such refunds on super six tickets as required by this regulation, and no person shall disclose the number of tickets sold in the super six pool or the number or amount of tickets selecting winners of super six races until such time as the stewards have determined the last race comprising the super six each day to be official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 6:542 (September 1980), amended LR 12:11 (January 1986), amended by the Department of Economic Development, Racing Commission, LR 15:8 (January 1989).

Chapter 111. Trifecta

§11101. Object

A. The trifecta (or other approved name) is a form of pari-mutuel wagering. Each bettor selects, in order, the first, second and third placed horses in the designated trifecta race. The trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta or other wagering pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11103. Price of Tickets

A. Trifecta tickets shall be sold in not less than $3 denominations and only from machines capable of issuing three numbers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11105. Approval by Commission

A. Races in which trifecta pools shall be conducted shall be approved by the commission and shall be clearly designated in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11107. Design of Tickets

A. The design of trifecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11109. Scratched Horse

A. If a horse is scratched or declared a nonstarter, no further trifecta tickets may be issued designating such horse and all trifecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11111. Failure to Select Winning Combination

A. Rules concerning failure to select a winning combination, short finishes include.

1. If there is a failure to select, in order, the first three horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and the third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

2. If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11115. Field Less Than Six

A. Trifecta wagering will be permitted when the number of scheduled starters in a thoroughbred or quarter horse race is six or more. A late scratch after wagering begins on that race will not cancel trifecta wagering.

B. The commission may approve trifecta wagering on a race with a purse value of $200,000 or more where the number of scheduled starters is less than nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985), amended by the Department of Economic Development, Racing Commission, LR 18:366 (April 1992), LR 22:13 (January 1996), LR 25:25 (January 1999).

§11117. Displaying Trifecta Rule

A. This rule shall be prominently displayed throughout the betting area of each track conducting the trifecta and printed copies of this rule shall be distributed by the track to patrons upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

Chapter 112. Twin Trifecta

§11201. Twin Trifecta

A. No twin trifecta wagering shall be conducted without permission of the commission. The races in which the twin trifecta type pari-mutuel wagering will be permitted shall only be those designated by the commission and a separate pool shall be established therefor.

B. The twin trifecta is a form of pari-mutuel wagering in which the bettor selects the three horses that will finish first, second and third in each of two designated races in the exact order as officially posted.

C. Twin trifecta wagers will be sold at all windows unless the association chooses to use designated windows for the twin trifecta and exchange.

D. Each bettor purchasing twin trifecta tickets shall designate his three selections as the first three horses to finish in that order in the first race of the two designated races.

E. After wagering closes for the first half of the twin trifecta, the commissions will be deducted from the pool in accordance with laws of the state. The remaining pool will then be divided into two separate pools of 70 percent and 30 percent.

F. The monies in the 30 percent portion of the divided pool shall be distributed to the holders of the twin trifecta tickets selecting the first three horses in order, on the first designated twin trifecta race, in accordance with established pari-mutuel practice.

G. The 70 percent portion of the divided pool shall be placed in a separate pool to be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in order, on the second designated twin trifecta race, in accordance with established pari-mutuel practice.

H. In the first half of the twin trifecta only, if no ticket is sold on a winning combination of a trifecta pool, the net pool shall then be distributed to the holders of tickets selecting the first place and second place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first and third place horses. If no ticket is sold as abovementioned, the net pool shall then be distributed to the holders of tickets selecting the first place horse. If no ticket is sold as abovementioned, the net pool shall then be distributed to holders of tickets selecting the second and third place horses. If no ticket is selected as abovementioned, all twin trifecta tickets shall be refunded.

I. After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a ticket combining the first three horses in the exact order of finish must, prior to the running of the second twin trifecta race, exchange such winning tickets for both the monetary value established by the mutuel department and a twin trifecta exchange ticket at designated windows and at such time shall select the first three horses to finish in the second race of the twin trifecta in the exact order of finish as officially posted. No further money shall be required of the holder of winning tickets in order to make the exchange. When the official finish of the first twin trifecta race requires application of Subsection H to determine the winning combination, no exchange tickets shall be issued on the second twin trifecta race, and the second race pool shall be treated in accordance with Subsection N.

J. No twin trifecta exchange ticket upon the second race shall be issued except upon the surrender of the twin trifecta ticket from the first race as described in these rules. Designated windows, for the purpose of cashing and exchanging winning tickets, shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at the start of the second race of the twin trifecta races.

K. If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket but forfeits all rights to any distribution of the second race of the twin trifecta pool.

L. If a horse is scratched in the first race of the twin trifecta races, all twin trifecta tickets on the scratched horse will be refunded. If a horse is scratched in the second race of the twin trifecta races, public address announcements will be made and reasonable time will be given for the exchange of

tickets on the scratched horse. For the second race of the twin trifecta only, all horses will be considered official starters once the starting gate has opened.

M. In the event of a dead heat(s) in either the first or second race of the twin trifecta, all twin trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in any position dead heated, shall be winning tickets.

N. In the event there are no twin trifecta tickets issued accurately selecting the officially declared first three finishers of the second twin trifecta race in exact order, such second race pool as divided earlier shall be held for the next consecutive day or night and combined with that programs' second race twin trifecta pool. Distribution of this special cumulative second race twin trifecta pool will be made only upon the accurate selection, in exact order, of the first three officially declared finishers of the second twin trifecta race.

O. However, on the final program of any official race meeting, the entire accumulated second race twin trifecta pool must be distributed. In the event, on the final racing program, no second half twin trifecta ticket accurately selects the officially declared first three finishers in exact order, then all second half twin trifecta tickets on that specific race shall be declared winners and the pool shall be distributed equally among them.

P. If for any reason, the second half of the twin trifecta is canceled, not declared "official" or less than three horses finish the race, the winning ticket holders on the first half will be entitled to proportionate distribution of the remaining amount of the current program's divided pool. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next scheduled racing program.

Q. Sales of the twin trifecta tickets other than from pari-mutuel machines shall be deemed illegal and prohibited.

R. The twin trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, quinella, (regular) trifecta, super six or any other wagering pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 12:419 (July 1986), amended LR 14:227 (April 1988), amended by the Department of Economic Development, Racing Commission, LR 15:8 (January 1989).

Chapter 113. Quinella

§11301. Separate Pool

A. The quinella is not a "parlay" and has no connection with or relation to the win, place or show betting and will be calculated on an entirely separate pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11303. Selecting Horses

A. When purchasing a quinella ticket, two horses are selected which must finish 1-2 or 2-1. For example, if numbers 3 and 6 are selected they must come in 3, first and 6, second or 6, first and 3, second.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11305. No Ticket Sold with Winning Combination

A. If no ticket is sold on the winning combination of a quinella pool the new pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11307. Dead Heat for First or Second Place

A. In the event that a race on which there is quinella wagering shall result in a dead heat for first place, the combination shall be the winner of the quinella pool. In the event of a dead heat between the two horses for second place, the quinella pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11309. Dead Heat for Second Place

A. In the event of a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combinations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11311. Full Refund of Pool

A. If no ticket is sold that would require distribution of a quinella pool to a winner as above defined, the association shall make a complete and full refund of the quinella pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11313. Pari-Mutuel Department Emergencies

A. Should any emergency arise in connection with the operation of the pari-mutuel department which requires an immediate decision and is not covered by these rules, then

the manager of the pari-mutuel department shall make that decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11315. Excused Horse

A. If a horse in a race on which there is quinella wagering is excused by the stewards or locked in the gate, all moneys wagered on combinations which include this horse shall be deducted from the quinella pool and refunded to the purchasers of tickets on the horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11317. If Last Race Canceled or No Race

A. If for any reason the last race (the only race on which quinella wagering is permitted) is canceled and declared "no race," a full and complete refund shall be made of the quinella.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

§11319. Displaying Quinella Rule

A. This rule shall be prominently displayed throughout the betting area of each track conducting the quinella and printed copies of this rule shall be distributed by the track to patrons upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985).

Chapter 115. Triple Play

§11501. Scope

A. The triple play pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the totalizator board, nor to the rules governing the distribution of such other pools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:79 (February 1988).

§11503. Ticket is Evidence of Binding Contract

A. A triple play ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the triple play provisions and rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:79 (February 1988).

§11505. Distinctive Name

A. This form of wagering shall be known at all race tracks as the triple play.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:79 (February 1988).

§11507. Pari-Mutuel Pool

A. The triple play pari-mutuel pool consists of amounts paid for a selection for win only in each of three consecutive races designated by the association with the approval of the commission. Each person purchasing a triple play ticket shall designate the official winning horse in each of the three races comprising the triple play.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

§11509. Coupled Entries and Fields

A. Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the triple play, shall race as a single wagering interest for the purpose of triple play pari-mutuel pool calculations and payoffs to the public. However, if any part of either an entry or the field, racing as a single wagering interest, is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the triple play calculation, and the selection shall not be deemed a scratch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

§11511. Calculation of Pool

A. The triple play pari-mutuel pool shall be calculated as follows.

1. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the three races comprising the triple play.

2. In the event no pari-mutuel ticket is sold combining the three official winners of the triple play, 100 percent of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the official winners of two of the three races comprising the triple play.

3. In the event no pari-mutuel ticket is sold combining two official winners of the triple play, 100 percent of the net amount in the pari-mutuel pool shall be distributed among holders of pari-mutuel tickets which include the official winner of any one race comprising the triple play.

4. In the event no pari-mutuel ticket is sold that would require distribution of the triple play pool to one or more

ticket holders under this Part, 100 percent of the net amount in the triple play pari-mutuel pool shall be carried over and included in the triple play pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

5. On the last day of the meeting, 100 percent of the net amount in the triple play pari-mutuel pool shall be distributed to the holders of tickets correctly designating the most official winning selections comprising the triple play, in accordance with §11511.A.1, 2 and 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commence, Racing Commission, LR 14:80 (February 1988).

§11513. Canceled Triple Play Race(s)

A. If for any reason, one or two of the races comprising the triple play is canceled, the net amount of the triple play pari-mutuel pool shall be distributed as provided in §11511.A.2, 3, and 4.

B. If for any reason, all of the races comprising the triple play are canceled, a full and complete refund must be made of the pari-mutuel tickets sold on the triple play on that day. One hundred percent of the remaining amount in the triple play pari-mutuel pool shall be carried over and included in the triple play pari-mutuel pool for the next succeeding racing day as an additional amount to be distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

§11515. Actual Favorite Substituted for Scratch

A. In the event a triple play ticket designates a selection in any one or more of the races comprising the triple play and that selection is scratched, excused or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pari-mutuel pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

B. In the event that the money bet in the win pari-mutuel pool for two or more favorites is identical, the favorite identified in the lowest track program number shall be substituted for the nonstarting selection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

§11517. Dead Heats

A. In the event of a dead heat for win between two or more horses in any triple play race, all the horses in the dead heat for win shall be considered as official winning horses in the race for the purpose of calculating the pool and payoffs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

§11519. No Ticket Sold, Exchanged or Canceled

A. No triple play ticket shall be sold, exchanged or canceled after the time of the closing of wagering in the first of three races comprising the triple play, except for refunds on triple play tickets as required by §11513.B, and no person shall disclose the number of tickets sold in the triple play pool or the number or amount of tickets selecting winners of triple play races until the stewards have determined the last of the races comprising the triple play to be official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

§11521. Announcing Payoff Prices

A. After the second of the three races comprising the triple play has been declared official, an association may, with the approval of the commission, post possible triple play payoff prices to the public before the start of the third race of the triple play.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:80 (February 1988).

Chapter 116. Pick Four

§11601. Description; Selection; Principle

A. The pick four is a form of pari-mutuel wagering. Bettors select the first horse in each of four consecutive races designated as the pick four by the permit holder. The principle of a pick four is in effect a contract by the purchaser of a pick four ticket to select the winners of each of the four races designated as the pick four. The sale of pick four tickets other than from pari-mutuel machines shall be deemed illegal and is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11603. Wagering Pool

A. The pick four pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, trifecta, quinella or any other wagering pool. The pick four pool is a pool wherein the bettor is required to select four consecutive winning horses and is not a parlay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.
HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11605. Denominations

A. Pick four tickets shall be sold in not less than $1 denominations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 28:1014 (May 2002).

§11607. Approval; Notation

A. Races in which pick four pools are conducted shall be approved by the Commission and clearly designated in the program, and pick four tickets will be clearly marked as pick four tickets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11609. Procedure

A. After the wagering closes for the first race of the four designated pick four races, the commission will be deducted from the pari-mutuel pool in accordance with Louisiana law. The remaining net pool, subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winner in all four races comprising the pick four and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

1. In the event no ticket is sold combining winners of the four races comprising the pick four, the holders of tickets which include the winners of any three of the four races shall be deemed winning ticket holders, and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

2. In the event no ticket is sold combining the winners of three of the four races comprising the pick four, the holders of tickets which include the winners of any two of the four races shall be deemed winning ticket holders, and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

3. In the event no ticket is sold combining the winners of two of the four races comprising the pick four, the holders of tickets which include the winner(s) of any one of the four races shall be deemed winning ticket holders, and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11611. No Winning Ticket

A. In the event no winning ticket is sold that would require the distribution of the pick four pool as mentioned in §11609, the association shall make a complete refund of the pick four pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11613. Cancelled Races

A. If for any reason one or more of the races comprising the pick four is/are cancelled or declared "no race," the net pool shall be distributed as provided in §11609.

B. In the event the pick four pool is opened and wagers accepted, and all four races comprising the pick four are cancelled for any reason, the association shall make a complete refund of the pick four pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11615. Dead Heats

A. In the event of a dead heat for win between two or more horses in any pick four race, all such horses in the dead heat for win shall be considered as wining horses in the race for the purpose of calculating the pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11617. Closing Time; Disclosure

A. No pari-mutuel ticket for the pick four pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the four races comprising the pick four except for such refunds on pick four tickets as required by this regulation, and no person shall disclose the number of tickets sold in the pick four pool or the number or amount of tickets selecting winners of pick four races until such time as the stewards have determined the last race comprising the pick four to be official. At the conclusion of the third of the four races comprising the pick four, the association may display potential distributions to ticket holders depending upon the outcome of the fourth race of the pick four.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11619. Entry or Field

A. Those horses constituting an entry or a field as defined within the rules of racing shall race in any pick four race as a single wagering interest for the purpose of the pick four pari-mutuel pool calculations and payouts to the public. A scratch after wagering has begun of any part of an entry or field selection in such race shall have no effect with respect to the status of such entry and/or field as a viable wagering interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11621. Scratches and Non-Starters

A. At anytime after wagering begins on the pick four pool should a horse, entire betting entry or field be scratched, excused or declared a non-starter in any pick four race, no further tickets selecting such horse, betting entry or field shall be issued, and wagers upon such horse, betting entry or field, for purposes of the pick four pool shall be deemed wagers upon the horse, betting entry or field upon which the most money has been wagered in the win pool at the close of win pool betting for such race. In the event of a money tie in the win pool, the tied horse, betting entry or field with the lowest running number, as designated by the official racing program, shall be designated as the favorite for substitution purposes. For the purpose of this Section, when horses are prevented from starting by any malfunction of the starting gate itself they shall be considered as having been excused by the stewards. After close of betting, there shall be no refund, except as provided in §11611 or §11613.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11623. Display

A. These rules shall be prominently displayed in the betting area of the association conducting the pick four.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11625. Unforeseen Circumstances

A. Should circumstances occur which are not foreseen in these rules, questions arising thereby shall be resolved by the association and/or commission in accordance with general pari-mutuel practices. Decisions regarding distribution of the pick four pools shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

Chapter 117. Superfecta

§11701. Superfecta

A. The Superfecta is a form of pari-mutuel wagering which consists of combining the four horses in a single race that will subsequently finish first, second, third and fourth in that race. It is not a parlay and has no connection with or relation to any other pari-mutuel pool.

B. The net pool shall be awarded to ticket holders according to the following priorities:

1. to those who select first-, second-, third- and fourth-place finishers in order. If there are no such wagers; then

2. to those who select first-, second- and third-place finishers in order. If there are no such wagers; then

3. to those who select first- and second-place finishers in order. If there are no such wagers; then

4. to those who select the winner of the race. If there are no such wagers; then

5. the entire pool shall be refunded to the participants in the pool.

C. If less than four horses finish, and the race is declared official by the stewards or judges, the payoff shall be made to ticket holders selecting the finishing horses in order, ignoring the balance of the selection.

D. In the event that more than one component of a field or entry are within the first four finishing positions, the member of the field or entry closest to the finish shall determine the winning position (first, second, third or fourth) for the field or entry. The net pool shall be awarded to the ticket holders whose selection of four horses agrees with the order of finish within the race, including the field or entry in the winning position as herein described and ignoring all other components of the field or entry. The priorities set forth in Subsection C of this Section shall apply.

E. In the event of a first place dead heat, the winners shall be as follows:

1. if four or more dead heat runners, all wagering combinations of those four runners which agree with the four dead heat runners;

2. if three dead heat runners, all wagering combinations of those three runners which agree with the three dead heat runners, and the fourth-place runner;

3. if two dead heat runners, all wagering combinations of those two runners which agree with the two dead heat runners, and the third- and fourth-place runners in order.

F. In the event of a second place dead heat, the winners shall be as follows:

1. if three or more dead heat runners, all wagering combinations which correctly select first place, combined with any three runners in the dead heat;

2. if two dead heat runners, all wagering combinations which correctly select first place, combined with either of the two dead heat runners, and the fourth-place runner.

G. In the event of a third place dead heat, the winners shall be all those correctly selecting first- and second-place runners, combined with any two of the dead heat runners.

H. In the event of a fourth place dead heat, the winners shall be all those correctly selecting first-, second- and third-place runners in order, combined with any dead heat runner.

I. In the event of dead heats where there is more than one covered winning combination, those wagering pools shall be combined then evenly split for the number of covered winning combinations.

J. If no ticket is sold that would require distribution of the net Superfecta pool to a winner as above defined, a full refund of the Superfecta pool shall be made.

K. The minimum number of wagering interests required to offer Superfecta wagering shall be eight. A late scratch after wagering begins on that race will not cancel Superfecta wagering.

L. The commission may approve Superfecta wagering on a race with a purse of $200,000 or more where the number of scheduled starters is less than eight.

M. If a horse is scratched or declared a nonstarter, no further tickets may be issued designating such horse and all Superfecta tickets previously issued designating such horse shall be refunded and the money deducted from the gross Superfecta pool.

N. Races in which Superfecta pools are conducted shall be approved by the commission and shall be clearly designated in the program.

O. This rule shall be prominently displayed throughout the betting area of each track and distributed to patrons upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149-149.3.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 22:805 (September 1996).

Chapter 119. Parlay Wagering

§11901. Series of Wagers

A. The parlay is not a separate mutual pool, it is a series of wagers (consisting of legs) combining wagering entries in win, place or show pools. The initial amount wagered constitutes the wager on the first leg, and if successful, the payout from the first leg constitutes the wager on the second leg, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:990 (May 2000).

§11903. Limitation of Wagers

A. A parlay wager is limited to win, place or show which have a corresponding pool conducted on the race selected. The wager must combine at least two races but not more than six races. The races in a parlay must be in chronological order but do not need to be consecutive races or combine the same type pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:990 (May 2000).

§11905. Combinations

A. A parlay wager may only be on one pool and one wagering interest per leg and cannot combine wagers on races on other days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:991 (May 2000).

§11907. Breakage

A. Payouts included as wagers in subsequent races and the final payout to the parlay wagerer shall be broken to the nearest dime. Parlay breakage shall be reported separately and added to regular breakage at the end of the day for the purpose of taxation and distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:991 (May 2000).

§11909. Payouts

A. Parlay payouts will be included as wagers in subsequent pools by the track operator so the amount of such wagers, including their impact on the wagering odds, will be displayed. Wager totals in such pools shall be displayed in truncated fashion, to the lowest dollar.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:991 (May 2000).

§11911. Cancellations

A. Parlay wagers may be cancelled by the ticket holder, in accordance with track policy, only before the start of the first parlay leg in which a parlay selection starts. Parlay wagers not cancelled must be completed or terminated by operation of these rules in order to be entitled to a payout.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:991 (May 2000).

§11913. Scratches

A. If a race, pool or wagering entry in a parlay is scratched, which includes an entry being declared a non-starter for wagering purposes, or a race or pool is cancelled, the parlay shall consist of the remaining legs. The parlay terminates if there are no remaining legs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:991 (May 2000).

§11915. Coupled Entries and Fields

A. A wager on a coupled entry or field is considered a wager on the remaining part of the coupled entry or field if any part of the coupled entry or field starts for pari-mutuel purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:149.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 26:991 (May 2000).

Chapter 120. Account Wagering

§12001. Definitions

*Account Holder*Xa person authorized by the licensee to place wagers via account wagering.

*Account Wager*Xa wager placed by means of account wagering.

*Account Wagering*Xa form of pari-mutuel wagering in which an individual may deposit money in an account with a licensee and use the account balance to pay for pari-mutuel wagering authorized by R.S. 4:149.5 to be conducted by the licensee. An account wager may be made by the account holder in person, via telephonic device or by communication through other electronic media.

*Account Wagering Center*Xthe facility or facilities for maintaining and administering the account wagering system.

*Source Market Area*Xthe circular area within a 55-mile radius of a licensed racing facility and any additional area within which the consent of such facility is required as a prerequisite to the acceptance of off-track wagers by another licensee.

*Source Market Commission*Xall fees or commissions received by any racing association as a result of account wagers being placed with the entity that pays such fee or commission or any entity other than the racing association receiving said fee or commission by persons residing within a defined market area near the racing association and shall include a fee which shall be paid by a licensed racing facility which accepts an account wager to another licensed racing facility whenever the person placing the account wager:

1. resides within the source market area surrounding the latter licensed racing facility; and

2. does not place the wager in person at the facility accepting the wager. The percentage used to calculate the source market commission shall be, with respect to each account wager accepted on a particular day, equal to the highest source market percentage paid on that day to the licensed racing facility within the source market area by any other account wagering carrier located outside of the state.

Wagering Account or A*ccount*Xthe account maintained and administered through an account wagering center for account holders who wish to place account wagers and otherwise participate in account wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:689 (May 2001).

§12003. Authorization

A. A system of account wagering may be operated only by a licensee, or employees or agents of such licensee, who is/are authorized to do so pursuant to R.S. 4:149.5(B)(1). The authorized licensee may, subject to applicable state and federal laws, conduct account wagering on any races conducted at its facility and on any races conducted at other facilities, within or outside of this state. Wagering accounts may be established for an individual whose principal residence is outside this state if the racing association complies with all applicable provisions of federal and state law. All wagers placed through the licensee's system of account wagering shall be considered to have been made in this state.

B. An authorized licensee may not accept wagers from residents located in proximity to the racing facility of another licensee as provided for in R.S. 4:214(A)(3), without having provided the commission with sufficient evidence of how the authorized licensee intends to identify such account holders and pay to such other licensee the source market percentage required to be paid pursuant to R.S. 4:149.5(B)(2).

C. A licensee of race meetings shall provide the commission with written evidence of its consent to the acceptance, by an operator of a system of account wagering located outside this state, of wagers placed with such account wagering system by residents or other persons located within or outside of this state on races conducted in this state by that licensee. In the absence of such written evidence, no system of account wagering located outside this state may accept such wagers.

D. A licensee of race meetings authorized pursuant to R.S. 4:149.5(B)(1) to conduct account wagering in this state shall provide the commission with written evidence of its consent to the acceptance, by an operator of a system of account wagering located outside this state, of wagers placed with such account wagering system by residents or other persons located within this state on races conducted outside this state. In the absence of such written evidence, no system of account wagering located outside this state may accept such wagers.

E. A licensee, as defined in R.S. 4:149.5, may conduct account wagering made in person, by telephonic device or by communication through other electronic media. The maintenance and operation of account wagering shall be in accordance with the *Rules of Racing* and R.S. 4:149.5. The licensee shall request authorization and receive approval from the commission before a system of account wagering is offered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:690 (May 2001).

§12005. Establishment

A. The licensee may offer a system of account wagering to its patrons whereby wagers are debited in, and payouts credited to, an account in the name of the patron, that is held by the licensee. The licensee shall notify the patron, at the time of opening the account, of any rules or procedures the licensee has adopted concerning deposits, withdrawals, average daily balances, user or service fees, interest payments, hours of operation, and any other aspect of the operation of the account. The licensee shall notify the patron whenever the rules governing the account are changed and shall endeavor to provide such notification before the new rules are applied to the account and including the opportunity to close or cash-in the account. The patron shall be deemed to have accepted the rules of account operation upon opening or not closing the account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:690 (May 2001).

§12007. Compliance

A. Account wagering shall be conducted in compliance with the *Rules of Racing* and all applicable state and federal laws. Unless elsewhere specifically set forth, an account wager shall be subject to the statutory provisions and rules and regulations which govern all pari-mutuel wagers placed within the enclosure at which the licensee is authorized to conduct race meetings. From each account wager, there shall be deducted the same percentage as is deducted on a wager if made in person in the same wagering pool at the licensee's race track.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:690 (May 2001).

§12009. Wagering Pools

A. The total amount of all account wagers shall be included in the respective pools for each race and shall be combined into the licensee's pools or, with approval of the commission, directly into the corresponding pools of a host track in another jurisdiction. The amount wagered in such pools from wagering accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared official.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:690 (May 2001).

§12011. Hours of Operation

A. Account wagers shall be accepted during such times and on such days as designated by the licensee, subject to state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12013. Service Fees

A. As part of its rules, the licensee may, with the approval of the commission and prior notice to the account holder, impose user or service fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12014. Source Market Commissions

A. Fifty percent of all source market commissions shall be distributed at the licensed racing facility which receives such source market commissions for the purposes and in the percentages provided in the provisions of R.S. 4:183(A)(4)(a) and (b).

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:4:149.2, R.S. 4:149.5 and R.S. 4:183.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12015. Account Wagering Center

A. The licensee shall operate an account wagering center(s) for the purpose of keeping wagering accounts, recording wagers, maintaining records of credits and debits to the accounts, and otherwise administering the account wagering system. The location of such account wagering center(s) shall be subject to the approval of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12017. Licensee's Employees and Agents

A. The licensee shall appoint officers, employees or agents of the licensee to have management and control of the various aspects of the account wagering system for the licensee, including the account wagering center. As used herein, *licensee* includes the officers, directors and employees of the licensee, and persons, agents or other entities with the authority to accept deposits and wagers on behalf of the licensee and otherwise maintain and administer the system of account wagering. Such persons or entities may also provide services linking transactions from an account holder to a totalizator company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12019. Wagering Accounts

A. Only those persons who have a wagering account with an account wagering center shall be permitted to wager through account wagering. An account may be established at an account wagering center, at a racetrack or off-track wagering facility within the state, by mail, or by other means approved by the commission.

B. The licensee shall accept accounts in the name of a natural person only. The licensee shall not accept any corporate, partnership, limited liability company, joint, trust, estate, beneficiary or custodial account. The account is nontransferable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12021. Account Holder's Responsibilities

A. Wagering accounts are for the personal use of the account holder. Account holders are responsible for all bets placed through their accounts by any person using the account. The account holder bears full responsibility for maintaining the secrecy of his/her account number and confidential identification code.

B. Except as otherwise set forth herein, no person shall in any manner place any account wager on behalf of an account holder, or otherwise directly or indirectly act as an intermediary, transmitter or agent in the placing of wagers for an account holder. The licensee is not prohibited from conducting account wagering through employees or agents. Nothing in §12021 is intended to prohibit the use of credit or debit cards or other means of electronic funds transfer, or the use of checks, money orders or negotiable orders of withdrawal.

C. Neither the licensee nor any officer, director, employee or agent of the licensee shall be responsible for any loss arising from the use of or access to a wagering account by any person or persons other than the account holder, except where the licensee or its employees or agents act without good faith or fail to exercise ordinary care. The account holder must immediately notify the account wagering center of a breach of the account's security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12023. Minors Prohibited

A. No person below the age of 18 shall be permitted to open an account or place a wager, directly or indirectly, through account wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12025. Others Prohibited

A. No officer, director or employee of any firm, entity or agency which is retained by the licensee with responsibility for the operation or maintenance of the account wagering system or of the account wagering center shall be permitted to place a wager, directly or indirectly, through the licensee's system of account wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:691 (May 2001).

§12027. Opening Wagering Account

A. An applicant for a wagering account shall make application in writing on the appropriate form supplied by the licensee at an account wagering center, at a racetrack or off-track wagering facility within the state, by mail, or by other means approved by the commission. The applicant shall provide his/her full name, current address and telephone number, social security number, and such additional information as the licensee may require. It is the account holder's responsibility to keep his/her mailing address current with the account wagering center. The application shall be signed by the applicant or otherwise authorized in a manner acceptable to the commission. Applicants must state in their application whether they are below the age of 18.

B. Each account shall have a unique identification account number (and such other methods of identification as the licensee may require). Such number may be changed at any time provided the licensee informs the account holder in writing of the change.

C. At the time of applying for an account, each applicant shall select a confidential identification code to be used as further identification when wagering. Both the licensee and the account holder have the right to change this code at any time without explanation by informing the other party in writing of such change and the effective date thereof.

D. An account holder shall receive at the time the account is opened a unique identification account number; an identification card; a summary of the rules; an explanation of the procedures then in force for depositing to, withdrawing from and closing the account; a telephone number to be utilized by the account holder; a description of the mechanics of wagering; and such other information as the licensee or commission may deem appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:692 (May 2001).

§12029. Deposits and Withdrawals

A. Deposits to and withdrawals from existing accounts shall be permitted in such form and by such procedures as the licensee may require, provided that any requirements set forth in these rules shall be included therein.

B. Deposits made to a wagering account may be made as follows.

1. Deposits made to a wagering account by the account holder shall be submitted or mailed by the account holder to the staff or agents of the licensee at such locations and addresses as the licensee may designate from time to time, and shall be in the form of one of the following:

a. cash given to the staff at an account wagering center, or a racetrack or off-track wagering facility within the state; or

b. check, money order or negotiable order of withdrawal; or

c. charges made to an account holder's credit or debit card or other means of electronic funds transfer, upon the direct and personal instruction of the account holder, which may be given by telephone or other electronic device (or other means approved by the commission) to the licensee by the account holder if the use of the card or other means of funds transfer has been approved by the account wagering center.

2. Credit for winnings from wagers placed with funds in a wagering account, credit for account wagers on horses that are scratched, and other payments or refunds to which the account holder is entitled shall be posted to the account by the account wagering center.

3. The account wagering system shall not accept wagers or information assisting in the placement of wagers in excess of the amount posted to the credit of an account at the time the wager is placed.

C. Debits to a wagering account may be made as follows.

1. Upon receipt by a licensee of a wager or information assisting in the placement of wagers properly placed under applicable statutes and the *Rules of Racing*, the licensee shall debit the account holder's account in the amount of the wager.

2. A licensee may authorize a withdrawal from a wagering account when one of the following exists.

a. The holder of a wagering account applies in person at an account wagering center, or a racetrack or off-track wagering facility within the state, and provides proper identification, the correct personal identification account number, and a properly completed and signed withdrawal form.

b. The account holder has authorized the licensee to make such a withdrawal. Where there are sufficient funds in the account to cover the withdrawal, the account wagering center shall, within five business days of receipt, send a check to the account holder at the current address on record for the wagering account. The check shall be payable to the holder of the account and in the amount of the requested withdrawal, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws (including but not limited to compliance with federal rules concerning the reporting or withholding of federal income tax). If funds are not sufficient to cover the withdrawal, or the full amount requested is otherwise not being sent, the account holder will be notified in writing and those funds in the account, subject to compliance with the *Rules of Racing*, the licensee=s rules, and federal and state laws, will be withdrawn and sent to the account holder within five business days. Electronic transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the account wagering center.

3. A licensee may debit an account for fees for service or other transaction-related charges.

D. Checks offered for deposit shall not be posted to the credit of the account holder until the "hold" period established by the licensee has elapsed. Holding periods will be determined by the licensee and advised to the account holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:692 (May 2001).

§12031. Deceased Account Holder

A. In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a court order or judgment of possession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:692 (May 2001).

§12033. Licensee's Rights and Responsibilities

A. Notwithstanding any other rules, the licensee, through its managing employee of the account wagering center, or other employee or agent designated by the licensee, shall have the following rights and responsibilities.

1. The licensee has the right to refuse the establishment or maintenance of accounts for what it deems good and sufficient reason.

2. The licensee has the right to refuse deposits to accounts for what it deems good and sufficient reason.

3. The licensee has the right at any time to refuse to accept all or part of any wager for what it deems good and sufficient reason.

4. The licensee has the right at any time to declare the account wagering system closed for receiving wagers on any pari-mutuel pool, race, group of races, or closed for all wagering.

5. The licensee has the right to suspend or close any account at any time. When an account is closed, the licensee shall, within five business days, return to the account holder such monies as are on deposit at the time of said action, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws, by sending a check to the account holder's current address.

6. The licensee has the right to close any account when the holder thereof attempts to operate with an insufficient balance or when the account is dormant for a period established by the licensee. In either case, the licensee shall refund the remaining balance of the account, subject to compliance with the *Rules of Racing*, the licensee's rules, and federal and state laws.

7. No employee or agent of the licensee employed or engaged at the account wagering center shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the account wagering center, except to the account holder or the commission, as required by these rules, and as otherwise required by federal or state law, or the *Rules of Racing*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:693 (May 2001).

§12035. Account Operations and Procedures

A. Account wagers shall be accepted during such times and on such days as designated by the licensee, subject to state law.

B. The account holder shall provide the licensee with the correct personal identification account number previously assigned by the licensee to the holder of the wagering account, as well as the account holder's confidential identification code.

C. Any account wagering system must provide for the account holder's review and finalization of a wager or information assisting in the placement of a wager before it is accepted by the licensee. The wager shall not be changed after the account holder has reviewed and finalized the wager, and the conversation or wagering transaction has been concluded.

D. Payment on winning account wagers shall be posted as a credit to the account of the account holder as soon as practicable after the race is declared official.

E. No licensee may accept an account wager, or series of account wagers, in an amount in excess of funds on deposit in the account of the account holder placing the wager. Funds on deposit include amounts credited and in the account at the time the account wager or account wagers are placed. Account wagers will not be accepted which would exceed the available balance in the account.

F. When an account holder is entitled to a payout or refund, such monies will be credited to the respective accounts, thus increasing the credit balance. It is the responsibility of the account holder to verify proper credits and, if in doubt, notify the licensee within the agreed upon time frame for consideration. Unresolved disputes may be forwarded to the commission by the licensee or the account holder. No claim will be considered by the commission unless submitted in writing and accompanied by supporting information or evidence.

G. Monies deposited with the licensee for account wagering shall not bear any interest to the account holder.

H. The licensee shall maintain equipment capable of recording all wagering conversations and transactions conducted through the account wagering system. The recording device must be used at all times when wagering communications are received.

I. For wagers made by voice telephone, the licensee shall make a voice recording of the entire transaction and shall not accept any such wager if the voice recording system is inoperable. The voice recording of the transaction shall be deemed to be the actual wager, regardless of what was recorded by the pari-mutuel system.

J. All wagering conversations, transactions or other wagering communications through the account wagering system, verbal or electronic, shall be recorded by means of the appropriate electronic media, and the tapes or other records of such communications kept by the account wagering center for a period of time which the commission may establish. These tapes and other records shall be made available to commissioners, employees and/or designees of the commission in accordance with the *Rules of Racing*.

K. The address provided in writing by the account holder to the account wagering center is deemed to be the proper address for the purposes of mailing checks, account statements, account withdrawals, notices, or any other appropriate correspondence. It is the account holder's responsibility to maintain a current address of record with the account wagering center. The mailing of checks or other correspondence to the address given by the account holder shall be at the sole risk of the account holder.

L. The account wagering center shall, from time to time, but not less than once per year, provide written statements of account activity during the period to all account holders. In addition, an account holder has the right to request and be provided a statement at any time. Unless written notice to the contrary is received by the licensee within 30 days of the date that any such statement is rendered to an account holder, said statement shall be deemed accepted as correct in any and all particulars.

M. Subject to commission approval, the licensee may implement procedures for the use of wagering accounts for wagering while at facilities in this state where pari-mutuel wagering is permitted and for wagering by any other electronic means.

N. The commission may review and audit the account wagering system's equipment configuration and account wagering center. Any telephone communications system, whether touch tone, voice response, or operator controlled,

and all other electronic media utilized for account wagers, shall be linked to a totalizator system in a manner approved by the commission. For the purposes of account wagering, totalizator equipment utilized by or linked to the licensee shall be capable of accounting for all wagering and other transactions which may affect customer accounts. The licensee must maintain complete records of every deposit, withdrawal, wager, refund and winning payout for each account. These records shall be made available to the commission in accordance with the *Rules of Racing*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2 and R.S. 4:149.5.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 27:693 (May 2001).

Title 35
HORSE RACING
Part XV. Off-Track Wagering

Chapter 121. Definitions

§12101. Definitions

*Decoder*Xa device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

*Employee of an Off-Track Wagering Facility*Xan employee, agent and/or other person(s) acting for and on behalf of the licensee when present on or about or in furtherance of the operation of the off-track wagering facility.

*Encryption, Encrypted, Encoded*Xthe scrambling or other manipulation of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal.

Host or *Host Association*Xthe racing association that actually conducts horse racing, and from whose premises simulcast races originate.

*Licensee of an Off-Track Wagering Facility*Xthe entity or racing association owning and/or conducting an off-track wagering facility, including its officers.

*Off-Track Wagering Facility*Xthe physical premises and/or business which conducts and offers pari-mutuel wagering to the public on live televised horse races which are held at any premises of a racing association licensed by the commission.

Simulcast or *Simulcasting*Xwhen used with this Part, means the transmission of broadcast-quality television audio and visual signals from a pari-mutuel facility to a licensed and authorized off-track wagering facility simultaneously with the running or transmitting of horse racing events at the pari-mutuel facility, and includes the transmission of pari-mutuel wagering odds and other information and programming as is customarily displayed to patrons at the host association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:287 (May 1988).

Chapter 123. General Rules

§12301. Authority of Commission

A. The licensee and the employees of an off-track wagering facility must be licensed by the commission, and shall be subject to the laws of Louisiana and the *Rules of Racing* as promulgated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12303. Proprietary Rights

A. Except as otherwise provided and/or as expressly provided herein, nothing contained in the rules governing off-track wagering shall in any way affect or be construed to expand, reduce, limit or modify the proprietary rights of a licensee of an off-track wagering facility authorized to operate and/or conduct off-track wagering.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12305. Impermissible Conduct

A. At any off-track wagering facility, no person shall:

1. use improper, profane or indecent language to any racing official;

2. in any manner or at any time, disturb the peace or make himself or herself obnoxious to others;

3. make a handbook or foreign book, or solicit for or bet with a handbook or foreign book.

B. If any licensee or employee of an off-track wagering facility shall solicit bets or wagers from a customer, invitee or other member of the public other than through the pari-mutuel wagering system, any or all of them may have their license(s) suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12307. Complaints against Officials

A. Complaints against a racing official at an off-track wagering facility shall be made to the commission in writing, at its offices, and be signed by the complainant. Complaints against a steward or such other person designated by the commission shall be made in writing to the commission and signed by the complainant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12309. Strikes

A. Any person, licensed by the commission, causing, creating or lending to the incitement of a strike, or who, through compulsion, harasses or embarrasses the

commission, off-track wagering facility licensee or any agency connected with racing shall be cited to appear before the commission to show cause why his or her license should not be suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12311. Minors

A. No person under the age of 18 shall be admitted to any off-track wagering facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12313. Ejections

A. Any person may be excluded or ejected from an off-track wagering facility by the licensee if he or she is included in any category of persons provided in Chapter 18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:191-197 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12315. Employee List; Identification Badges

A. A licensee of an off-track wagering facility shall furnish to and keep current with the commission, a list of the names of employees at its off-track wagering facility and their specific duties. Each employee of an off-track wagering facility shall possess and display an identification badge on his or her outer garments during the entire period of his or her daily employment at the off-track wagering facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12317. Facility Racing Officials

A. The following racing officials employed by an off-track wagering facility shall be approved in writing by the commission: private police or security agencies; mutuel managers, calculators and supervisors; and any such other persons as the commission may designate. Should any change of these officials occur or be anticipated, the off-track wagering facility must get prior approval from the commission at least 10 days before such change, except as provided in §1907. The off-track wagering facility must submit in writing the time and reason for the change and furnish a resume of the replacement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:288 (May 1988).

§12319. Minors as Employees

A. No person under the age of 18 years shall be employed in or on any off-track wagering facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12321. Access by Commissioners

A. Members of the commission and its designated representatives shall have the right to full and complete entry to any and all areas of an off-track wagering facility. All off-track wagering facilities shall recognize buttons of the National Association of State Racing Commissioners and commission parking permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12323. Non-Pari-Mutuel Wagering

A. Wagering within the confines of an off-track wagering facility other than through pari-mutuel machines is strictly prohibited. Any person making a handbook or wagering with a handbook, or soliciting bets to be made on races received at the off-track wagering facilities or on races elsewhere, shall be ejected from an off-track wagering facility and denied any further admission. No gaming device, other than that permitted by law, shall be allowed within an off-track wagering facility. Cards, dice and petty games of chance are prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12325. Telephones and Telegraphs

A. Off-track wagering facilities may be allowed telephones for the transaction of ordinary business, and may also allow telegraph wires for the benefit of the press. However, no information regarding the results of any race shall be transmitted until such race results are official, nor shall any message transmitting money, or other things of value, or directing the placing of any wager, be sent over the telegraph wires. Nor shall any message be sent in any type of code or any form other than in plain and intelligible English, under penalty of license revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12327. Prohibited Transmission Equipment

A. Possession or control by any person on the premises of any off-track wagering facility of electronic or communications equipment or device capable of transmitting or communicating:

1. the results of any race;

2. any information with respect to odds and/or track conditions in connection with a race;

3. any information about jockeys or equipment to be used in a race; and/or

4. any other information concerning a race, to another person, firm or corporation located outside of the licensed area of an off-track wagering facility is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12328. Notification of Change

A. Notification of any race date changes or changes in format for wagering including, but not limited to, addition of exactas, pick six, daily doubles and/or other exotic wagering must be provided by the host track to both the host track tote company, guest track tote companies, guest track mutuel department and off-track wagering facility tote companies at the time such changes are approved by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:170 (February 1991).

§12329. Simulcast Video Transmission

A. Every simulcast shall be encrypted using a time displacement decoding algorithm encryption system.

B. Not less than 30 minutes prior to the commencement of the transmission of each racing program, the host association shall initiate a test program of its transmitter, encryption, decoding and data communication to assure proper operation of the system.

C. Every simulcast shall contain a digital display of the actual time of day, the name of the race track from where it emanates, the number of the race being displayed, and the sequential fractional time of the race as the race is being run.

D. The host association shall retain a video record of all simulcasts, in decoded form, and shall provide a copy of such record on girth a 1/2 inch or 3/4 inch video cassette when requested by the commission.

E. Each host association is responsible for the contents of its simulcast and shall use all responsible efforts to present a simulcast which offers viewers an exemplary depiction of its racing program, a periodic display of wagering information and continuity programming between horse racing events.

F. The transmission of data between the totalizator system at the host association and the remote terminals at the off-track wagering facility shall be independent of the simulcast transmission. A separate point-to-point leased data communications line, using either analog or digital transmission methods, shall be required between the host association and each off-track wagering facility.

G. There shall be sufficient television monitors in each tote room to provide key tote employees a view of all horses starting from the starting gate at any track.

H. In the event of a data or wagering communication failure, and communication is not restored by three minutes to post for the current race at the host track, betting shall cease at the guest track and/or off-track wagering facilities where such communication has been lost, and wagers to that point shall be manually merged. No further wagering data shall be accepted at the failed facilities until communications can be restored and authorization is given by both the host and guest mutuel departments.

I. In the event of a data communication failure which requires the manual merging of pools, betting for the next race cannot proceed at guest tracks or off-track wagering facilities which have suffered such loss until data communication has been re-established and all payoffs for any prior race have been posted. Races shall not be delayed at the host track past post time as normally reflected on the infield tote board while awaiting the re-establishment of failed data communications between the host track and guest or off-track wagering facility.

J. Any loss in communications causing a delay in races or payoffs between host tracks, guest tracks and/or off-track wagering parlors shall be considered an "incident" and will require incident reports to be filed with the commission by all tote managers and mutuel managers involved within 48 hours of the incident.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988), amended by the Department of Economic Development, Racing Commission, LR 17:171 (February 1991).

§12330. Fax Transmission

A. Fax machines shall be located in each tote room as the priority back-up method of communication of wagering data. Verbal transmissions of wagering data will be accepted only in the event of a fax failure and confirmed in writing as soon as possible. Proof of successful fax transmission shall be maintained for a minimum of 60 days by the association.

B. Scratched horses and other betting format changes must be communicated from host mutuel department head to all tote department managers at both live and guest associations via fax transmission immediately upon receipt of that information from the host track stewards or if the urgency of communication requires otherwise and confirmed in writing as soon as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:170 (February 1991).

§12331. Simulcast Audio Transmission

A. Each off-track wagering facility shall have the capability to deliver the simultaneous audio transmission of a race to the facility in the event that the simulcast of the racing program is interrupted. The transmission of only the audio description of the racing program to the off-track wagering facility must be approved by the commission or its designee, except when prior approval is not possible.

B. In the event of the loss of both audio and video signals from the host track to guest tracks and/or off-track wagering facilities, wagering may continue. However, either the audio or video signal must be re-established as soon as possible, but no later than the start of the next day's wagering program or wagering shall not be allowed to begin at the guest track or off-track wagering facility that has suffered the loss of both audio and video signals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988), amended by the Department of Economic Development, Racing Commission, LR 17:171 (February 1991).

§12332. Tote Forms; Glossary of Terms

A. All tote companies operating within the state of Louisiana shall use a standard "manual merge" form approved by the commission. This form shall be authenticated by the signature of the tote manager and mutuel manager at both host and guest track or off-track wagering facilities, or by their designees.

B. All tote companies operating within the state of Louisiana shall correspond under a mutually accepted glossary of terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:173 (February 1991).

§12333. Security Controls

A. Each host association and off-track wagering facility shall maintain such security controls over video and audio simulcasts as directed by the commission or its authorized agent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12334. Licensee's Authority to Make Rules

A. Consistent with law and this Part, a licensee shall have the authority to adopt rules and regulations governing its methods of paying pari-mutuel ticket holders at its off-track wagering facility. Rules and regulations adopted by a licensee of an off-track wagering facility shall be prominently displayed in such facility after approval thereof by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12335. Wagering Pools

A. The wagering pools offered by an off-track wagering facility licensee shall be combined with those wagers placed at the facility of the host association providing the racing program so as to produce common pari-mutuel betting pools for the calculation of odds and the determination of payout from such pools, which payout shall be the same for all winning tickets irrespective of where the wager is placed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:289 (May 1988).

§12336. Off-Track Breakage

A. When actual statistics are unavailable to determine breakage from wagering at an off-track wagering facility, the breakage to which an off-track wagering facility is entitled by law shall be in an amount proportionate to the amount wagered at such off-track wagering facility to the total handle at the host track, including the amount wagered at such off-track wagering facility. When statistics are available, the amount of such breakage shall be as provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:287 (May 1988).

§12337. Totalizator Equipment

A. Each off-track wagering facility shall use electronic totalizator equipment. The totalizator shall calculate and display the total amounts wagered on each betting interest each 60 seconds prior to the start of the race. The totalizator shall be designed so that the ticket issuing machine shall be automatically locked at a time prior to the start of the race to be determined by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12339. Close of Wagering

A. The locking of all ticket issuing machines shall be noted by the ringing of the off-bell at the off-track wagering facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12341. Pari-Mutuel Tickets

A. Pari-mutuel tickets utilized at an off-track wagering facility shall use a numerical designation for each betting interest.

B. All off-track wagering, guest and host facilities shall, upon request, cash all pari-mutuel tickets purchased at its facility during all hours of operation within the guidelines provided for under R.S. 4:176 and R.S. 4:219.

C. When wagers are accepted by a host track, guest track or off-track wagering facility and a pari-mutuel ticket is issued therefor, such wagers are to be considered an enforceable contract, evidenced by possession of a winning ticket, and such tickets shall be honored by all cashiers of the host track and the off-track wagering facility where such wager is placed. Refunds of wagers shall be made only:

1. on a horse that is scratched;

2. a race is declared off; or

3. if a manual merge is rendered impossible because of an act or event beyond the control of a host track or an off-track wagering facility including, but not limited to, a catastrophe or acts of God.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:176 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988), amended by the Department of Economic Development, Racing Commission, LR 17:261 (March 1991).

§12343. Concessionaires and Caterers

A. Each licensee of an off-track wagering facility shall submit in writing to the commission for approval, the names of persons, corporations or other legal entities who will operate the concessionaires and/or catering facilities (as defined in §5743) within the confines of the off-track wagering facility for the duration of its operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12345. Concession Services

A. The concession and catering operations shall be conducted so that all persons attending off-track wagering facilities shall be satisfactorily served. Food, beverages (both alcoholic and nonalcoholic), tobacco and other generally related items may be available for sale to the patrons of the various facilities on each day that racing is televised. Concessionaires serving liquid refreshments shall not permit the surrender of glass containers to patrons except in designated areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12347. Cleanliness and Inspection

A. Off-track wagering facility premises shall be kept in clean condition, in good repair, well lighted, ventilated, heated and/or air conditioned (as the case may be). The quality, quantity and price of all items of food, liquor, beer and other items sold shall be subject to inspection by the commission or any person designated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12349. Sanitation and Health Rules

A. All off-track wagering facilities are subject to sanitation and health rules as provided by law and in §5757 and §5759.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12351. Method of Accounting

A. Each off-track wagering facility shall use generally accepted accounting principles or procedures determined by the commission so as to record and summarize financial information in order to produce financial statements and reports and to provide adequate internal fiscal controls.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12353. Wagering Distribution Report

A. Each licensee of an off-track wagering facility shall furnish to the commission a report of its wagering distributions within 45 days of the end of each fiscal quarter of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12355. Race Meeting Report

A. Each licensee of an off-track wagering facility shall, in conjunction with the host association, provide the commission with an audited report of its pari-mutuel operations not more than 90 days following the conclusion of each race meeting conducted by a host association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12357. Other Reports

A. The licensee of an off-track wagering facility shall provide to the commission written reports as may be required by or requested by the commission from time to time and may include, by way of illustration and without limitation, the following:

1. copies of all written contracts;

2. a list of directors and officers, compensation paid to each, and/or a report of any changes thereof;

3. a statement listing all unclaimed ticket fund accruals for the preceding month and/or to date.

B. Whenever an off-track wagering licensee applies to a city, parish or other governing authority for any change whatsoever in license fees, that licensee shall notify in writing the commission of such application no less than 30 days prior to any public hearing for such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission LR 14:290 (May 1988), amended by the Department of Economic Development, Racing Commission, LR 18:366 (April 1992).

§12359. Books and Records

A. The commission may conduct such investigations it deems necessary in order to effectively carry out the purposes and objectives of off-track wagering as provided by law. Books and records of an off-track wagering facility shall be maintained by the licensee of an off-track wagering facility as ordered by the commission and they shall not be destroyed, cause to be destroyed or abandoned by the licensee of an off-track wagering facility without the prior approval of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12361. Inspection and Delivery

A. The commission may inspect the records of a licensee and its off-track wagering facility at any time at the offices of the off-track wagering facility. The licensee off-track wagering facility shall, upon written notice, deliver promptly to the commission any books, records, papers, etc. which the commission shall request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12363. Remedies

A. A person aggrieved by any action taken against him by a licensee of an off-track wagering facility or its employees shall exhaust all administrative remedies provided him before the commission prior to instituting any legal proceedings seeking judicial relief, as provided in R.S. 4:191-197.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:191-197 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988).

§12365. Matters Not Covered

A. Any matter not covered by the provisions of this Chapter shall be determined by the stewards at the host track following consultation, if deemed necessary, with the host track mutuel manager. A written report of each such determination shall be promptly made to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:260 (March 1991).

Chapter 125. Licensing

§12501. Licensing

A. Licensing of off-track wagering facilities in parishes with its parish seat within 55 miles of an existing pari-mutuel facility shall be governed by §§12503-12507.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12503. Applications

A. License applications authorized by this Part shall be submitted by eligible applicants and shall not be considered by the commission unless filed no later than 20 days before the next regular or special meeting of the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12505. Application Submission

A. The commission shall review and consider such applications during a regular or special meeting and shall consider each application separately based on its completeness of information and its compliance with the provisions of R.S. 4:214.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12507. License Application Stages

A. License applications shall be in two stages.

1.a. A preliminary application for authorization to establish an off-track wagering facility ("preliminary application") in a parish shall include the names and addresses of all eligible applicants for a license in the parish, if known, or a certified letter from such other eligible applicant(s) not wishing to make an application to establish an off-track wagering facility.

b. The preliminary application shall not include the requirements of R.S. 4:214(A)(3-7), (B), (C), (E), (F), (G) and R.S. 215(B)(2).

c. Upon approval of the preliminary application, the commission shall immediately request the governing body of the parish where the off-track wagering facility will be located to authorize and include a referendum to be on the ballot of its next regularly scheduled election for the purpose of satisfying the requirements of R.S. 4:214(A)(2).

2. The final application for authorization to establish an off-track wagering facility ("final application") may not be made until official notice is received from the parish in which the referendum election was held that the voters approved the establishment of an off-track wagering facility in the parish. The provisions of this Section requiring notice shall not apply to any facilities exempted from the referendum provisions contained in R.S. 4:214(D).

3. The final application shall be submitted in the same manner as a preliminary application and shall include:

a. the criteria required by R.S. 4:159 and required under R.S. 4:214(A);

b. the written consent of other primary licensee(s) whose facility(s) are within the 55-mile radius defined in R.S. 4:214(A)(3);

c. a certified copy of the final approval of the citing requirements of the off-track wagering facility from the local governing authority as required by R.S. 4:214(A)(5);

d. a description of the exact location including an architect's rendering a floor plan sufficient to determine compliance with R.S. 4:214(A)(7);

e. a certified check in the sum of $1,000 as required by R.S. 4:214(C);

f. a confirmation and copy of any contracts entered into under the provisions of R.S. 4:214(F), together with identification of all parties to such contracts;

g. a certified copy of all contracts with host tracks as required by R.S. 4:214(G);

h. a certified copy of all contracts between all applicants for license to establish an off-track wagering facility, as required by R.S. 4:215(B)(2) or R.S. 4:215(C)(4), whichever is applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12509. License Procedures

A. Licensing procedures for off-track wagering facilities in parishes with its parish seat more than 55 miles from a presently existing pari-mutuel facility shall be governed by §§12511-12515.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12511. License for Facility Beyond 55-Mile Limit

A. Any eligible applicant under R.S. 4:215 making an application for a license to establish an off-track wagering facility in a parish whose parish seat is more than 55 miles from any presently existing pari-mutuel facility shall not be considered by the commission unless filed no later than 20 days before the next regularly scheduled commission meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12513. Hearing Notice

A. At least 15 days prior to the meeting at which the commission shall consider such application, the commission shall notify, by certified mail, all other applicants eligible under the provisions of R.S. 4:215 of the filing of such application and the date on which it shall be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12515. Review and Completeness of Information

A. The commission shall review and consider such applications during a regular or special meeting and shall consider each application separately based upon its completeness of information and compliance with the provisions of R.S. 4:214.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12517. Notification of Requirements

A. 30 days after the notification required by R.S. 4:215(C)(2), the commission shall notify each applicant of all the requirements of R.S. 4:215(C)(3) and such other requirements as it deems appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:291 (May 1988).

§12519. Eligibility; Joint Application

A. The eligible applicants making an affirmative response to §12511 with 30 days notice shall each then be responsible for filing a joint final application as required by R.S. 4:214.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:292 (May 1988).

§12521. Application Form

A. An application form ("Application for Off-Track Wagering Facility") shall be completed for each facility by its applicant or applicants and shall be submitted to the commission for approval. Omission and/or falsification of information on the application form may be grounds for denial of the application form. Such application shall be totally completed or will not be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:211-227.
HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 15:7 (January 1989).

Chapter 127. Interstate Common Pool Wagering

§12701. Definitions

A. As used in this Chapter, the following shall mean:

Commission or *Racing Commission*Xthe regulatory body with statutory jurisdiction over the host or guest track or other pari-mutuel facilities, as applicable.

*Guest State*Xthe jurisdiction within which a guest track is located.

Guest Track or *Receiving Track*Xthe race track, off-track wagering facility or other facility in a state other than the state in which the race is run that is the subject of the interstate common pools.

*Host State*Xthe jurisdiction within which a host track is located.

*Host Track or Sending Track*Xthe race track at which the race is run that is the subject of the interstate common pools.

Interstate Common Pools or *Merged Pools*Xa pari-mutuel pool established within one state (usually at a host track) within which is combined comparable pari-mutuel pools of one or more guest tracks upon a race run at the host track, for purposes of establishing payoff prices in the various jurisdictions. There may be more than one state simultaneously combining pari-mutuel pools into the common pool in the host state. Where the laws and rules of the host and guest states permit, and with concurrence of the host track, the merged pool may be established on a regional or other basis between two or more guest states but not involving a merger into the host tracks' pari-mutuel pool, in which eventuality one of the guest tracks shall serve as if it were the host track for purposes of calculating the pari-mutuel pool on which payoff prices are calculated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:259 (March 1991).

§12703. General Provisions

A. All contracts governing participation in interstate common pools shall be submitted to the commission for its approval.

B. Individual pari-mutuel wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs and breakage, but shall be maintained separately for auditing and all other purposes.

C. Any surcharges or withholdings on or from pari-mutuel pools, in addition to the takeout, shall be applied only in the jurisdiction imposing such surcharges or withholdings.

D. In determining whether to approve an interstate common pool which does not include the pari-mutuel pool of the host track, the commission shall consider and may approve:

1. use of a type of wager which is not utilized at the host track;

2. application of a takeout rate not in effect at the host track; or

3. such other factors which are provided to the commission.

E. The content and format of the visual display of racing and wagering information at facilities in other states where wagering is permitted in the interstate common pool, need not be identical to similar information permitted or required to be displayed in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:259 (March 1991).

§12705. Guest State Participation in Interstate Common Pools

A. With the prior approval of the commission, pari-mutuel wagering pools in this state may be combined with comparable wagering pools in the host state, or with comparable pools established by one or more other jurisdictions where wagering is authorized by law.

B. The commission may permit adjustment of the takeout rate from pari-mutuel pools so that the takeout rate in this state is identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.

C. Where takeout rates in the merged pool are not identical, the commission shall approve the method by which the differing takeout rates shall be applied.

D. Rules of racing governing the race in the host state shall apply to the merged pool unless the commission shall have specifically determined otherwise.

E. Provisions governing the calculation of breakage under the *Rules of Racing* in this state may be waived as to wagers in interstate common pools. The commission may approve agreements between the licensee and other participants in interstate common pools governing the equitable distribution of breakage between the host and guest state, unless and to the extent otherwise provided by law.

F. If for any reason it becomes impossible to successfully merge the pari-mutuel wagers placed in this state into the interstate common pool, the licensee shall declare such accepted bets void and make refunds in accordance with the provisions of §12341 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:259 (March 1991).

§12707. Host State Participation in Merged Pools

A. With the prior approval of the commission, a licensee may determine that one or more of its races be utilized for pari-mutuel wagering at a guest track, and may also determine that pari-mutuel pools in guest states be combined with:

1. comparable wagering pools established by it as the host track; or

2. comparable wagering pools established by two or more states.

B. Where takeout rates in the merged pool are not identical, the commission shall approve the method by which the differing takeout rates shall be applied.

C. *Rules of Racing* of this state shall also apply to interstate common pools unless the commission shall have specifically determined otherwise.

D. *Rules of Racing* governing breakage in this state may be waived by the commission as to wagers in interstate common pools. The commission may approve agreements between the licensee and other participants in interstate common pools governing the equitable distribution of breakage between the host and guest states, unless and to the extent otherwise provided by law.

E. Any contract for interstate common pools entered into by the licensee shall contain a provision to the effect that if for any reason it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the licensee, or if for any reason the commission's or the licensee's representative determines that transferring or an attempt to transfer pool data from the guest state to its interstate common pool may endanger the licensee's wagering pool, neither the commission nor the licensee shall have any liability for any action(s) taken which may result in the guest track's wagers not being accepted into the pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:259 (March 1991).

§12709. Takeout Rates in Interstate Common Pools

A. With the express approval of the commission, a licensee desiring to participate in an interstate common pool may change its takeout rate (within the limits permitted by state law) so as to achieve a common takeout rate with all other participants in the interstate common pool.

B. A licensee desiring to participate in an interstate common pool may request that the commission approve a methodology whereby host and guest states with different takeout rates for comparable pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:260 (March 1991).

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLI. Horseracing Occupations

Chapter 1. Veterinarians

§101. Licensing Veterinarians

A. All veterinarians shall be licensed to practice under the laws of Louisiana. No owner or trainer shall employ a veterinarian not licensed by the commission. This rule shall apply to veterinarians treating horses stabled off the association grounds and registered to race at any track in the state of Louisiana under supervision of the commission. Any owner or trainer employing unlicensed veterinarians will be subject to a fine or suspension or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:427 (December 1976), amended LR 3:24 (January 1977), LR 4:273 (August 1978).

§103. Restriction of Owner's or Trainer's License

A. A veterinarian, while practicing his profession with horses racing under the jurisdiction of the commission, will not be eligible for an owner's or trainer's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§105. Administration of Drugs; Hearing

A. All veterinarians administering drugs or other substances to horses regulated by the commission, shall be responsible to see that the drugs or other substances are administered in accordance with the provisions of the *Rules of Racing*. Should any specimen sample disclose the presence of any drug or substance prohibited by the *Rules of Racing*, the stewards or the commission may hold a hearing to determine whether the prohibited drug or substance was received by or administered to the horse in question by any veterinarian in violation of the *Rules of Racing*. If it is determined that a violation occurred, the stewards or commission will apply such sanctions, by fine and/or suspension of license, as is deemed appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 8:233 (May 1982).

Chapter 3. Trainer

§301. Name of Trainer

A. No trainer shall practice his profession except under his own name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§303. Attending Horse

A. A trainer or an assistant trainer shall attend his horse in the paddock and shall be present to supervise his saddling unless he has obtained the permission of a steward to send another licensed trainer as a substitute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§305. Condition of Horse

A. A trainer is responsible for the condition of each horse trained by him.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§307. Employee Registration

A. Each trainer shall register with the racing secretary every person in his employ.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§309. Horse Owned by Unqualified Person

A. A trainer shall not have in his charge or under his supervision any horse owned, in whole or in part, by a disqualified person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§311. Written Permission to Move Horses

A. No trainer, owner or other person shall move, or permit to be moved, any horse or horses in his care from the grounds of an association without written permission of the association and the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§313. Horse in Racing Condition

A. A trainer shall not enter or start a horse which is not in serviceably sound racing condition, has been tracheatubed or has been nerved.

B. However, horses which have had a posterior digital (heel nerve) neurectomy or cryosurgical intervention in the areas reserved for posterior digital neurectomies performed on one or more feet, may be permitted to race.

C. All horses which have undergone either of the above procedures shall be so designated on the foal certificate and be certified by the practicing veterinarian.

D. All horses which have undergone either of the above procedures prior to the adoption of this rule must also be certified, and it is the responsibility of the trainer to see that either of such procedures will be carried on the foal certificate.

E. All nerved horses, high or low, and all horses having had a cryosurgical intervention, as aforesaid, must be published on the bulletin board in the racing secretary's office.

F. Any horse which is high nerved shall not be permitted to enter in a race.

G. Except as provided herein, a trainer shall not enter or start a horse which has been Anerve blocked≅ or treated with, or been given any drug internally, externally or by hypodermic injection, except as permitted by LAC 35:I.1501 et seq.

H. Nor shall a trainer enter or start a horse which is blind or whose vision is seriously impaired in both eyes, is on a steward's, veterinarian's, starter's or disqualified list or is permanently barred from racing in any jurisdiction.

I. Additionally, a trainer shall not enter or start a horse which is not properly plated except where permission to start without shoes is obtained from the stewards prior to entry. However, once a horse has started without shoes, it must race unshod for the balance of the meet, unless otherwise approved by the stewards. In any emergency situation the stewards shall have sole discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978), LR 5:325 (October 1979), LR 25:830 (May 1999).

§315. Employment of Jockey

A. No trainer, owner or other person shall employ a jockey for the purpose of preventing him from riding in any race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§317. Inspection of Horses' Fitness to Race

A. Trainers of horses entered in the first or second race shall inspect the condition of their horses 1 1/2 hours before post time of the first race. If any horse is found to be unfit to race, the trainer shall report that fact to the stewards one hour before post time of the first race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§319. Absence from Stable

A. Any trainer that anticipates being absent from his stable that he trains must have prior approval from the stewards, naming the trainer or assistant trainer that will saddle his horses and be responsible for his stable, however, in no case will his absence be over a duration of five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:275 (August 1978).

Chapter 5. Assistant Trainers and Other Employees

§501. Licensing of Assistant Trainer

A. Assistant trainer is considered a trainer for licensing purposes and an assistant trainer shall be required to take out an annual license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:169.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§503. Badges of Discharged Employees

A. An owner and/or trainer is accountable and shall be responsible for picking up the badge of any discharged employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§505. Licensing of Other Employees

A. Owners and/or trainers must report personnel changes to the stewards within 24 hours. Any owner or trainer harboring or employing an unlicensed person shall be fined not less than $25. No person under the age of 18 years shall

be granted a license by this commission, except upon presentation of a birth certificate and permit from the Louisiana State Labor Board, then the minimum age for licensing shall be 16. The commission does not recognize probationary licenses or temporary licenses, except as may be provided in LAC 35:XI.9901 et seq. No person shall be granted a trainer's license who is under 18 years of age.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:169.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 1:497 (November 1975), amended LR 2:428 (December 1976), LR 3:24 (January 1977), LR 4:274 (August 1978).

§507. Procedures for License Application

A. All applications for licenses must be completely and correctly filled out, properly signed and, when required, notarized. All licensees and permittees of the commission must be fingerprinted and photographed. Anyone failing to be fingerprinted or photographed shall be suspended or fined or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978), LR 10:76 (February 1984).

§509. Establishment of Financial Stability

A. Applicants for an owner's or trainer's license must submit satisfactory evidence of their financial stability and ability to care for and maintain the horses owned and/or trained by them. Failure to establish such financial responsibility shall be grounds for denial or revocation of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§511. Addresses and Telephone Numbers

A. An applicant must furnish his local and permanent addresses and telephone numbers when applying for a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§513. Omission or Misrepresentation

A. Any omission or misrepresentation will be deemed sufficient cause for refusal or revocation of a license by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§515. License Required for Activities

A. No person requiring a license from the commission shall carry on any activity whatsoever upon the premises of a licensed association unless and until he has been duly licensed. The commission will accept the Association of Racing Commissioners International, Inc., uniform owner's application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:169.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:764 (September 1990).

§517. Trainer's License

A. An applicant for a license as trainer must show proof of at least two years track experience with a racing stable. Application shall be accompanied by the written statements of two reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. An applicant shall be given a thorough examination by the stewards and such other persons as they may appoint. Failure of applicant to obtain license will automatically require a 90 day waiting period before reapplying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978), LR 9:755 (November 1983).

§519. Refusal of License by Other State

A. The commission may refuse to license any applicant who has been refused a license by any other state racing commission or turf governing body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§521. Refusal Based on Conduct

A. The commission may refuse to license or revoke the license of an applicant whose previous conduct in Louisiana or elsewhere in connection with horse racing is considered by the commission to have been objectionable, obnoxious or detrimental to the best interest of racing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§523. Reason Must Accompany Refusal to License

A. The refusal to grant a license, unless accompanied by good and valid reasons, shall not be considered as a ruling of this commission. Likewise, a refusal to grant a license by any other state, unaccompanied by good and valid reasons, shall not be considered as a ruling by this commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:24 (January 1977), LR 4:274 (August 1978).

§525. Patronizing Off-Track Betting Establishments

A. Any person, licensed in any capacity by the commission and employing the facilities and privileges of the racing association and who at the same time patronized illegal off-track betting establishments, will be denied such facilities and privileges of the racing association. In addition, his license may be revoked by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§527. Disciplinary Action of Other Racing Organizations

A. The commission may recognize any disciplinary action taken by the Jockey Club of New York, the American Quarter Horse Association or the Appaloosa Horse Club, Inc., and no person against whom disciplinary action has been taken shall be eligible for licensing by this commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:428 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§529. Conditions of License

A. An applicant for a license from the commission must act in the capacity stipulated by the license issued only. Anyone making false statements to procure a license will be fined, suspended and/or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:274 (August 1978).

§531. Worker's Compensation Insurance

A. In addition to all other requirements for a trainer's license, each applicant therefor must furnish an individual certificate of insurance issued in his or her name only, of an insurance company licensed and/or authorized to do business in the state of Louisiana, showing he or she has worker's compensation insurance covering his or her employees and which names the Louisiana State Racing Commission as a certificate holder for purposes of coverage and cancellation of policy. Any exceptions to the form and content of the certificate may be considered on timely request.

B. Engaging in the profession of training horses on the grounds of any association licensed by the Racing Commission without proper worker's compensation insurance may result in a fine of not less than $500 and/or suspension or revocation of license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:274 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 29:1820 (September 2003).

§535. Examinations

A. The commission may require any new applicant to demonstrate his or her knowledge, qualifications and proficiency for the license applied for by such examination as the commission shall direct. The applicant shall be notified of the time and place for such examination.

B. The commission shall administer a standardized, written and/or oral proficiency test to each new applicant in the following license categories: steward, trainer, jockey and jockey agent. Such testing shall be performed at a track commission office or other commission authorized location, and shall be supervised by a commission appointee or state steward. Provisions will be made for those individuals who do not speak the English language. The fee for the test shall be $35 and paid for by such applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Promulgated by Department of Commerce, Racing Commission, LR 12:289 (May 1986), amended by Department of Economic Development, Racing Commission, LR 14:701 (October 1988).

Chapter 7. Jockeys and Apprentice Jockeys

§701. Qualifications for Jockey/Apprentice Jockey

A. Any person desiring to participate in this state as a jockey and has never ridden in a race may be issued a jockey or apprentice jockey license upon the recommendation of the stewards granting permission to such person for the purpose of riding in two races to establish the qualifications and ability of such person for the license, provided, however:

1. such person has the qualifications of a permittee and has at least one year of experience with racing stables;

2. a licensed trainer certifies in writing to the stewards that such person has demonstrated sufficient horsemanship to be granted a jockey or apprentice jockey license;

3. the starter has schooled such person 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;

4. 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 the race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:169.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 23:950 (August 1997).

§703. Applicant for a License

A. In addition to rules applicable to permittees, an applicant for a license as a jockey or apprentice jockey:

1. must have served at least one year with racing stables;

2. must provide an annual medical affidavit certifying such person is physically and mentally capable of performing the activities and duties of a licensed jockey or exercise person.

B. The stewards may require that any jockey or exercise person provide blood or urine samples for analysis after consultation with the track physician. Should a jockey or exercise person fail to comply with this requirement this person shall be suspended and referred to the commission to show cause for refusing to do so.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150, R.S. 4:151 and R.S. 4:169.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:27 (January 1977), LR 4:275 (August 1978), LR 10:592 (August 1984), amended by the Department of Economic Development, Racing Commission, LR 23:950 (August 1997).

§705. Apprentice's Contract

A. Any person over the age of 16 who has never been licensed as a jockey in any country, and who of his own free will, and if under age, has written consent of his or her parents or guardian, bound himself to an owner or trainer for a term of not less than three nor more than five years (subject to written extension if made for less than five years) by written contract approved by and filed with the commission, and after at least one year's service with a racing stable, may claim in all overnight races, except handicaps, the following allowances.

1. An apprentice shall start with 5 pounds allowance. He shall continue this allowance for one year from the date of his fifth winner, after which, if he has not ridden 40 winners in the year following the date of his fifth winner, he shall continue the allowance for a period not to exceed two years from the date of his fifth winner or until he has ridden 40 winners, whichever occurs first.

2. After the completion of conditions above, a contracted apprentice may claim for one year 3 pounds when riding horses owned or trained by his original contract employee, provided the contract has not been transferred or sold since the apprentice's first winner. The original contract employer shall be the party who was the employer at the time of the apprentice jockey's first winner.

3. Where all parties to the contract agree an apprentice jockey contract can be terminated by mutual agreement and an apprentice jockey certificate issued, providing all wins and dates of wins are recorded on the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17:588 (June 1991), LR 25:830 (May 1999).

§707. Apprentice Jockey Certificate

A. An apprentice who is not under contract may be issued an apprentice jockey certificate on a form furnished by, and filed with, the commission. Where all parties agree an apprentice jockey contract can be terminated by mutual agreement and an apprentice jockey certificate issued, providing all wins and dates of wins are recorded on the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 17:257 (March 1991).

§709. Extension of Contract

A. In the event an apprentice jockey is unable to ride for a period of 14 consecutive days or more because of service in the armed forces of the United States, or because of physical disablement, or because of restrictions on racing, or due to secondary or higher education with proper documentation, the commission, upon recommendation of the stewards and after consultation with the racing authority which first approved the original apprentice contract, may extend the time during which such apprentice weight allowances may be claimed for a period no longer than the period such apprentice rider was unable to ride.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 24:912 (May 1998).

§711. Jockey License Issued

A. After completion of conditions in the above rules, a rider must be issued a license as a jockey before accepting subsequent mounts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978).

§713. Apprentice Ride in Quarter Horse Race

A. An apprentice jockey may ride in a race in which quarter horses are eligible to start but may not claim an apprentice allowance in such a race. The riding of the winner of such a race shall not be considered in computing the expiration of his right to claim apprentice allowances in races restricted to thoroughbreds, nor shall the win be included in the monthly chart book of the Daily Racing Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978).

§715. Recording of Wins

A. When a jockey apprentice leaves the jurisdiction of the commission, it shall be the duty of the clerk of scales and the apprentice jockey to record the number of winners the apprentice jockey has had at the race meeting immediately preceding his departure and to attach that record to the apprentice jockey's contract or certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978).

§717. Basis of Contracts

A. All contracts between an owner or trainer and a rider are 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, must be in writing with the signatures of the parties thereto notarized, and must be approved by the stewards and filed with the commission. The stewards may approve a riding contract and permit the parties thereto to participate in racing in this state if the stewards find that:

1. the contract owner or trainer who owns or trains at least three horses eligible to race at the time of execution of such contract;

2. the owner or trainer possesses such character, ability, facilities and financial responsibility as may be conducive to developing a competent race rider;

3. contracts for apprentice jockeys provide for fair remuneration, adequate medical care, and an option equally available to both owner or trainer and apprentice jockey to cancel the contract after two years from the date of execution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978).

§719. Prohibited Behavior

A. No rider may:

1. ride any horse not owned or trained by his contract owner or trainer in a race against a horse owned or trained by his contract owner or trainer;

2. ride or agree to ride any horse in a race without consent of his contract owner or trainer;

3. share any money earned from riding with his contract owner or trainer;

4. accept any present, money or reward of any kind in connection with his riding of any race except through his contract owner or trainer.

B. No jockey, or spouse thereof, shall own a horse participating in the state in racing; nor shall either have any interest in one.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978), LR 5:238 (August 1979).

§721. Apprentice May Not Acquire His Own Contract

A. An apprentice shall not be permitted to acquire his own contract while his apprentice weight allowance is still in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978).

§723. First or Second Call

A. Any rider not so prohibited by prior contract may agree to give first or second call on his race-riding services to any licensed owner or trainer. Such agreements, if for terms of more than 30 days, must be in writing, approved by the stewards and filed with the commission. Any rider employed by a racing stable on a regular salaried basis may not ride against the stable which so employs him. No owner or trainer shall employ or engage a rider to prevent him from riding another horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:27 (January 1977), LR 4:276 (August 1978).

§725. Jockey Fee Schedule

A. Prior to the start of each race conducted by an association licensed by the commission, sufficient money shall be on deposit with the horsemen's bookkeeper in an amount equal to pay the losing mount fee of a jockey for that

race. In the absence of a special agreement, the fee of a jockey shall be as follows.

B. Failure, refusal and/or neglect of a trainer to timely deposit or have deposited the aforesaid jockey fee for a horse entered to race, on or before the time specified herein, shall be a violation of this Section. Each such violation shall be punishable by a fine of not less than $200 and the failure to pay such fine within 48 hours of imposition thereof shall be grounds for suspension. Additionally, an amount equal to the jockey fee actually earned by the jockey in accordance with the aforesaid schedule shall be paid to the jockey earning same within 48 hours of the imposition of the aforesaid fine, and failure to pay said jockey fee within the time specified herein shall be an additional grounds for suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978), LR 5:23 (February 1979), LR 12:12 (January 1986), amended by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

§727. Earning of Jockey Fee

A. A jockey fee shall be considered earned by a rider when he is weighed out by the clerk of scales except:

1. when a rider does not weigh out and does not ride in a race for which he has been engaged because an owner or trainer engaged more than one rider for the same race. In such case, the owner or trainer shall pay an appropriate fee to each such rider engaged for such race;

2. when a rider capable of riding elects to take himself off the mount without, in the opinion of the stewards, proper cause therefor;

3. when a rider is replaced by the stewards with a substitute rider for a reason other than a physical injury suffered by such rider during the time between weighing out and start of the race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978).

§729. When Rider May Choose Not to Ride

A. Every rider shall fulfill his duly scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride neither a horse he believes to be unsound, nor over a racing strip he believes to be unsafe. However:

1. if a rider voluntarily cancels a duly scheduled riding engagement for any reason other than the aforementioned, he shall not be permitted to fulfill any riding engagements thereafter on that race day; and

2. if the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by facts and circumstances, such rider may be subject to disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978), LR 13:392 (July 1987), LR 13:433 (August 1987).

§731. Arrival Prior to Post Time

A. Each rider who has been engaged to ride in a race shall be physically present in the jockey room no later than one hour prior to post time for the first race on the day he is scheduled to ride, unless excused by the stewards and upon arrival shall report his engagements to the clerk of scales. In the event a rider should fail, for any reason, to arrive in the jockey room prior to one hour before post time of a race in which he is scheduled to ride, the clerk of scales shall so advise the stewards who thereupon may name a substitute rider and shall cause announcement to be made of any such rider substitution prior to opening of wagering on the race.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978).

§733. Riders Remain in Approved Location During Engagements

A. Each rider reporting to the jockey room shall remain in the jockey room until he has fulfilled all his riding engagements for the day, except to ride in a race, or except to view the running of a race from a location approved by the stewards. A rider shall have no contact or communication with any person outside the jockey room other than an owner or trainer for whom he is riding, or a racing official, until he has fulfilled all his riding engagements for the day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:277 (August 1978).

§735. Jockey Room Security

A. The association shall be responsible for such security of the jockey room as to exclude all persons except riders scheduled to ride on the day's program, valets, authorized attendants, racing officials and persons having special permission of the stewards to enter the jockey room.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:277 (August 1978).

§737. Discontinue Rides

A. Any rider intending to discontinue riding at a race meeting prior to its conclusion shall so notify the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:277 (August 1978).

§739. Rider Wagering

A. No rider shall place a wager, or cause a wager to be placed on his behalf, or accept any ticket or winnings from a wager on any race except in his own mount and through his owner or trainer. A rider shall maintain a precise and complete record of all such wagers, and such record shall be available for examination by the stewards at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:277 (August 1978).

§741. Jockey Attire

A. Upon leaving the jockey room to ride in any race, each rider shall be neat and clean in appearance and wear the traditional jockey costume, with all jacket buttons and catches fastened. Each jockey shall wear the cap, stock tie and jacket racing colors registered in the name of the owner or stable of the horse he is to ride, white or light breeches, top boots, safety helmet approved by the commission and a number on his right shoulder corresponding to his mount's number as shown on the saddle cloth and daily race program. The clerk of scales and attending valet shall be held jointly responsible with a rider for his neat and clean appearance and proper attire.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:28 (January 1977), LR 4:277 (August 1978).

§743. Viewing of Films of Races

A. Every rider shall be responsible for checking the film list posted by the jockey room custodian in the jockey room. The posting shall be considered as 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. Any rider may be accompanied by a representative of the jockey organization of which he is a member in viewing such films, or with the steward's permission, be represented at such viewing by his designated representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§745. Attendants

A. No jockey shall have an attendant other than those provided by the association. Such attendants shall be paid by the association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:432 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§747. Use of Whips

A. Riders will not be permitted to use whips on 2-year-olds prior to March 15.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:426 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978), LR 8:63 (February 1982).

§749. Designated Race

A. Before the opening day of a race meeting the executive director and the stewards shall designate the added money or guaranteed stakes races or related qualifying trial races, subject to ratification by the commission, at the race meeting in which a jockey will be permitted to compete, notwithstanding the fact that the jockey is under suspension for 10 days or less for a riding infraction at the time the designated race is to be run.

B. Official rulings for riding infractions of 10 days or less must state:

> "...The term of this suspension does not prohibit participation in designated races."

C. The stewards shall post a listing of the designated races in the jockeys' room, racing office and any other place determined to be appropriate by the stewards.

D. A suspended jockey must be named at the time of entry to participate in any designated race.

E. A day in which a jockey participated in one designated race while on suspension does not count as a suspension day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 19:613 (May 1993).

Chapter 9. Jockey Agent

§901. Maximum Number of Jockeys

A. A jockey agent may not, after June 30, 1997, contract the riding engagements of more than two riders. No jockey agent shall contract for more than two riders to start in any

one race, except stakes races, who are under contract to the same jockey agent. As used herein, *Jockey Agent* shall mean any person who contracts engagements for a rider or riders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978), LR 10:592 (August 1984), amended by the Department of Economic Development, Racing Commission, LR 23:1136 (September 1997).

§903. License Application

A. Before being issued a license, a jockey agent must show proof of experience and knowledge of racing to the stewards by an oral and written examination approved by the commission, and his application shall bear the actual signature of the rider he desires to represent. Any license granted is not transferable, and separate applications must be filed for each jockey the agent proposes to represent. However, after payment of the original fee no subsequent fee is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§905. Contracting without License or Exceeding Privileges

A. Any person who contracts engagements for a rider or riders without first obtaining a license to do so, or any jockey agent who exceeds the authority of the privileges granted, after having been licensed, may be fined or suspended, or both, at the discretion of the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§907. Agent's Resignation

A. If any jockey agent gives up the making of engagements for any rider he shall immediately notify the stewards, and he shall also turn over to the stewards a list of any unfilled engagements he may have made for that rider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§909. Access to Jockeys during Racing Times

A. Under no circumstances shall a jockey agent be permitted within the saddling enclosure during racing hours, nor shall he be allowed on the track proper or in the winner's circle at the conclusion of any race run. Nor shall an agent have access to the jockey quarters at any time or communicate with any jockey during racing hours without permission of the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§911. Ownership of Race Horse

A. No jockey agent, or spouse thereof, shall be the owner of any race horse, nor shall either have any interest in one.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978), LR 5:238 (August 1979).

§913. Making Engagements

A. No person other than an owner, trainer, jockey agent or authorized agent of an owner shall make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his own engagements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§915. Conflicting Claims for Services of Jockey

A. Conflicting claims for the services of a jockey shall be decided by the stewards, and first call shall have priority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:278 (August 1978).

Chapter 11. Owners

§1101. Change of Trainer

A. If an owner changes licensed trainers, he must notify the stewards and the racing secretary and cause the new trainer to sign his name on the owner's registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§1103. Personnel Registration

A. The personnel of every stable must be registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing

Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§1105. Licenses Necessary for Entry

A. Before a horse may be entered, its owner or owners must secure the appropriate licenses from the commission, unless permission is granted by the stewards.

B. The minimum age for an owner's applicant is 16 years old. However, for every applicant under the age of 18 years old, the owner's license application shall be submitted with a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the minor licensee's financial, contractual and other obligations relating to the applicant's participation in racing. Further, the applicant's parent or legal guardian must be eligible and present for eligibility for licensing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:46 (January 2002).

§1107. Registration of Partnership

A. Each partnership must be registered with the commission, and its application for a license must be signed by all of the partners or their authorized agents. Each partner shall be required to obtain an owner's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:274 (August 1978).

§1109. Partnership Papers

A. Partnership papers shall, among other things, set forth the following:

1. the name and address of each and every person having any interest in the horse or horses involved;

2. the relative proportions of such interests;

3. to whom the winnings are payable;

4. in whose name the horse or horses shall run;

5. with whom the power of entry and declaration rests;

6. the terms of any contingency, lease or any other arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1111. Emergency Authority to Sign

A. In case of emergency, authority to sign declarations from a partnership may be given to the racing secretary by telegram, promptly confirmed in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1113. Racing Secretary Authority to Enter and Start Stakes Race

A. If the racing secretary is unable to communicate with all proper parties in an attempt to obtain a declaration from a partnership, he may authorize a horse involved in a partnership to enter and to start in a stakes race without a declaration from a partnership.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1115. Alteration of Partnership Registration

A. Any alteration in a recorded partnership registration, to be effective, must be reported in writing to the racing secretary, signed by all partners and approved by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1117. Liability

A. All the parties to a partnership, and each of them, shall be jointly and severally liable for all stakes, forfeits and other obligations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1119. Percentage Interest

A. Each partner's percentage shall be declared in the application for partnership license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978), LR 9:546 (August 1983).

§1121. Joint Venture

A. A joint venture, for the purpose of licensing, shall comply with all rules governing partnerships, and processed as if a partnership.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:546 (August 1983).

Chapter 13. Authorized Agent

§1301. License

A. Each authorized agent must obtain a license from the commission for each owner represented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:150.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1303. Subagent; Trainer as Agent

A. An authorized agent may appoint a subagent only when authorized to do so by the document or application under which he was so licensed. A subagent, who must be licensed, may not act for more than one authorized agent or stable. A trainer may be the authorized agent for only one stable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

§1305. Revocation of Agent's Authority

A. An owner's revocation of the authority of his agent must be filed in writing with the commission and shall be effective on the day of filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:25 (January 1977), LR 4:275 (August 1978).

Chapter 15. Vendors

§1501. License

A. All persons whose business or profession involves the selling or distribution of drugs, medications, pharmaceutical products, horse food or nutrients of any kind or tack equipment on the grounds of an association, including their employees, shall be approved by the association and licensed by, and subject to the authority of, the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150, R.S. 4:151 and R.S. 4:169.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§1503. Labeling of Contents

A. All drugs, medications, pharmaceutical products and any other substances of a similar nature possessed or used within the grounds of a racing association shall at all times bear appropriate labeling displaying the contents thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

§1505. Tout Sheets

A. Anyone anticipating distribution of tout sheets on association grounds must first get permission from the association, secure a license from the commission and clearly identify all owners and handicappers on each sheet distributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:436 (December 1976), amended LR 3:32 (January 1977), LR 4:279 (August 1978).

Chapter 17. Associations

§1701. Association's Responsibility for Sellers of Tout Sheets

A. It shall be the responsibility of each association to require that all owners, vendors, handicappers, etc., engaged in the selling of tout sheets on the association's property shall be properly licensed and approved by the commission. The names of the owners and handicapper must be printed on each publication sold.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:29 (January 1977), LR 4:277 (August 1978).

§1703. Enforcement of Rules and Regulations

A. It shall be the duty of each licensee to observe and enforce the *Rules of Racing* and the regulations from time to time adopted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.
HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:30 (January 1977), LR 4:277 (August 1978).

§1705. Licensing of Association and Employees

A. Each association shall apply for a license to conduct a meeting not later than April 15 and August 15 of each year and shall submit to the commission for approval, 30 calendar days prior to the opening date, a complete list of racing officials, heads of departments, calculators, private police agencies and others, showing the positions they are to fill

and their compensation. It shall be the responsibility of each association to ascertain that each person employed by the association be properly licensed under the *Rules of Racing*. Should a category not exist defining a particular status of employment, the applicant shall apply for a miscellaneous license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:158.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:433 (December 1976), amended LR 3:30 (January 1977), LR 4:277 (August 1978).

§1707. Refusal to Issue or Renew License

A. The commission may refuse to issue or renew a license, or may suspend or revoke a license issued if it finds that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has knowingly associated or consorted with any person or persons who have been convicted of a felony in any jurisdiction, or is knowingly consorting or associating with bookmakers, touts or persons of similar pursuits, or has himself engaged in similar pursuits, or has been found guilty of any fraud or misrepresentation in connection with racing or breeding, or otherwise has violated any law, rule or regulation with respect to racing in this or any other jurisdiction, or any rule, regulation, or order of the commission, or has been found guilty of or engaged in similarly related or like practices. Provided however, the commission may issue or renew a license or refuse to suspend or revoke a license issued, where the applicant or licensee has not engaged in such association or activities for a period of 10 years, or for good cause shown.

AUTHORITY NOTE: Promulgated in accordance with R.S.4:148 and R.S. 4:160.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:434 (December 1976), amended LR 3:30 (January 1977), LR 4:278 (August 1978).

Chapter 19. Training Tracks

§1901. Definition

A. For the purpose of this rule a "training track" is an auxiliary race track on the grounds of any person or persons, associations or corporations used for workouts, schooling, starts and the like of race horses that may start or be racing during a current meeting at a track of an association conducting racing with pari-mutuel wagering thereon, duly licensed by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:289 (August 1978).

§1903. License Information

A. Anyone desiring to operate a training track must apply to the commission for a license to conduct such a business. An application seeking such a license shall set forth the following:

1. the full name of the person, and if a corporation, the name of the state under which it is incorporated, and the names of the corporation's agents for the service of process within Louisiana;

2. if an association or corporation, the names of the stockholders and directors of the corporation or the names of the members of the association;

3. the exact location where it is desired to conduct a training track;

4. whether or not the racing plant is owned or leased, and if leased, the name and address of the owner, or if the owner is a corporation, the names of its directors and shareholders;

5. a statement of the assets and liabilities of the person applying for a license;

6. such other information as the commission may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:289 (August 1978).

§1904. License Renewal

A. After being granted a license to operate as a training track, any person or corporation desiring to continue to operate as a training track must submit an application for a license on a yearly basis to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 17:260 (March 1991).

§1905. Authority and Jurisdiction

A. The commission, its stewards, agents and employees shall have full authority and jurisdiction over a licensed training track as may be appropriately exercised pursuant to R.S. 4:141 et seq. and the *Rules of Racing* as such apply to an association or licensee or permittee and consistent therewith.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 4:289 (August 1978).

Chapter 21. Stables

§2101. Stable Name

A. All stable names shall be cleared with the Association of Racing Commissioners, International, Inc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 16:765 (September 1990).

§2103. Stable Registration

A. Each stable name must be duly registered with the commission. In applying to race under a stable name, the applicant must disclose the identity or identities behind the stable names. If a partnership or corporation is involved the rules covering such must be complied with.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:429 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§2105. Corporation

A. No license as an owner shall be granted to a corporation or to a lessee or lessees of any corporation unless each stockholder is licensed as an owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978), LR 9:546 (August 1983).

§2107. Reports

A. The stockholders or members of any corporation or partnership, which leases horses for racing purposes in the state of Louisiana and also any such corporation or partnership, shall make and file with the commission as and when requested by it, a report or reports under oath containing such information as the commission may specify. Upon refusal or failure to file any such report or reports, the commission may refuse a license to any lessee or lessees of such corporation or partnership, or may revoke any such license which it may have granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978), LR 9:546 (August 1983).

§2109. Licensed Trainer Registering Stable

A. No licensed trainer of race horses shall register a stable name, but a partnership of which a trainer is a member may use the stable name of another member, provided that the use of such other member's stable name has been authorized by the stewards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

§2111. On Program

A. The stable name must be carried on the official program with the name of at least one owner. If the stable name is represented by more than one owner, it should be indicated by the use of "et al."

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:430 (December 1976), amended LR 3:26 (January 1977), LR 4:275 (August 1978).

Revised Statutes

Chapter 4. Horse Racing

Part I. Horse Racing

§141. Legislative Intent and Policy

A. It is the policy of the state of Louisiana in furtherance of its responsibility to provide revenues for the operation of state government for its people, to acknowledge and declare that the providing of funds and financial assistance to licensed horse racing tracks in the state of Louisiana constitutes an authorized public function and purpose of the state of Louisiana, to encourage forceful and honest statewide control of horse racing for the public health, safety, and welfare by safeguarding the people of this state against corrupt, incompetent, dishonest and unprincipled horse racing practices.

(1) To institute and maintain a program to encourage and permit development of the business of horse racing with pari-mutuel wagering thereon on a high plane.

(2) To institute and maintain a program to encourage and permit development of the breeding and ownership of race horses in the state.

(3) To institute and maintain a regulatory program for the business of racing horses, which program assures the protection of public health, safety and welfare, vesting with the commission forceful statewide control of horse racing with full powers to prescribe rules and regulations and conditions under which all horse racing is conducted with wagering upon the result thereof with the state.

(4) To institute and maintain a program to provide financial assistance that will encourage and permit the development of the business of horse racing by licensed horse racing tracks in the state of Louisiana.

(5) To institute and provide a program for the regulation, ownership, possession, licensing, keeping, and inoculation of animals on premises under its control and supervision not inconsistent with the rules and regulations of the state livestock and sanitary board.

B. This Chapter is an exercise of the police powers of the state to promote the public health, safety and welfare.

Acts 1968, No. 554,§ 1. Amended by Acts 1978, No. 143,§ 1, effective June 29, 1978.

§142. Purpose

It is the purpose of this Chapter to effectuate the policies set forth in R.S. 4:141 by providing for:

(1) A program to permit maximum development of the business of horse racing with pari-mutuel wagering thereon.

(2) A program to permit maximum development of the breeding and ownership of race horses in this state.

(3) A program of effective regulation of the business of horse racing and to promote the orderly conduct of horse racing.

(4) A program to authorize and establish procedures for assumption and performance of certain regulating responsibilities in connection with and the licensing, by conferring such privilege to persons, corporations or associations possessed of the personal, professional and business qualifications specified in this Chapter and for the withdrawing of such privileges.

Acts 1968, No. 554,§ 1.

§143. Definitions

Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

(1) "Association" means any person or persons, associations, or corporations licensed by the commission to conduct horse racing within the State of Louisiana for any stakes, purse or reward.

(2) "Secretary" as used herein means the governor through the commissioner of administration.

(3) "Commission" means the Louisiana State Racing Commission within the office of the governor.

(4) "Corrupt Practice" means anything which can reasonably be construed as unlawfully pre-arranging or attempting to unlawfully pre-arrange the order of finish of a race.

(5) "Horseman" means an owner or trainer of a race horse.

(6) "Licensee" means any person, partnership, corporation or business entity receiving a license, permit or privilege from the commission to conduct a race meeting or meetings.

(7) "Permittee" means any person, partnership, corporation or business entity receiving a license, permit or privilege from the commission to engage in a business, occupation or profession on the grounds of an association licensed to conduct a race meeting in Louisiana by the commission.

(8) "Meeting or race meeting" means the whole consecutive period (Sundays excluded) for which a license to race has been granted to any one association by the commission.

(9) "Racing official" means one of the officials of a race meeting as follows: stewards, placing judges, patrol judges, clerk of scales, starter, handicapper, timer, paddock judge, the racing secretary.

(10) "Racing secretary" means the racing official who shall

(a) write and publish the conditions of each race to be run at any race meeting, and

(b) such other duties as may be assigned to him by the Rules of Racing and/or the commission.

(11) "Racing year" means the fiscal year from July 1 of each year to June 30 of the year next following, or means the calendar year from January 1 to December 31 of each year as may be requested by an applicant seeking a license to operate a race meeting in its application for a license. When an application for a race meeting is granted pursuant thereto, the licensee shall be limited to the maximum number of racing days that may be granted in any one racing year approved by the commission.

(12) "Rules" mean the rules and regulations of the commission.

(13) "Stewards" mean the stewards of the meeting or their duly appointed deputies.

(14) "Purse" means the amount of money offered by the association for any given race.

(15) "Purse supplement" means the amount of money added to the purse by any interest other than the association.

Acts 1968, No. 554,§ 1. Amended by Acts 1972, No. 733, No. 2; Acts 1976, No. 260,§ 1; Acts 1982, No. 58,§ 1, effective July 1, 1982; Acts 2001, No. 8,§ 1, effective July 1, 2001.

§144. State Racing Commission; Creation; Membership; Tenure; Powers and Duties; Quorum; Qualification of Members; per Diem; Expenses and Disbursements; Bond

A. There is hereby created within the office of the governor a racing commission, to be known as the "Louisiana State Racing Commission." The commission shall have the powers and duties specified in this Part and all other powers necessary and proper to enable it to execute fully and effectually all of the objects, purposes, duties, and policies of this Part. It shall be composed of one person from each congressional district and two persons at large, all appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall select one member of the commission to serve as chairman. The commission shall select from among its membership a vice chairman and a second vice chairman for two-year terms. Each member shall serve at the pleasure of the governor. A majority of the members shall constitute a quorum for the transaction of any business or the exercise of any power.

B. Members shall be residents of Louisiana, over the age of thirty, and shall possess good moral character. Each shall have resided in Louisiana for at least five years immediately preceding his appointment. No member shall be an official, member of any board of directors, or person financially interested in any race track or race meeting licensed by the commission. However, a member may own racehorses which participate in any race meeting licensed by the commission.

C. Members shall serve without salary, but shall receive a per diem at the rate of fifty dollars per day while attending official meetings, regular or special, of the commission called by the chairman, or in his absence, one of the vice chairmen, not to exceed two thousand dollars per annum. The commission shall reimburse its members and employees for all travel expenses and disbursements incurred by them in the discharge of their official duties. They shall give a bond to the governor in the amount of ten thousand dollars, conditioned that they will faithfully and honestly perform the duties of their office. The premium for the bond shall be paid by the commission.

Acts 1968, No. 554,§ 1. Amended by Acts 1976, No. 259,§ 1; Acts 1977, No. 270,§ 1, effective July 7, 1977; Acts 1979, No. 543,§ 1; Acts 1981, No. 778,§ 1; effective July 28, 1981; Acts 1981, No. 786,§ 1; Acts 1984, No. 750,§ 1, effective July 13, 1984; Acts 1985, No. 641,§ 1, effective July 16, 1985; Acts 1989, No. 629,§ 1; Acts 2001, No. 8,§ 1, effective July 1, 2001.

§145. Executive Director; Officers; Employees; Domicile; Report To Central Registry

A. The commission shall select a full-time executive director and may employ a full-time assistant executive director, whose qualifications, duties, and salaries shall be fixed by the commission. Both positions shall be unclassified and the individuals selected shall serve at the pleasure of the commission.

B. The official domicile of the commission shall be in New Orleans, Louisiana. The commission shall maintain an office at its domicile for the transaction of its business, and where it may employ assistants, clerks, or such other employees as it deems necessary for its proper functioning. It may also maintain a branch office in any other parish while racing is being conducted in that parish.

C. In addition to the duties prescribed by the commission, the executive director shall keep records of all proceedings, preserve all books, maps, documents, papers, records, and reports entrusted to its care, and keep them open for public inspection.

D. The name, address, and location of any such establishment licensed for operating, holding, or conducting any authorized game, gaming or wagering activity, or game of chance issued pursuant to this Chapter, including the name and address of each person who has or controls, directly or indirectly, more than five percent ownership, income, or profit interest, shall be submitted, and updated at least quarterly, to the Louisiana Gaming Control Board for inclusion in a central registry of licensed gaming operators pursuant to R.S. 27:15(B)(3)(c).

Acts 1968, No. 554,§ 1; Acts 1992, No. 901,§ 1, effective July 8, 1992; Acts 1997, No. 1192,§ 1.

§145.1. Exclusive Venue for Law Suits against the Commission

The commission may be sued only in the city of New Orleans, parish of Orleans.

Added by Acts 1977, No. 229,§ 1, effective June 30, 1977.

§146. Attorney for Commission; Executive Director to Serve as Treasurer of Commission; Duties; Report

A. The attorney general shall designate one of his assistants to act as attorney for the commission, without additional salary, who shall counsel and advise the commission, shall represent it in all legal proceedings, and shall prosecute any violation of the provisions of this Part.

B. The executive director is ex officio treasurer of the commission. He shall verify licenses, verify that all fees, taxes, and money provided for in this Part are deposited, and supervise, check, and audit the operations of the pari-mutuel wagering pools, its conduct and distribution. The licensee of each race meeting shall furnish to the commission a daily report of the audit and shall post in a conspicuous place copies of the worksheet of its pari-mutuel wagering department. The executive director shall be bonded, the amount and conditions of his bond to be fixed by the commission.

Acts 1968, No. 554,§ 1. Amended by Acts 1982, No. 58,§ 1, effective July 1, 1982; Acts 1990, No. 561,§ 1, effective June 30, 1990.

§147. Specific Duties of Commission

The commission shall carry out the provisions of this Part, including the following specific duties:

(1) To set the dates during which any race meetings may be conducted in this state, including dates which limit racing at particular tracks for quarter horses only, provided that:

(a) it shall prohibit the conducting of any thoroughbred race meetings having the same or overlapping dates for such race meetings at thoroughbred race tracks within a radius of 100 miles of each other; and

(b) it shall prohibit the conducting of any exclusively quarter horse race meetings having the same or overlapping dates for such race meetings at any other exclusively quarter horse track within a radius of 100 miles of each other. However, nothing herein shall prevent presently licensed and existing tracks from conducting quarter horse races with any exclusive quarter horse track having the same or overlapping dates for race meetings.

(2) The commission shall appoint three stewards to serve each day of each race meeting conducted under the provisions of this Part. One of the stewards shall be appointed by the commission to represent the Louisiana State Racing Commission, shall be designated as the state steward and shall have resided in the state for a period of not less than five years immediately preceding the date of his appointment as such. The amount to be paid by the commission to the state steward as compensation for his services shall be at least the same amount paid to the two stewards appointed to represent an association and the association shall reimburse the commission in an amount equal to the amount paid by it to the state steward as his compensation, as aforesaid, which amount shall be considered an additional fee due the state by an association for the privileges granted in its license.

Two of the stewards shall be nominated by the association conducting a race meeting under the provisions of this Part and, prior to serving as such, shall be approved and appointed by the commission. The amounts to be paid these two stewards as compensation for their services shall be paid by the association nominating them, which amounts shall also be considered an additional fee due the state by an association for the privileges granted in its license.

The commission may appoint other stewards to be compensated by it and assign to each such duties as are consistent with this Part; provided, however, that such other stewards shall not serve as a steward in the stewards stand during any race meeting conducted under the provisions of this Part, except with the written consent of the association conducting such race meeting.

The commission shall be required to show just cause for not appointing any racing official submitted to it for its approval.

(3) To make an annual report to the governor of its operation, its own actions and rulings, and the receipts derived under the provisions of this Part; and to offer such practical suggestions as it deems proper to accomplish more fully the purposes of this Part.

(4) To require of each applicant seeking a license to operate a race meeting an application setting forth:

(a) The full name of the person, and if a corporation the name of the state under which it is incorporated, and the names of the corporation's agents for the service of process within Louisiana.

(b) If an association or corporation, the names of the stockholders and directors of the corporation or the names of the members of the association.

(c) The exact location where it is desired to conduct or hold a racing meet.

(d) Whether or not the racing plant is owned or leased, and if leased the name and address of the owner, or if the owner is a corporation, the names of its directors and shareholders. However, nothing in this Part prevents any person from applying to the commission for a permit to conduct races where the racing plant has not yet been constructed.

(e) A statement of the assets and liabilities of the person applying for a license.

(f) The kind of racing to be conducted and the dates requested.

(g) Such other information as the commission may require.

(5) To require an oath of every applicant, by the person or executive officer of the association or corporation, stating that the information contained in the application is true.

(6) To make rules and regulations for the holding, conducting, and operating of all race tracks, race meets, and races held in Louisiana, provided such regulations are uniform in their application and effect.

Acts 1968, No. 554,§ 1. Amended by Acts 1969, No. 36,§ 1; Acts 1974, No. 626,§ 1; Acts 1976, No. 589,§ 1.

§148. Rules, Regulations and Conditions

The commission shall make rules, regulations and conditions for the holding, conducting and operating of all race tracks, race meets and races held in this state and for the conduct of the racing industry of this state under this Part. Special rules, regulations and conditions may be promulgated separately for thoroughbred racing and for quarter horse racing. Said rules, regulations and conditions shall be consistent with this Part and provide for and deal with all matters necessary to the holding of such race meetings.

Acts 1968, No. 554,§ 1. Amended by Acts 1970, No. 602,§ 1; Acts 1974, No. 626,§ 1; Acts 1978, No. 64,§ 1, effective June 15, 1978.

§148.1. Jockeys; Riding Engagements Contracted by Same Agent; Number of Riders Limited per Race

A. No jockey agent shall contract with a racing association for more than two riders to start in any one race, except stake races, who are under contract to the same jockey agent. As used herein, "jockey agent" shall mean any person who contracts engagements for a rider or riders.

B. Any agent violating the provisions of this Section upon conviction thereof shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Added by Acts 1982, No. 831,§ 1.

§148.2. Corporations Licensed as Owners

Any corporation or a lessee or lessees of a corporation shall be considered qualified to obtain a license as an owner or to obtain the right to race under a stable name if each member of the board of directors of the corporation owns at least five percent of the outstanding voting stock of the corporation and if each of the members of the board is also licensed as an owner; provided that the corporation and the lessee or lessees of the corporation are otherwise qualified under this Title and under rules and regulations promulgated by the commission. No other owner or officer of, or other person with an interest in such corporation shall be required to be licensed as an owner in order to obtain a license as an owner or in order to obtain the right to race under a stable name; however, the name of such owner or other person with an interest in the corporation, together with his percentage ownership in such corporation or as an owner, shall be submitted to the commission before issuance of a license or right to race is granted by the commission to the corporation or its lessee under the provisions of this Section.

Acts 1987, No. 518,§ 1, effective July 9, 1987.

§149. Wagering; Rules and Regulations

The commission may prescribe rules and regulations under which shall be conducted all horse races upon the results of which there is wagering. The commission shall, as may be necessary, prescribe additional special rules and regulations applicable separately to thoroughbreds and quarter horses. The commission shall make rules governing, permitting, and regulating the wagering on horse races under the form of mutuel wagering by patrons, known as pari-mutuel wagering. Only those persons receiving a license from the commission may conduct this type of wagering, and shall restrict this form of wagering to a space within the race meeting grounds. All other forms of wagering on the result of horse races are illegal, and all wagering on horse races outside the enclosure where horse races have been licensed by the commission is illegal.

Acts 1968, No. 554,§ 1. Amended by Acts 1974, No. 626,§ 1.

§149.1. Acceptance of Certain Wagers; Unlawful

A. Except as otherwise provided in this Chapter, no person, as a business, shall, directly or indirectly, accept any thing of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise.

B. As used herein, "person" shall mean and include any individual, partnership, association, joint stock association or trust, corporation, or other business entity, whether incorporated or not.

C. Any person violating the provisions of this Section upon conviction thereof, shall be sentenced to pay a fine of not less than five thousand dollars nor more than ten thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both.

Added by Acts 1975, No. 360,§ 1; Acts 1985, No. 787,§ 1, effective July 22, 1985; Acts 1990, No. 558,§ 1, effective July 19, 1990.

§149.2. Other Track Wagering

A. The commission may make rules regulating pari-mutuel wagering known as other track wagering.

B.(1) With the consent of the commission, an association may accept wagers at its facility for the entire racing card scheduled on horse racing events of regional, national, and international interest conducted at another track outside of this state, and transmitted either by simulcast or other means of video transmission, pursuant to a contract with the association or other entity conducting the event.

(2) After payment of license fees and commissions to the secretary as required by this Part and payment of the contract amount to the association or other entity transmitting the event, the remaining proceeds shall be retained by the licensee, fifty percent of which shall be distributed by such track licensee as purses.

C.(1) With the consent of the commission, an association conducting horse racing events at a track in this state may, by contract, authorize an association elsewhere in

this state at their racing facilities, or any entity outside of this state, at its facilities, including legal nonracing facilities outside of this state, to accept wagers on such events.

(2) After payment of license fees and commissions to the secretary, if required by this Part, the amount of fees collected from any entity outside of this state at its facilities, including legal nonracing facilities outside of this state, shall be retained by the licensee, fifty percent of which shall be distributed by such track licensee as purses.

D. All contracts pursuant to this Section shall comply with all applicable laws of the United States, including 15 U.S.C.§ §3001, et seq., and shall be entered into only with entities operating racetracks permitted by applicable law to conduct horse racing and wagering thereon.

Added by Acts 1983, 1st Ex. Sess., No. 41,§ 1. Acts 1983, No. 1,§ 1, effective May 5, 1983; Acts 1986, No. 307,§ 1; Acts 1989, No. 625,§ 1, effective July 7, 1989.

§149.3. Interstate Wagering; Common Pools

A. Subject to applicable federal laws, including but not limited to the Interstate Horseracing Act of 1978 (Chapter 57, commencing with Section 3001, of Title 15 of the United States Code) the commission may permit a licensee to participate in interstate common pools, including common pools which may include international jurisdictions. All provisions of law governing pari-mutuel betting apply to pari-mutuel betting in interstate common pools except as otherwise provided in this Section or in the commission's rules.

B. Participation in a common pool solely as a track conducting the race or as a receiving track will not cause such track to be deemed to be doing business in this state, or in the other state, for any purpose.

C. With the prior approval of the commission, a licensee who is permitted to accept wagers in this state on horse races conducted at tracks conducting races located outside of this state may combine pari-mutuel pools in this state with comparable pools at the track conducting the race.

D. Notwithstanding other provisions of this Chapter and subject to the approval of the commission, the types of wagering, takeout, distribution of winnings, and rules of racing in effect for pari-mutuel pools at the track conducting the race shall govern wagers placed in this state and merged into the interstate common pool. Breakage for interstate common pools shall be calculated in accordance with the law or rules governing the track conducting the race, and shall be distributed between participating jurisdictions in a manner agreed to between the licensee and the track conducting the race.

E. With the prior approval of the commission and with the concurrence of the track conducting the race, an interstate common pool may be formed among the licensee and other receiving persons or entities in any states other than the state in which the track conducting the race is located. For such an interstate common pool, the commission may approve the types of wagering, takeout, distribution of winnings, rules of racing, and calculation of breakage which are different than those which would otherwise be applied in this state but are consistent for all parties to the interstate common pool.

F. The licensee may deduct from wagers placed in any interstate common pool any fee to the person or entity conducting the race for the privilege of conducting pari-mutuel wagering on the race, and payment of costs incurred in transmitting the broadcast of the race and participation in the interstate common pool.

G. The provisions of law or contract, if any, governing the distribution of shares of the takeout, from wagers placed in this state in separate pari-mutuel pools on races run in another state, to this state as pari-mutuel taxes, or respectively to breeder awards and to purses in this state, shall remain in effect for wagers placed in interstate common pools; provided that if the commission has approved an adjustment in the takeout rate, the distribution of the takeout within this state shall be adjusted proportionately to reflect the adjustment in the takeout rate; provided further that with the concurrence of the licensee, the share designated for purses may be modified.

H. With the prior approval of the commission, a licensee may permit one or more of its races to be utilized for pari-mutuel wagering at one or more locations in other states, may transmit audio/visual signals of races the licensee conducts to one or more locations outside the state, and may also permit pari-mutuel pools in other states to be combined with its comparable wagering pools or with wagering pools established by other states. The commission may modify its rules and may adopt separate rules governing interstate common pools, and may establish by rule separate provisions for interstate common pools governing the calculation of breakage.

I. Pari-mutuel taxes shall not be imposed upon any amounts wagered in an interstate common pool other than upon amounts wagered within this state.

J. The provisions of law or contract, if any, governing the distribution of shares of the takeout, from wagers placed in other states in separate pari-mutuel pools on races run in this state, respectively to breeder awards and to purses in this state, shall remain in effect for wagers placed in interstate common pools. Provided that with the concurrence of the licensee and the Horsemen's Benevolent and Protective Association, and the appropriate breeder's organization, the share of breeder awards or purses may be modified.

Acts 1990, No. 558,§ 1, effective July 19, 1990.

§149.4. Toll-Free Telephone Assistance for Compulsive Gamblers; Posting of Signs on Premises

The commission shall require the posting of one or more signs on licensed premises at each point of entry into areas where authorized gaming is conducted, authorized gaming devices are located, or authorized wagering on the results of any horse race is conducted to inform patrons of a toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the owner of the licensed premises to post and

maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

Acts 1997, No. 1192,§ 1.

§150. Licenses to Owners, Trainers, Jockeys, and Riders; Qualifications of Applicant for a License

A. The Commission may grant, refuse, suspend, or withdraw licenses to horse owners, jockeys, riders, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, platers, and/or anyone licensed pursuant to this Part and any rules and regulations the Commission adopts and upon the payment of a license fee as fixed pursuant to this Part. No license under this section shall be granted for more than one fiscal year, but a license issued pursuant to this Part is valid at all race meetings in the state during the period. Any license may be revoked by the commission and any person whose license has been revoked is ineligible to participate in racing unless the license is returned by the commission with permission to operate thereunder. No license shall be refused to any applicant who is qualified in accordance with the rules and regulations adopted by the commission; and no license shall be revoked without just cause.

The granting of a license to a trainer shall make him responsible for and be the absolute insurer of the condition of the horses he enters regardless of acts of third parties.

B. Applicants for a license under this Section shall meet the following qualifications and conditions:

(1) Is a person of good character and reputation and meets the age requirements for the particular license as set forth in the Rules of Racing.

(2) Has not been convicted of a felony under the laws of the United States, the state of Louisiana, or any other state or country; provided, however, that the commission may, at its discretion, issue or renew a license, where the applicant or licensee has maintained a good record and evidenced honest character from the date of expiration of sentence, and for good cause shown.

(3) Has not, nor has his partner, agent, employee or associate knowingly associated or consorted with any person or persons who have been convicted of a felony in any jurisdiction or jurisdictions or is knowingly consorting or associating with bookmakers, touts, or persons of similar pursuits or has himself engaged in similar pursuits or has been found guilty of any fraud or misrepresentation in connection with racing, breeding, or otherwise or has violated any law, rule, or regulation, with respect to racing in this or any other jurisdiction or any rule, regulation, or order of the commission, or has been guilty or engaged in similar related or like practices, provided, however, that the commission may issue or renew a license or refuse to suspend or revoke a license issued, where the applicant or licensee has not engaged in such association or activities for a period of ten years or for good cause shown.

(4) Is financially responsible.

(5) Possesses the required experience and knowledge required for the particular license applied for as set forth in the Rules of Racing.

(6) REPEALED BY ACTS 1992, No. 281,§ 2, EFFECTIVE JUNE 11, 1992.

(7) Fully complies with the form requirements printed by the racing commission.

(8) Is physically fit.

(9) Has not been convicted of violating any municipal or parish ordinances adopted pursuant to the provisions of the chapter. If the applicant has been so convicted, the granting of a license is within the discretion of the racing commission.

(10) Is not the spouse of a person whose application has been denied or whose license has been revoked, unless judicially separated or divorced.

(11) Certifies that he has read or has had read to him the rules of racing and agrees to abide by these rules, and further certifies under written oath that all of the information on the application for license is true and correct.

(12) Is not in bad standing in any racing jurisdiction.

C. An applicant for licensure as a jockey, apprentice jockey, exercise person, groom, or hot walker must be at least sixteen years of age.

D. Owners, trainers, and jockeys licensed pursuant to this Section shall be admitted without charge to all racing facilities and offtrack wagering facilities.

Acts 1968, No. 554,§ 1. Amended by Acts 1975, No. 666,§ 1; Acts 1987, No. 495,§ 1; Acts 1992, No. 281,§ §1 and 2, effective June 11, 1992.

§150.1. Temporary Licenses to Owners; Application for Regular License; Penalty for Noncompliance

A. Notwithstanding R.S. 4:150, the commission may grant a temporary license, valid for thirty days from the date of issuance, to an owner upon proper, appropriate application therefor, either by the owner or his authorized agent or trainer on behalf of the owner.

B. The application shall include, but not be limited to, the following

(1) Owner's name.

(2) Owner's address.

(3) Owner's federal identification number.

C. As provided in R.S. 4:150, an owner receiving a temporary license from the commission under this Section shall apply for a Louisiana owner's license, within thirty days of the issuance of his temporary license.

D. For the purposes of this Section, "owner" means the person, firm, or corporation shown on the foal certificate as the owner of one hundred percent interest in the horse the owner is seeking to race in this state.

E. The commission may suspend all racing privileges of an owner who fails to comply with Subsection C of this Section.

Acts 1989, No. 624,§ 1, effective July 7, 1989; Acts 1990, No. 560,§ 1, effective July 19, 1990.

§151. Criteria for Racing Privileges other than Associations

In the exercise of its authority in considering racing privileges the commission should follow the following criteria, standards and guidelines by way of illustration without limitation:

(1) The public interest.

(2) Misuse of license, permit or privilege by the licensee.

(3) Misstatement or falsification of, or concerning, application for license.

(4) The moral and financial standing of licensee or its officers, partners, agents or officials.

(5) Failure to comply with statutory requirements or the rules, regulations and orders of the commission.

(6) Dereliction of duty and/or responsibilities.

(7) Business failure.

Acts 1968, No. 554,§ 1.

§152. Grounds for Denial or Termination of Racing Privileges--Other than Associations

A. The commission may refuse, suspend, or withdraw licenses, permits, and privileges granted by it or terminate racing privileges for just cause in accordance with the provisions of Subsection B of this Section. Those things constituting just cause are:

(1) Any action or attempted action by a permittee contrary to the provisions of this Part and law.

(2) Corrupt practice.

(3) Violation of the Rules of Racing.

(4) Willful falsification or misstatement of fact in an application for racing privileges.

(5) Material false statement, under oath, to a racing official, other than a commissioner, or to the commission.

(6) Willful disobedience of a commission order or of a lawful order of a racing official other than a commissioner.

(7) Continued failure or inability to meet financial obligations connected with his business, occupation, or profession performed or engaged in on the track grounds.

(8) The loss or inability to meet any of the qualifications and conditions set forth for a license in R.S. 4:150(B)(1), (2), (3), (4), (5), (6), (7), (8), (9), (11) and (12).

B. Notwithstanding the provisions of Subsection A of this Section, the commission shall suspend for a period of one year all licenses, permits, and privileges granted to any horseman, jockey, rider, groom, stable foreman, exercise boy, valet, plater, licensee, permittee, racing official, agent, apprentice, custodian, caterer, partnership, vendor, veterinarian, or other person who, within a period of one year, is suspended five times for a period of at least five days each time for commission of acts constituting just cause under Subsection A of this Section. However, in the case of riding offenses only, the commission shall have the discretion to suspend such licenses, permits, or privileges. Any person aggrieved by such order of suspension as provided for herein shall have the right to contest such order and have the entire matter reviewed in a court of competent jurisdiction as provided in R.S. 4:154 and R.S. 49:951 et seq.

Acts 1968, No. 554,§ 1. Amended by Acts 1981, No. 426,§ 1; Acts 1984, No. 432,§ 1; Acts 1989, No. 588,§ 1.

§152.1. Mandatory Termination of Racing Privileges

A. In addition to the procedures and sanctions provided in this Part, the commission or any interested person may petition a state court of competent jurisdiction for a judgment declaring that a certain person or persons have committed a corrupt practice as defined by R.S. 4:143. The court, after due proceedings in accordance with the constitution and laws of this state, shall render such judgment if the law and evidence presented before the court so warrants. The clerk of any state court rendering or affirming such judgment shall forthwith send a certified copy of such judgment to the commission. Upon the filing with the commission of a certified copy of a final and definitive court judgment declaring any person to have committed a corrupt practice as defined by R.S. 4:143, the commission shall promptly terminate all licenses, permits, and privileges granted to such person under this Part and shall bar such person from ever obtaining in the future any license, permit, or privilege under this Part.

B. The same provisions in Subsection A of this Section shall apply, respectively, to persons who have been duly declared by a court of competent jurisdiction of another state to have committed a corrupt practice as defined in R.S. 4:143.

Added by Acts 1981, No. 426,§ 1.

§153. Production of Books, Memoranda, or Documents; Removal of Official or Employee; Manner of Keeping Books; Witnesses; Penalty

The commission may:

(1) Compel the production of all books, memoranda, or documents showing the receipts and disbursements of any person licensed to conduct race meetings under the provisions of this Part;

(2) At any time require the removal of any employee or official employed by any licensee in any case where it has reason to believe that the employee or official has been guilty of any dishonest practice in connection with horse racing, has failed to comply with any condition of the licensee's license, or has violated any rule adopted by the commission;

(3) Require that the books, financial statement, or other statement of any licensee under this Part be kept in a manner provided by the commission;

(4) Visit, investigate, and place auditors and inspectors in the offices, tracts, or places of business of any such licensee;

(5) Summon witnesses before its meetings, administer oaths to such witnesses, and require testimony on any issue before it.

Any person failing to appear before the commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

Acts 1968, No. 554,§ 1.

§154. Administrative Procedure; Appeal to the Commission and Review of Commission Rulings

A. Except as otherwise provided by this Section, the commission's hearings, practice and procedure, and rule making procedure are as provided in the Administrative Procedure Act; however, in cases made the subject of judicial review, the court may not extend or continue beyond ten (10) days from date of issuance any stay order or temporary restraining order issued by it, except:

(1) Upon agreement of counsel for all parties, or

(2) Absent such agreement, by order of the court, but only after a contradictory hearing held no later than the tenth (10th) day following the issuance of such stay order or temporary restraining order and then only upon a showing by a party that a denial of such extension or continuation would be prejudicial to that party's opportunity to cause the court to affirm, modify, or reverse the decision appealed from or to be reviewed.

B. A final appeal, in the case of any person penalized, or disciplined by the stewards, may be taken to the commission.

C. Such an appeal must be filed in writing at the office of the commission within five days of the date of said penalty or imposition of said discipline.

D. Such an appeal must be signed by the person making it and must set forth his reason therefor.

E. An appeal from the decision of the stewards to the commission shall not affect such decision until the appeal has been acted upon by the commission.

F. The commission must grant a hearing within ten days of the receipt of this appeal, and must render a decision within forty-eight hours following the conclusion of the appeal hearing. Any continuance of a hearing must be reasonable in duration and for just cause.

Acts 1968, No. 554,§ 1. Amended by Acts 1978, No. 64,§ 1, effective June 15, 1978; Acts 1983, No. 582,§ 1.

§155. Commission Authority, Fines, Suspensions, Revocations, Forfeitures and Disciplinary Actions

The commission may impose upon a licensee a fine not exceeding ten thousand dollars and may suspend a licensee indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.

Acts 1968, No. 554,§ 1. Amended by Acts 1978, No. 64,§ 1, effective June 15, 1978.

§156. Repealed by Acts 1978, No. 64,§ 3, Effective June 15, 1978.

§157. Race Meetings; Right to Conduct; Sundays; Minors

A. Subject to the provisions of this Part, any person or legal entity may conduct one or more race meetings at a track each year. No license shall be granted to any person or legal entity for a race meet or meetings in any one parish to extend longer than one hundred and five racing days in any one year, except in a parish having a population in excess of eighty thousand or in a parish in which a race meeting is held exclusively for quarter horse races.

B. After all monies presently or hereafter dedicated are paid, fifty percent of the balance of all tax revenues remaining shall be allocated and be paid over to the governing authority of the parish or municipality in which the racing meet or meetings are held and the remaining fifty percent of such balance of the tax revenues shall be allocated and paid over to the state treasurer for deposit in the general fund of the state. No race or racing shall be permitted on Sundays unless the governing authority of the parish or municipality shall have first approved the same by resolution or ordinance and shall have further received the approval of the commission, nor shall minors be employed in any manner about the race track, except as jockeys, apprentice jockeys, exercise persons, grooms, or hot walkers.

C.(1) Any minor age six or above may, with the permission of the racing association, be allowed to attend any race meeting if accompanied by a parent, grandparent, or legal guardian but in no case shall any minor in attendance be allowed to engage in wagering.

(2) The provisions of this Subsection shall supercede any authority that the Louisiana State Racing Commission may have had to adopt rules and regulations which are inconsistent with this Subsection.

Acts 1968, No. 554,§ 1. Amended by Acts 1972, No. 249,§ 1; Acts 1972, No. 731,§ 1; Acts 1974, No. 679,§ 1; Acts 1975, No. 272,§ 1, effective July 16, 1975; Acts 1978, No. 64,§ 1, effective June 15, 1978; Acts 1981, No. 726,§ 1, effective July 23, 1981; Acts 1989, No. 577,§ 1, effective July 6, 1989; Acts 1989, No. 601,§ 1, effective Jan. 1, 1990; Acts 1990, No. 672,§ 1; Acts 1992, No. 281,§ 1, effective June 11, 1992.

§157.1. Authorization to Grant Extra Racing Days; Races of National Importance

The commission shall grant extra racing days to an association requesting such days if the association is hosting a race or races deemed by the commission to be of national importance.

Acts 1989, No. 597,§ 1.

§158. License or Permit to Conduct Race Meetings, One-Year and Ten-Year Licenses

A. On or before the fifteenth of April of each year and on or before the fifteenth of August of each year any person possessing the qualifications prescribed in this Part may apply to the commission for a license to conduct race meetings. On or before the first of May and the first of September of each year, after receipt of the applications the commission shall convene to consider the refusal or granting of the permits or licenses applied for. An application filed prior to any one of the two deadlines shall request dates for racing to commence not sooner than four months from said deadlines. The permits or licenses granted shall set forth the name of the licensee, the location of the race track, the duration of the race meeting, and the kind of racing desired to be conducted, and shall recite the receipt by the commission of the license fee provided for in this Part. The license is not transferable nor does it apply to any place, track, or enclosure except the one specified in the license. Should the commission, after due proceedings had in conformity with this Part, suspend or revoke an association's license or terminate the racing privileges granted to an association, said association may within ten days of the notification of the commission's decision take a suspensive appeal to the district court having jurisdiction over the association's track. Such appeals shall be filed in the district court in the same manner as original suits are instituted therein. The appeals should be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard.

Within ten calendar days of the signing of the judgment by the district court in any such appeal case, the commission or the applicant for a license or licensee, as the case may be, may suspensively appeal the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be suspensive or devolutive in the discretion of the court.

All proceedings in the district and appellate courts arising under this Part are civil in nature and shall be heard summarily by the court, without a jury, shall take precedence over other civil cases, and shall be tried in chambers or in open court, and in or out of term.

B. The provisions of this Part to the contrary, notwithstanding, the commission may contract with any licensee for a permit to operate a track for a period of ten years. Such permit shall conform to all the requirements as set out in Subsection (A) of this section; however, any licensee applying for a ten-year license under this section shall also agree in writing to expend the sum of no less than $10,000.00 per year or $100,000.00 during said ten-year period for the purpose of repairs and improvements to the track and its facilities, said sum to be expended during said ten-year period.

The commission may approve an application for racing dates for a period not exceeding three racing years, when a contract has been entered into in accordance with this section.

Acts 1968, No. 554,§ 1.

§159. Criteria for Licensing Associations

In the exercise of its authority in considering the granting or denying of an association's application for a license or permit to conduct racing the following criteria, standards and guides by way of illustrations without limitation should be considered by the commission.

(1) The public interest.

(2) The location of the track.

(3) The number of tracks running or making application.

(4) The adequacy of facilities of the track.

(5) The racing experience of the applicant.

(6) The moral and financial qualification of the applicant.

(7) The moral and financial qualifications of applicant's partners, officers and officials.

(8) The official attitude of local government involved.

(9) The nature of the local community affected.

(10) The expected effect upon the breeding and horse industry of this state.

(11) The expected effect upon the State's economy.

(12) The apparent or nonapparent hope of financial success.

(13) The official attitude of horsemen.

Acts 1968, No. 554,§ 1.

§160. Grounds for Denial or Termination of Racing Privileges to an Association

The commission may refuse, suspend, or withdraw licenses, permits and privileges granted by it or terminate racing privileges, for just cause. Those things constituting just cause are:

(1) Any actions by a licensee or permittee contrary to the provisions of this Part and the Rules of Racing.

(2) Corrupt practice.

(3) Violations of the Rules of Racing.

(4) Intentional falsification and/or intentional misstatement of a material fact in an application for racing privileges.

(5) Material false statement to a racing official (other than a Commissioner) and/or the commission.

(6) Continued failure or inability to meet its financial obligations connected with fulfillment of the purposes for which its license was issued.

Acts 1968, No. 554,§ 1.

§161. License Fees for Conducting Race Meetings

A. The license fees for any person, association, or corporation conducting a race meeting in a municipality or parish shall be as follows:

(1) On the total daily pool up to $201,000.00, three percent of that portion exceeding $60,000.00.

(2) On the total daily pools from $201,000.00 to $401,000.00, $4,230.00 plus four percent of that amount exceeding $201,000.00 up to $401,000.00.

(3) On the total daily pools of $401,000.00 and over, $12,230.00, plus five percent of any amount exceeding $401,000.00.

B. The licensee shall deposit fees on a daily basis in a designated state depository during each race meeting. Every application for a license to conduct a race meeting shall be accompanied by a certified check for five thousand dollars, payable to the commissioner of administration. The commissioner may apportion the expenses of the commission to the horse race meetings licensed by it on the basis of the collections received from each such meeting. When the race meeting for which the license is granted is terminated and the licensee has fully paid the percentage designated in this Part, the five thousand dollars deposited with the application shall be returned. In the event, however, the licensee fails or refuses to pay the percentage daily as outlined and required, the amount thereof shall be deducted from the sum deposited with the application for a license, and the balance, if any, shall be returned to the licensee. If for any reason beyond the control and through no fault of the licensee it becomes impossible for the licensee to conduct racing upon any date licensed by the commission, the commission, in its discretion and at the request of the licensee, may return the fees paid by the licensee for racing upon such days or specify any other days which may replace the days omitted.

C. The association may deduct from fees due under this Section the full amount of fees paid to parish governing authorities as provided by R.S. 4:163.1.

D. The association shall retain thirty percent of the fees due under Subsection A of this Section to be disbursed by it as purse supplements.

Acts 1968, No. 554,§ 1. Amended by Acts 1972, No. 250,§ 1; Acts 1974, No. 626,§ 1; Acts 1978, No. 143,§ 2, effective June 29, 1978; Acts 1980, No. 323,§ 1; Acts 1982, No. 58,§ 1, effective July 1, 1982; Acts 1990, No. 561,§ 1, effective June 30, 1990; Acts 1990, No. 1090,§ 1, effective July 1, 1990; Acts 1992, No. 391,§ 1, effective June 18, 1992; Acts 1995, No. 460,§ 1, effective June 17, 1995; Acts 2001, No. 8,§ 1, effective July 1, 2001.

§161.1. License Fees; Exemption for Quarter Horse Races

Notwithstanding any provision of law to the contrary, and in addition to any other exemption which the law may grant, there shall be allowed an exemption in the amount of $6,000 for each quarter horse race conducted at any track licensed under this chapter. This exemption shall be a deduction from the total daily pool on which the license fee is imposed, and the license fee shall be computed on the net daily pools which meet the limits set by R.S. 4:161. only after deducting this and other authorized exemptions therefrom. Proceeds derived as a result of this exemption shall be allocated as follows: fifty percent to the track licensee and fifty percent for the purses for the quarter horse races.

Added by Acts 1974, No. 652,§ 1.

§161.2. License Fees for Conducting Race Meetings when Two or More Conflicting Licensed Race Meetings Occur within the State

A. Notwithstanding the provisions of R.S. 4:161, when two or more licensed race meetings are held within the state and the racing dates granted to a licensee by the commission conflict in whole or in part, with racing days granted to another licensee by the commission, the license fees for any person, association, or corporation conducting a race meeting in a municipality or parish shall be as follows:

(1) On the total daily pools from $201,000.00, three percent of that portion exceeding $100,000.00.

(2) On the total daily pools from $201,000.00 to $401,000.00, $3,030.00, plus four percent of that amount exceeding $201,000.00 up to $401,000.00.

(3) On the total daily pools of $401,000.00 and over, $11,030.00, plus five percent of any amount exceeding $401,000.00.

B. The payment of fees shall be made by the licensee daily during each race meeting. Every application for a license to conduct a race meeting shall be accompanied by a certified check for five thousand dollars, payable to the commissioner of administration. The commissioner of administration may apportion the expenses of the commission to the horse race meetings licensed by it on the basis of the collections received from each such meeting. When the race meeting for which the license is granted is terminated and the licensee has fully paid the percentage designated in this Part, the five thousand dollars deposited with the application shall be returned. In the event, however, the licensee fails or refuses to pay the percentage daily as outlined and required, the amount thereof shall be deducted from the sum deposited with the application for a license, and the balance, if any, shall be returned to the licensee. If for any reason beyond the control and through no fault of the licensee it becomes impossible for the licensee to conduct racing upon any date licensed by the commission, the commission, in its discretion and at the request of the licensee, may return the fees paid by the licensee for racing upon such days or specify any other days which may replace the days omitted.

C. The association may deduct from fees due under this Section the full amount of fees paid to parish governing authorities as provided by R.S. 4:163.1.

D. The association shall retain thirty percent of the fees due under Subsection A of this Section to be disbursed by it as purse supplements.

Added by Acts 1978, No. 143,§ 3, effective June 29, 1978. Amended by Acts 1980, No. 323,§ 2; Acts 1982, No. 58,§ 1, effective July 1, 1982; Acts 1990, No. 1090,§ 1, effective July 1, 1990; Acts 1992, No. 391,§ 1, effective June 18, 1992; Acts 1995, No. 460,§ 1, effective June 17, 1995; Acts 2001, No. 8,§ 1, effective July 1, 2001.

§162. Payments Based on Attendance; Reports

In addition to the license fees mentioned in R.S. 4:161, the licensee conducting the racing meetings shall pay to the collector twenty-five cents for each person attending the races other than licensed personnel, employees, officials, and working press. These payments shall be made at the conclusion of each calendar week during every race meeting and shall be accompanied by a report under oath showing the total contributions and admissions of the races covered by the report, and any other information that the commission may require. The funds collected pursuant to this Section shall be deposited in the state general fund.

Acts 1968, No. 554,§ 1; Acts 1988, No. 856,§ 1.

§163. Repealed by Acts 1990, No. 1090,§ 2, Effective July 1, 1990.

§163.1. Parish License Fees For Conducting Race Meetings

A. In Orleans Parish, the parish governing authority is hereby authorized to impose a license fee on the total daily betting pools of not more than two and twenty-six hundredths percent on each person, association, or corporation conducting a race meeting within the parish.

B.(1) In Jefferson Parish, the parish governing authority is hereby authorized to impose a license fee on the total daily betting pools of not more than two and ninety-seven hundredths percent on each person, association, or corporation conducting a race meeting within the parish. Provided, however, that the license fees on daily betting pools authorized under the provisions of this Paragraph shall not exceed the total amount that would have been due the state of Louisiana, on any given day, under applicable provisions of this Chapter.

(2) The avails of the license fee collected pursuant to this Subsection shall be allocated by the parish governing body as follows:

(a) Parish of Jefferson	39.9 %
(b) City of Kenner	47.2 %
(c) City of Grand Isle	0.9 %
(d) City of Gretna	3.7 %
(e) City of Harahan	3.7 %
(f) City of Jean Lafitte	0.9 %
(g) City of Westwego	3.7 %

C.(1) In Calcasieu Parish, the parish governing authority is hereby authorized to impose a license fee on the total daily betting pools of not more than twenty-one hundredths percent on each person, association, or corporation conducting a race meeting within the parish.

(2) The avails of the license fee collected pursuant to this Subsection shall be allocated by the parish governing body as follows:

(a) Parish of Calcasieu	64.5 %
(b) Town of Vinton	25.5 %
(c) Town of Dequincy	10.0 %

D.(1) In Bossier Parish, the parish governing authority is hereby authorized to impose a license fee on the total daily betting pools of not more than one and seventy-four hundredths percent on each person, association, or corporation conducting a race meeting within the parish.

(2) The avails of the license fee collected pursuant to this Subsection shall be allocated by the parish governing body as follows:

(a) Parish of Bossier	40.1 %
(b) City of Bossier	49.4 %
(c) Bossier Parish School Board	9.2 %
(d) Caddo-Bossier Association of Retarded Citizens	1.3 %

E.(1) In Lafayette Parish, the parish governing authority is hereby authorized to impose a license fee on the total daily betting pools of not more than thirty-two hundredths percent on each person, association, or corporation conducting a race meeting within the parish.

(2) The avails of the license fee collected pursuant to this Subsection shall be allocated by the parish governing body as follows:

(a) Parish of Lafayette	33.3 %
(b) Town of Carencro	66.7 %

F.(1) Notwithstanding the above provisions, the effective date for imposing the local license fee shall be July first of any year; however, no local license fee may be imposed prior to July 1, 1991. The parish governing authority shall impose said fee by ordinance introduced no later than April first of the year in which the license fee is to take effect.

(2) Upon imposition of the local licensing fee, the parish governing authority which levies the fee and any other local entity receiving a share of the proceeds provided in this Section shall be ineligible to receive state general fund horse racetrack support.

Acts 1990, No. 1090,§ 1, effective July 1, 1990; Acts 1991, No. 606,§ 1.

§164. Repealed by Acts 1991, No. 882,§ 1.

§165. Funds of the Commission; Purses and Breeders' Awards; Withholds; Promotion and Research

A.(1) Out of the funds appropriated by the legislature for the expenses and operation of the Louisiana State Racing Commission, the commission shall allocate and use annually the sum of seven hundred thousand dollars or a sum equal to three-tenths of one percent of the total gross pari-mutuel handle wagered annually on all horse races at all tracks where pari-mutuel wagering is conducted at race meetings of racing associations and at offtrack wagering facilities authorized and licensed by the commission, whichever sum is greater, to make special awards to stallion owners whose Louisiana stallions have sired accredited Louisiana breds finishing first, second, or third in a stake, handicap, or allowance race, exclusive of maiden races, for thoroughbred horses upon which pari-mutuel wagering is conducted at race meetings of racing associations and at offtrack wagering facilities authorized and licensed by the commission and to supplement purses and to make special breeder awards to the breeders of accredited Louisiana bred horses finishing first, second, or third in any race for accredited Louisiana bred thoroughbred horses upon which pari-mutuel wagering is conducted at race meetings of racing associations and at offtrack wagering facilities authorized and licensed by the commission. Special awards to stallion owners shall also be made to owners whose Louisiana stallions have sired accredited Louisiana breds finishing first, second, or third in out-of-state stakes races with purses of at least twenty-five thousand dollars, added.

(2) The breeder award herein authorized shall be paid and disbursed to the breeder who becomes entitled thereto pursuant to the provisions hereof, according to a schedule or formula and within a period which is or shall be established by the Executive Committee of the Louisiana Thoroughbred Breeders Association. Any purse supplement herein authorized and paid by the commission shall in no case exceed the amount provided as a purse by the racing association conducting the race meeting in this state or the races conducted in any other state as provided for in Paragraph (1) of this Subsection.

(3) The stallion award herein authorized shall be paid and disbursed to the stallion owner who becomes entitled thereto pursuant to the provisions hereof, according to a schedule or formula and within a period which is or shall be established by the Executive Committee of the Louisiana Thoroughbred Breeders Association, but not later than the thirtieth day of June of each year commencing June 30, 1979. In no event shall the total amount to be distributed and paid in any calendar year as stallion awards exceed an amount equal to twenty percent of the sum of seven hundred thousand dollars or twenty percent of a sum equal to three-tenths of one percent of the total gross pari-mutuel handle wagered annually on all horse races at all tracks where pari-mutuel wagering is conducted at race meetings of racing associations and at offtrack wagering facilities authorized and licensed by the commission, whichever sum is greater.

(4) As used in this Subsection, the following definitions are adopted:

(a) "Accredited Louisiana bred" means a thoroughbred foaled in the state of Louisiana and registered in the registry administered by the Louisiana Thoroughbred Breeders Association pursuant to such rules and regulations therefor established by said association and/or a thoroughbred conceived and foaled in the state of Louisiana and sired by a Louisiana stallion registered in the registry administered by the Louisiana Thoroughbred Breeders Association pursuant to such rules and regulations therefor established by said association.

(b) "Breeder" means the owner of the mare at the time the mare foals an accredited Louisiana bred.

(c) "Stallion owner" means the owner of a stallion standing in the state of Louisiana at the time he was bred to the dam of an accredited Louisiana bred.

(d) "Races" means races upon which pari-mutuel wagering is conducted at race meetings of racing associations having races for thoroughbred horses and at offtrack wagering facilities, authorized and licensed by the Louisiana State Racing Commission. It shall also include those out-of-state races as provided for in Paragraph (1) of this Subsection.

B.(1) Out of the funds appropriated by the legislature for the expenses and operation of the Louisiana State Racing Commission, the commission shall allocate and use annually the sum of eight hundred thousand dollars to make special stallion awards to the owners of stallions of accredited Louisiana bred offspring which finish first, second, or third, in a stake, handicap, or allowance race, exclusive of maiden races, for quarterhorses run at any track licensed by the commission; and to supplement purses and to make special breeders' awards to the breeders of accredited Louisiana bred quarterhorses which finish first, second, or third in a race or races for accredited Louisiana bred quarterhorses conducted at a race meeting or meetings in Louisiana. However, the awards paid under the provisions of this Subsection shall be considered as an overhead expense of the racing commission and paid without regard to the track where quarterhorses are running, the payment of this award not to be considered an expense solely of the track or tracks running quarterhorses.

(2) The breeder award herein authorized shall be paid and disbursed to the breeder who becomes entitled thereto pursuant to the provisions hereof, according to the schedule or formula which is or shall be established by the Executive Committee of the Louisiana Quarter Horse Breeders Association, not later than the thirtieth day following the close of the race meeting at which the breeder award was earned. Any such purse supplement herein authorized and paid by the commission shall in no case exceed the amount provided as a purse by the licensee conducting the race meeting.

(3) The stallion award herein authorized shall be paid and disbursed to the owner of the stallion who becomes entitled thereto pursuant to the provisions hereof, according

to the schedule or formula which is or shall be established by the Executive Committee of the Louisiana Quarter Horse Breeders Association, not later than the thirtieth day following June 30, 1979 and the thirtieth day of June of each year thereafter. However, in no event shall the total amount to be distributed and paid in any fiscal year as a stallion award exceed an amount equal to eighteen percent of eight hundred thousand dollars.

C. The licensee conducting the race meeting for which supplements for purses are provided under this Section or R.S. 4:167 shall withhold two percent of the total supplemental purse which is supplemented from funds made available under this Section or from breakage monies as provided in R.S. 4:167. The amounts so withheld from the supplemental purses provided for in Subsection (A) of this Section shall be paid to the Louisiana Thoroughbred Breeders Association and the amounts so withheld from the supplemental purses provided for in Subsection (B) of this Section shall be paid to the Louisiana Quarter Horse Breeders Association for use by these associations for operating and administrative expenses. However, in the case of the Louisiana Quarter Horse Breeders Association, the amounts so withheld shall be used solely for expenses of the administration and operation of programs benefiting and pertaining to racing quarter horses. The amounts deducted from the supplemental purses as provided for in R.S. 4:167 shall be paid to the association which represents the Louisiana horses for which said races were written, as the case may be.

D. Out of the funds appropriated by the legislature for the expenses and operation of the Louisiana State Racing Commission, the commission shall allocate and provide annually to the Department of Agriculture and Forestry the sum of sixty thousand dollars to be used to promote and advance the development of the horse racing industry in Louisiana through the publication and dissemination of information relating solely to the horse breeding and horse racing industries of Louisiana.

E. Out of the funds appropriated by the legislature for the expenses and operation of the Louisiana State Racing Commission, the commission shall allocate and use annually a sum of seventy-five thousand dollars to be used by the Executive Committee of the Louisiana Quarter Horse Breeders Association to develop, promote, and provide research relative to accredited Louisiana-bred cutting and show horses.

F. All meetings of any association making awards in accordance with the provisions of this Section which relate to the distribution of such awards paid from public funds or which relate to the election of officers of such association shall be subject to the requirements of R.S. 42:4.1 through 12 regarding open meetings.

Acts 1968, No. 554,§ 1. Amended by Act 1969, No. 36,§ 2; Acts 1972, No. 733,§ 1; Acts 1975, No. 272,§ 3, effective July 16, 1975; Acts 1976, No. 340,§ 1, effective July 31, 1976; Acts 1978, No. 144,§ 1, effective June 29, 1978; Acts 1979, No. 238,§ 1, effective Jan. 1, 1979; Acts 1981, No. 491,§ 1; Acts 1983, No. 514,§ 2, effective July 8, 1983; Acts 1984, No. 766,§ 1, No. 767,§ 1; Acts 1986, 1st Ex. Sess., No. 37,§ 1; Acts 1987, No. 780,§ 1; Acts 1988, No. 989,§ 1; Acts 1989, No. 628,§ 1; Acts 1992, No. 984,§ 3; Acts 1999, No. 482,§ 1.

§165.1. Louisiana Bred Preferred Races

If, at any race meeting, the number of accredited Louisiana bred races falls below seventy-five percent of those scheduled, the purse committee of the Louisiana Thoroughbred Breeders Association may authorize the association conducting that meeting to offer Louisiana bred preferred races on a daily basis as substitute or extra races on the program of that association until the number of accredited Louisiana bred races reaches ninety percent of those carded. Conditions and purses of any such race shall be approved prior to offering such races by both the Louisiana Thoroughbred Breeders Association purse committee and the racing association offering such race. Purse supplements offered from Louisiana Thoroughbred Breeders Association funds for Louisiana bred races shall not be awarded to non-Louisiana bred horses earning purse monies in such races, but shall be retained by the association for reuse as purse supplements in other races scheduled for Louisiana bred horses. Breeder awards shall be awarded to Louisiana bred horses earning purse monies in such races in the same manner and under the same conditions as other accredited Louisiana bred races. For purposes of future races, a winner of an accredited Louisiana bred preferred race shall be considered the winner of an accredited Louisiana bred race of the same type.

Acts 1997, No. 500,§ 1.

§166. Commissions Deductible from Pari-Mutuel Pools

A. The amount of commissions to be deducted and retained from pari-mutuel pool or pools by any person, association, or corporation as licensee of a race meeting conducted in a municipality or parish is hereby fixed as follows:

(1) On daily pools of up to $60,000, seventeen percent of the total.

(2) On the daily pools of from $60,000 to $201,000, $10,200 plus fourteen percent of that amount exceeding $60,000.

(3) On total daily pools of from $201,000 up to $351,000, $29,940 plus thirteen percent of any amount exceeding $201,000.

(4) On total daily pools of from $351,000 up to $401,000, $49,440 plus thirteen percent of any amount exceeding $351,000.

(5) On total daily pools of $401,000 and over, $55,940 plus twelve percent of that amount exceeding $401,000.

The minimum license fee is one thousand dollars per day and shall in no way be affected by the foregoing.

In addition to the fixed percentage of commissions as above outlined, the licensee is entitled to retain the "breaks to a dime", being the odd cents of all the distributions to be

made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. These amounts deducted are in addition to the license fees (percentages of the amount of money handled) as provided in R.S. 4:161 and are to be retained by the licensee, subject to the provisions of this Part.

B. The amount by which the commissions deducted and retained by the licensee under the provisions of this Section as amended and reenacted in 1980 exceeds the amount of commissions deducted and retained by the licensee under the provisions of this Section prior to being amended and reenacted in 1980 shall be delivered to the track licensee conducting the race meeting at which the deduction was made and not less than fifty percent thereof shall be distributed by such track licensee as purses at the race meeting next following the delivery of said proceeds.

C to E. Repealed by Acts 1974, No. 679,§ 2.

Acts 1968, No. 554,§ 1. Amended by Acts 1971, No. 73,§ 1; Acts 1972, No. 233,§ 1; Acts 1972, No. 250,§ 2; Acts 1973, No. 178,§ 1; Acts 1978, No. 143,§ 4, effective June 29, 1978; Acts 1980, No. 323,§ 3.

§166.1. Deduction on Exotic Wagering Pools

A. In addition to any license fees imposed by R.S. 4:161, and in addition to any commissions to be deducted under R.S. 4:161, there shall be imposed additionally a one percent deduction to be taken from the total daily pools of all exotic wagering pools as hereinafter defined. Proceeds from funds so deducted shall be paid into the state treasury and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, shall be credited to the Bond Security and Redemption Fund.

B. "Exotic wagering pools" for purposes of this Section shall include all pari-mutuel pools except the win, place, or show pools for each race conducted. Examples of exotic wagering pools shall include but not be limited to the daily double pool, exacta pool, quinella pool, and the super six.

Added by Acts 1974, No. 679,§ 1. Amended by Acts 1975, No. 483,§ 1; Acts 1976, No. 394,§ 1; Acts 1976, No. 571,§ 1; Acts 1977, No. 330,§ 1; Acts 1978, No. 66,§ 1; Acts 1980, No. 531,§ 1, effective Aug. 1, 1980; Acts 1980, No. 532,§ 1; Acts 1981, No. 326,§ 1; Acts 1983, No. 85,§ 1; Acts 1992, No. 984,§ 3.

{{NOTE: SEE ACTS 1985, No. 552.}}

§166.2. Deduction on Exotic Wagering Pools; Allocation of Proceeds

A. In addition to any license fees imposed by R.S. 4:161, and in addition to any commissions to be deducted under R.S. 4:161, and in addition to any deductions required by the provisions of R.S. 4:166.1, there shall be imposed additionally a two percent deduction to be taken from the total daily pools of all exotic wagering pools as hereinafter defined. Proceeds derived from the deduction provided by this Section shall be delivered to the track licensee conducting the race meeting at which the deduction was made and not less than fifty percent thereof shall be distributed by such track licensee as purses at the race meeting next following the delivery of said proceeds.

B. Exotic wagering pools for purposes of this Section shall include all pari-mutuel pools except the win, place, or show pools for each race conducted at each race meeting in this state. Examples of exotic wagering pools in common usage are daily double pools, exacta pools, and quinella pools.

Added by Acts 1977, No. 457,§ 1, effective July 13, 1977.

§166.3. Commissions Deductible from Pari-Mutuel Pools when Two or More Conflicting Licensed Race Meetings Occur within the State

A. Notwithstanding Section 166 of this Part, when two or more licensed race meetings are held within the state and the racing dates granted to a licensee by the commission conflicts, in whole or in part, with racing days granted to another licensee by the commission, the amount of commissions to be deducted and retained from pari-mutuel pool or pools by any person, association, or corporation as licensee of a race meeting conducted in a municipality or parish is hereby fixed as follows:

(1) On daily pools of up to $100,000.00, seventeen percent of the total.

(2) On daily pools of from $100,000.00 to $201,000.00, $17,000.00 plus fourteen percent of that amount exceeding $100,000.00.

(3) On daily pools of from $201,000.00 to $401,000.00, $31,140.00 plus thirteen percent of that amount exceeding $201,000.00.

(4) On daily pools $401,000.00 and over, $57,140 plus twelve percent of that amount exceeding $401,000.00.

Provided that The minimum license fee is one thousand dollars per day, except for race meetings exclusively for quarter horses for which the minimum license fee shall be $500.00 per day, and shall in no way be affected by the foregoing.

In addition to the fixed percentage of commissions as above outlined, the licensee is entitled to retain the "breaks to a dime", being the odd cents of all the distributions to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. These amounts deducted are in addition to the license fees (percentages of the amount of money handled) as provided in R.S. 4:161 and R.S. 4:161.2 and are to be retained by the licensee, subject to the provisions of this Part.

B. The amount by which the commissions deducted and retained by the licensee under the provisions of this Section as amended and reenacted in 1980 exceeds the amount of commissions deducted and retained by the licensee under the provisions of this Section prior to being amended and reenacted in 1980 shall be delivered to the track licensee conducting the race meeting at which the deduction was made and not less than fifty percent thereof shall be distributed by such track licensee as purses at the race meeting next following the delivery of said proceeds.

Added by Acts 1978, No. 143,§ 5, effective June 29, 1978. Amended by Acts 1980, No. 323,§ 4

§166.4. Pick-Six Exotic Wagering Pool; Allocation of Proceeds

A. After the payment of any license fees, commissions, and deductions required by this Chapter, the money remaining in a pick-six exotic wagering pool shall be distributed in the following manner. On any racing day in a week except the last, the entire pool shall be paid out to persons who wagered on the pool and picked all six winners; if no one picked all six winning horses and the pool does not exceed fifty thousand dollars, then the entire pool shall be carried over to the next betting day of the same week. This process shall continue until the last betting day of the week. On the final betting day of each week, the entire sum then in the pick-six pool shall be paid out to the person or persons who picked the highest number of winning horses regardless of the total number of horses picked.

B. For the purposes of this Section a week shall be defined as the consecutive days during which any race track operates. The actual days included in a week may vary from track to track.

Added by Acts 1981, No. 908,§ 1. Amended by Acts 1982, No. 222,§ 1.

§166.5. Deduction on Exotic Wagering Pools

A. In addition to any license fees imposed by R.S. 4:161, in addition to any commissions to be deducted under R.S. 4:161, in addition to any deductions required by the provisions of R.S. 4:166.1, and in addition to any deductions required by the provisions of R.S. 4:166.2, there shall be imposed additionally a one-half of one percent deduction to be taken from the total daily pools of all exotic wagering pools as hereinafter defined.

B. "Exotic wagering pools" for purposes of this Section shall include all pari-mutuel pools except the win, place, or show pools for each race conducted at each race meeting in this state. Examples of exotic wagering pools in common usage are daily double pools, exacta pools, and quinella pools.

Added by Acts 1982, No. 228,§ 1, effective July 15, 1982; Acts 1985, No. 904,§ 1; Acts 1992, No. 984,§ 3.

{{NOTE: SEE ACTS 1985, No. 904,§ 2.}}

§166.6. Deduction on Exotic Wagering Pools; Special Deduction on Multiple Choice Exotic Wagering Pools; Allocation of Proceeds

A.(1) In addition to any license fees imposed by R.S. 4:161, in addition to any commissions to be deducted under R.S. 4:161,* in addition to any deductions required by the provisions of R.S. 4:166.1, 166.2, and 166.5, there shall be imposed additionally a four and one-half percent deduction to be taken from the total daily pools of all exotic wagering pools as hereinafter defined.

(2) From the proceeds derived from the deduction in Subsection (A)(1), an amount equal to four percent of the applicable pools shall be paid to the track licensee conducting the race meeting at which the deduction was made. Not less than fifty percent of the proceeds of such deduction shall be distributed by such track licensee as purses at the race meeting next following delivery of said proceeds.

(3) From the proceeds derived from the deduction in Subsection A(1), an amount equal to one-half percent of the applicable pools shall be paid to the state.

B. Exotic wagering pools for purposes of this Section shall include all pari-mutuel pools for each race conducted at each race meeting in this state which require selection of three or more horses. Examples of such exotic wagering pools and common usage are trifecta, twin trifecta, and super six. However, application of this Section shall not be limited to these wagers but shall be applicable to all pari-mutuel pools requiring selection of three or more horses.

Acts 1986, No. 199,§ 1, effective July 1, 1986; Acts 1992, No. 984,§ 3. *As appears in enrolled bill.

{{NOTE: SEE ACTS 1986, No. 199,§ 2.}}

§167. Deduction from Breakage; Thoroughbred and Quarter Horse Race Meetings

A. Any licensee who is licensed in the state of Louisiana to conduct race meetings where pari-mutuel wagering is permitted shall deduct one-half of the breakage, which is understood to be the amount of money left after paying off the bettors, and shall deposit and retain such amounts in a special account to be used for the purpose of supplementing purses for races written only for Louisiana accredited thoroughbred horses. Amounts so deducted shall be used only at the track where such amount is deducted. The amounts to be supplemented shall be agreed upon by the purse committee of the Louisiana Thoroughbred Breeders Association, and said purse committee shall be vested with complete custody and control thereof. Any amount of money above the purse shall be considered supplemental money and shall be paid from the special account herein provided for directly to the secretary of the Louisiana Thoroughbred Breeders Association to be disbursed according to the instructions of the purse committee as provided for hereinabove. At the close of the regular licensed meet, any balance remaining in said special account shall be paid over to the Louisiana State University and Agricultural and Mechanical College to be used by it solely for the purpose of conducting research for the improvement of thoroughbred horses. There shall be at least two such races each racing day of said meet, where both supplemental funds and horses are available for the purpose of writing the two accredited Louisiana bred thoroughbred horse races by the racing secretary and purse committee of the Louisiana Thoroughbred Breeders Association to be agreed upon by the racing secretary. Exclusive of a stake race, a handicap, an overnight handicap, and/or an added money race, whether by subscription or otherwise (except where such a race is restricted to accredited Louisiana bred thoroughbred horses only), no licensee conducting a race meeting under the authority of this Title shall offer or pay a purse in a race, the running of which is restricted to accredited Louisiana bred thoroughbred horses, which is not on a parity with the purse offered or paid in a race not so restricted, where the class of the horse, the claiming price and conditions of the race are

substantially the same; provided, in parishes where the population is in excess of 400,000, in no event shall the minimum purse be less than $1,500.00; in parishes where the population is less than 400,000, the minimum purse shall be no less than $1,000.00.

B. Where any licensee holding a racing meet permits racing of both thoroughbreds and quarter horses, he shall keep two separate special accounts, one for thoroughbred horses and one for quarter horses, and the same percentage of breakage shall be deducted from a race run by quarter horses as is required under the provisions of Subsection (A) hereof to be deducted from a race run by thoroughbred horses. The amounts so deducted shall be deposited in the special account for quarter horses and shall be used solely for the purpose of providing supplemental purses for accredited Louisiana bred quarter horses in the same manner and the same extent as is provided in Subsection (A) of this section with respect to thoroughbreds.

Acts 1968, No. 554,§ 1. Amended by Acts 1970, No. 668,§ 1; Acts 1972, No. 733,§ 1; Acts 1975, No. 272,§ 4, effective July 16, 1975.

§168. License Fees, Commissions, and Taxes of this Part in Lieu of all other Such Taxes

The license fees, commissions, and taxes imposed in this Part are in lieu of all other such licenses, sales, excise and occupational taxes to the state or to any parish, city, town, or other political subdivision thereof.

Acts 1968, No. 554,§ 1.

§169. Licenses, Registrations, Fees for Participating in Racing

A.(1) The following persons shall be required to take out a license from the commission, and the annual fee shall be as follows:

Recording and Registration Fees	
Apprentice jockey	$ 25.00
Assistant starter	$ 25.00
Authorized agent	$ 25.00
Colors	$ 25.00
Duplicate	$ 5.00
Exercise person	$ 15.00
Groom	$ 5.00
Hot Walker	$ 5.00
Jockey agent	$ 35.00
Jockey	$ 35.00
Outrider	$ 25.00
Owner	$ 25.00
Miscellaneous	$ 5.00
Mutuel	$ 5.00
Partnership	$ 25.00
Plater	$ 35.00
Pony person	$ 25.00
Stable foreman	$ 25.00
Stable name	$ 50.00
Subagent	$ 25.00
Trainer	$ 25.00
Valet	$ 25.00
Vendor	$ 50.00
Veterinarian	$100.00

(2) All licenses must be taken out forty-eight hours after arrival except out-of-state owners may be allowed not more than ten days.

B.(1) Licenses and registrations expire June thirtieth of each year and may be renewed by mailing full payment of the appropriate renewal license fee or renewal registration fee to the commission. Effective on July 1, 1987 owners, trainers, jockeys, jockey agents, exercise persons, and veterinarians may have the option of obtaining a license for a three-year period to expire June thirtieth of the third year. Colors may also be registered for a three-year period to expire June thirtieth of the third year. The fee for the three-year license shall be as follows:

Recording and Registration Fees	
Colors	$75.00
Exercise person	$75.00
Jockey	$75.00
Jockey agent	$75.00
Owner	$75.00
Trainer	$75.00
Veterinarian	$300.00

(2) It shall be the responsibility of each owner, trainer, jockey, jockey agent, exercise person, and veterinarian licensed under this Section to notify the commission if they become ineligible for a license or registration.

C. All other persons not specifically provided for shall be required to take out an annual license. The amount of the license or occupational fee shall be twenty-five dollars.

D. No person shall be eligible for an owner's or trainer's license if, during the term of such license, he would act as plater or veterinarian with horses racing under the jurisdiction of the commission.

E. Each owner and/or trainer shall be held responsible for the licensing of each and every employee under his jurisdiction.

F. Licenses, registrations, and fees for participating in racing shall be nonrefundable.

G. The provisions of this Section shall not apply to duly sworn state or local law enforcement officers.

Acts 1968, No. 554,§ 1. Amended by Acts 1973, No. 190,§ 1; Acts 1985, No. 830,§ 1, effective July 23, 1985; Acts 1987, No. 496,§ 1; Acts 1988, No. 822,§ 1; Acts 1992, No. 281,§ 1, effective June 11, 1992.

{{NOTE: SEE ACTS 1985, No. 830,§ 2, EFFECTIVE JULY 23, 1985.}}

{{NOTE: SEE ACTS 1987, No. 496,§ 2.}}

§170. State and Parish Fair Associations Excepted; Voters of Parish May Prohibit Racing

The provisions of R.S. 4:141 through R.S. 4:168, and R.S. 4:171 through R.S. 4:180 do not apply to the running of horse races conducted by any state fair association or parish fair association which holds not more than one meeting annually and which restricts that annual meeting to three days or less. Further, the qualified voters of any parish may

prohibit or exclude horse racing, or refuse or suspend any license granted under this Part to conduct racing within that parish, by a popular vote of its electorate and as provided by the forms and regulations presently obtaining in local option elections.

Acts 1968, No. 554,§ 1.

§171. Holding Race Meet without License; Illegal Wagering; Penalties

A. Except as otherwise provided in this Chapter:

(1) No person shall directly or indirectly hold any horse race meeting with pari-mutuel pools or pools making wagering on the results, without having first been licensed by the commission.

(2) No person shall wager upon the results of a horse race, except in the pari-mutuel or mutuel method of wagering when conducted by a licensee upon its grounds or enclosure.

B. Whoever violates this Section, or any Section of this Chapter for which a penalty is not herein expressly provided, shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned for not less than ten days nor more than six months, or both.

Acts 1968, No. 554,§ 1; Acts 1990, No. 557,§ 1, effective July 19, 1990.

§171.1. Transmission of Racing Information for Illegal Gambling Purposes

A. It shall be unlawful for any person to transmit or communicate to another or receive or secure by any means whatsoever the results, changing odds, track conditions, jockey changes, or any other information relating to any horse race from any racetrack in this state, to any person, firm, or corporation located outside the confines of said racetrack, or to relay the same to any other person, firm, or corporation by word of mouth, by signal, or by use of telephone, telegraph, radio, or any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling.

B. This Section shall be deemed an exercise of the police power of the state for the protection of the public welfare, health, peace, safety, and morals of the people of the state and all of the provisions herein shall be liberally construed for the accomplishment of this purpose.

C. Any person violating the provisions of this Section upon conviction thereof, shall be sentenced to pay a fine of not more than five thousand dollars, or be imprisoned with or without hard labor for not more than five years, or both, at the discretion of the court.

D. Nothing contained in this Section shall be construed as amending or repealing the provisions of any other law or affecting any rule of the Louisiana Public Service Commission relating to the regulation of public utilities in the furnishing to others of any communication, wire service, or other similar service or equipment; it is intended that this Section shall be supplemental to other laws and a further aid in the elimination of transmission of information for illegal gambling purposes.

Added by Acts 1970, No. 675,§ 1; Acts 1990, No. 883,§ 1, effective July 25, 1990.

§171.2. Repealed by Acts 1990, No. 883,§ 2, Effective July 25, 1990.

§171.3. Repealed by Acts 1990, No. 883,§ 2, Effective July 25, 1990.

§172. Stewards; Authority, Powers, and Duties; Fines and Suspensions

A. In the matters pertaining to racing, the orders of the stewards supersede the orders of the officers and directors of the association and the stewards shall have supervision of the daily conduct of racing. The stewards have full authority to investigate, inspect, search and inquire into all matters under their supervision.

B. Should any case occur which may not be covered herein or by the Rules of Racing, it shall be determined by the commission and implemented by the stewards but only insofar as such determination is consistent with justice, the best interest of racing, and the powers and authority herein granted; and when no penalty is provided, the stewards of the meeting are hereby given authority to exercise their full power as set forth in Subsection M hereof.

C. The stewards have general supervision over all personnel directly connected with racing and shall have access to all stands, weighing rooms, enclosures, etc., used for the purpose of racing and have the authority to determine all questions concerning entries and racing.

D. The stewards shall order ejected from the grounds of the association any improper or objectionable persons.

E. The stewards may demand proof that a horse is not in any way disqualified. In default of proof the horse may be barred.

F. The stewards may examine or have examined any horse registered for racing.

G. Three stewards must be on duty during race time. One steward must be on duty each morning from scratch time until the entries are closed.

H. During each racing day the stewards of the meeting shall assemble at the office building on the grounds of the association where the race meeting is being held, not later than two hours before post time of the first race, to exercise the authority and perform the duties imposed on them by the rules of racing.

I. If one or more stewards are absent the ones present shall appoint a deputy or deputies to act temporarily for those absent. Should all three be absent the racing secretary shall appoint three deputies.

J. The stewards may substitute a jockey of their choice on any horse.

K. The stewards are vested with the power to determine the extent of disqualification in case of fouls.

L. Action by the stewards in performing their duties shall be reported to the Louisiana State Racing Commission. Where one steward disagrees with the majority that fact shall be noted in the report and the dissenting steward shall have the right to file with the commission a written report setting forth the reason or reasons for the disagreement. The stewards shall keep a minute book, recording therein all complaints made to them and the disposition thereof and all investigations by the stewards and their findings thereon and all rulings made by the stewards.

M. The stewards may suspend for no greater period than the duration of the meeting plus ten days or for a period not to exceed six months, whichever is greater, or they may impose a fine not to exceed one thousand dollars. All such suspensions and fines must be reported to the commission. If the greater period of suspension and the fine herein authorized is not in the opinion of the stewards sufficient, they shall refer the matter to the commission for its determination de novo.

N. A fine may not be rescinded by the stewards except with the approval of the commission.

O. Fines and suspensions shall be reported promptly to the racing secretary in writing. Fines shall be paid within forty-eight hours.

P. Fines collected by the racing secretary shall be paid to the commission.

Q. In addition to the above, the stewards shall have those authorities, powers and duties as are prescribed and conferred by the commission not inconsistent with this Part, including by way of illustration those provided by the rules of racing.

Acts 1968, No. 554,§ 1; Acts 1990, No. 565,§ 1, effective July 19, 1990.

§173. Commissioners and Stewards not Liable in Damages

Both commissioners and stewards in the exercise of their duties and use of their discretion shall not be held liable for damages to an aggrieved person, even in the event of a mistake, as long as they acted in good faith, without malice or improper motive.

Acts 1968, No. 554,§ 1.

§173.1. Owners not Liable for Third Party Damages; Right of Action

A. No person, partnership, corporation, or other entity engaged in the breeding, training, or racing of thoroughbred or quarter horses in Louisiana shall be held liable for damages to a third party caused by a horse they own while such horse is in the care, custody, or control of a person other than the owner, unless such damages were caused by the gross negligence of the owner of the horse.

B. The sole right of action for an employee of a person, other than the owner of the horse, who had care, custody, or control of such horse at the time damages were incurred shall be pursuant to the Louisiana Worker's Compensation Law.

C. The right of action for all other third parties is restricted to the person, other than the owner of the horse, who had care, custody, or control of the horse at the time damages were incurred.

Acts 1990, No. 711,§ 1.

§174. Residence of Employees of Operator of Racing Meeting

Eighty per cent of all employees of any person conducting a racing meeting under the provisions of this Part and operating under permits and supervision of the commission, excluding jockeys and judges, shall be citizens of Louisiana of five years residence and domicile.

Acts 1968, No. 554,§ 1.

§174.1. Races Restricted to Out-of-State Thoroughbreds; Limitations

No racing association in this state shall allow more than two races at any one race meeting in which said races are restricted to thoroughbreds bred in any one or more states, other than Louisiana, or to thoroughbreds owned by persons residing in any one state, other than Louisiana, except that additional such races may be carded and run when specifically approved by the Louisiana State Racing Commission.

Added by Acts 1974, No. 491,§ 1.

§175. Unnatural Stimulation of Horses; Willful Pulling of Reins

A. The possession and use of scheduled drugs shall be governed by the following provisions:

(1) Except as otherwise provided herein, no person shall administer or apply or cause to be administered or applied to any horse which has been entered in any race, or have in his possession within the confines of a racetrack or racetrack stables, sheds, or buildings on racetrack grounds where horses are kept which are eligible to race over a racetrack of any racing association or licensee, any drug, chemical, or other substance which is listed on Schedules I, II, III, IV, or V of the schedules of controlled dangerous substances established by the Drug Enforcement Agency of the United States or Title 40 of the Louisiana Revised Statutes of 1950.

(2) The provisions of this Subsection shall not prohibit the possession or use of scheduled drugs by veterinarians licensed by the racing commission and engaged in the lawful treatment of horses. If a horse is entered in a race and is subsequently treated with a scheduled drug, the veterinarian shall report the treatment to the Louisiana State Racing Commission steward for the track at which the horse is entered in a race. The steward shall order the owner of the horse to withdraw the horse from the race.

B. The administration of any drug which is not included in the schedules of controlled dangerous substances shall be

governed by the rules and regulations adopted by the Louisiana State Racing Commission unless it is a drug that could unnaturally stimulate, excite, or depress a horse and would influence the outcome of a race.

C. The Department of Public Safety and Corrections shall supply a list of all scheduled controlled dangerous substances to the Louisiana State Racing Commission and to each licensed racing association in the state. The department shall also supply a list of changes in the schedules to the same entities.

D. No person shall administer or apply or cause to be administered or applied to any horse which has been entered in any race, or have in his possession within the confines of a racetrack or racetrack stables, sheds, or buildings on racetrack grounds where horses are kept which are eligible to race over a racetrack of any racing association or licensee, any electric battery or other apparatus, which might have the effect of unnaturally depressing, stimulating, or exciting any horse during any race.

E. No jockey mounted on any horse during a race shall willfully pull the reins, or do anything whatsoever that has the effect of diminishing the chance of the horse winning any race whether such action on the part of the jockey is of his own accord, by instructions from the owner of the horse, or as a result of a conspiracy with any other person.

F. The commission shall investigate any violation of this Section and shall make written report of it to the district attorney, and shall send a copy of the report to the attorney general.

G. Whoever violates or attempts to violate this Section shall be fined not less than one thousand dollars nor more than five thousand dollars, or imprisoned with or without hard labor for not less than one nor more than five years, or both.

Acts 1987, No. 780,§ 1.

§176. Limitation of Time for Presenting Pari-Mutuel Tickets and Disposition of Unpaid Money Due on Account of Pari-Mutuel Tickets not Presented

A. All pari-mutuel tickets evidencing the right to participate in pari-mutuel pools or the right to a refund must be presented for payment within ninety days after the close of the race meeting conducted by the licensee. The failure to present such a ticket within the prescribed time shall constitute a waiver of the right to participate in the pari-mutuel pool or the right to a refund. Thereafter, the holder of such ticket shall have no right to enforce payment thereof.

B. The sum held by any licensee for payment of outstanding winning pari-mutuel tickets and for refunding the price of pari-mutuel tickets shall be retained by such licensee for such purpose until the expiration of ninety days after the close of the race meeting conducted by the licensee. One hundred days after the close of any race meeting, any unclaimed monies subjected to this Section shall be disposed of as follows. A sum not to exceed two hundred fifty thousand dollars for each race meeting shall be retained by the licensee and the remaining amount, if any, shall be paid over to the Louisiana State Racing Commission under oath, which shall then deposit said funds to the State General Fund of the state treasury with a report submitted under oath.

Acts 1968, No. 554,§ 1; Acts 1983, No. 593,§ 1; Acts 1990, No. 556,§ 1; Acts 1992, No. 391,§ 1, effective June 18, 1992.

§177. Breeder Awards

Each licensee authorized to conduct race meets shall pay the equivalent of ten percent of winner's share of the purse of each race won by accredited Louisiana bred horses. The sum shall be paid by the licensee within thirty days after the close of the race meeting to the respective breeders of the winners of such races as a breeder's award. The provisions of this Section shall not apply to races written exclusively for accredited Louisiana bred horses which shall be paid a breeder's award by the Louisiana State Racing Commission out of funds provided for this purpose pursuant to the provisions of R.S. 4:165(A).

Acts 1968, No. 554,§ 1. Amended by Acts 1972, No. 733,§ 1; Acts 1975, No. 272,§ 5, effective July 16, 1975.

§178. Breeders Association as Official Registrar

The Louisiana Thoroughbred Breeders Association is hereby recognized as the sole official registrar for purposes of registering of accredited thoroughbred horses foaled in Louisiana. When a horse is registered with the Louisiana Thoroughbred Breeders Association, the association shall be authorized to stamp the Jockey Club certificate with the seal of the association, certifying that this foal is an accredited Louisiana bred foal. The association may charge a reasonable registration fee for its services, and, in order to carry out the functions of registering accredited thoroughbred horses, it may appoint a committee or employ a secretary.

Acts 1968, No. 554,§ 1.

§179. Quarter Horse Breeders Association as Official Registrar

The Louisiana Quarter Horse Breeders Association is hereby recognized as the sole official registrar for purposes of registering of accredited quarter horses foaled in Louisiana. When a horse is registered with the Louisiana Quarter Horse Breeders Association, the association shall be authorized to stamp the American Quarter Horse Association certificate with the seal of the association, certifying that this foal is an accredited Louisiana bred foal. The association may charge a reasonable registration fee for its services and, in order to carry out the functions of registering accredited quarter horses, it may appoint a committee or employ a secretary.

Acts 1968, No. 554,§ 1.

§179.1. Authorized Representative of Persons Licensed to Race Horses at Race Meetings Conducted in the State

The Horsemen's Benevolent and Protective Association is hereby designated and recognized as an authorized representative that shall represent member and other

horsemen racing at licensed race meetings held in the state of Louisiana for the purpose of but not limited to negotiating contracts for such horsemen with all racing associations licensed by the state of Louisiana, relative to purses, hospitalization, medical benefits, conditions, and all other matters of interest and concern to such horsemen.

Added by Acts 1977, No. 435,§ 1, effective July 11, 1977. Amended by Acts 1982, No. 228,§ 2, effective July 15, 1982; Acts 1984, No. 197,§ 1, effective June 28, 1984.

§179.2. Horsemen's Organization; Incorporation

Any horsemen's organization or organization representing horsemen shall be either a corporation or a trust, or both, organized under the laws of this state, in order to receive a distribution, allocation, or deduction of any funds under the provisions of Part I and Part I-A of this Chapter. Any funds received by such organization from any such distribution, allocation, or deduction shall be used only for the benefit of horsemen racing in the state of Louisiana.

Acts 1988, No. 797,§ 1; Acts 2001, No. 566,§ 1.

§180. Commission Authority, Contract for Services

The commission shall have authority to contract for and employ in accordance with law those services which it deems necessary and proper for the carrying out of its duties and responsibilities as provided by this Part. Included herein by way of illustration without limitation are services provided for by businesses engaged in chemical testing, security, and investigation.

Acts 1968, No. 554,§ 1.

§181. Parish-Wide Election on Horse Racing Meet

A. Notwithstanding any provision of law to the contrary, no horse racing meet in a parish in which no racing meet is being conducted on the effective date of this section, or in which no racing meet under a license from the Louisiana State Racing Commission has been conducted prior to such effective date, shall be allowed where pari-mutuel betting is authorized by law unless the operation and conduct of the racing meet first has been approved at an election held in accordance with the provisions of this section; however, said election shall not be required prior to conducting quarter horse racing in St. Landry, Iberville, West Baton Rouge, Pointe Coupee and St. Martin Parishes.

B. Any person desiring to operate and conduct a horse racing meet in a parish in which no racing meet is being conducted on the effective date of this section, or in which no racing meet under a license issued by the State Racing Commission has been conducted prior to such effective date, shall make application to the governing authority of the parish in which the proposed horse racing meet is to be conducted. The application shall state the location of the proposed horse racing meet and describe the facilities proposed to be constructed for the holding of the racing meet and shall have attached the license, or a certified copy thereof, for the meeting issued to the applicant by the State Racing Commission.

C. Upon receipt of the application the governing authority of the parish in which the racing meet is proposed to be held shall call and conduct a referendum election within the parish for the purpose of submitting to the qualified electors of the parish the proposition whether or not the proposed racing meeting shall be allowed.

D. The referendum election shall be held on a date fixed by the parish governing authority within a period of thirty days of receipt of the application. Notice of the election shall be published at least twice at five day intervals in the official journal of the parish or if the official journal is not published daily, then publication shall be in a daily newspaper of general circulation in the parish. The publication shall be completed at least five days prior to the date on which the election is to be held. The parish governing authority also shall have five spot announcements at least two days apart of the election broadcast on radio or television channels readily receivable in the parish and shall make notice of the election available to the news media. All qualified electors of the parish shall be entitled to vote in the election.

E. The proposition to be printed on the election ballot shall be: "Shall the business of horse racing be conducted within the parish of _____" and the voters shall vote for or against the proposition, a vote for the proposition being a "Yes" vote and a vote against the proposition being a "No" vote. The election shall be by secret ballot and conducted as nearly as possible in accordance with the general election laws of the state. Voting machines may be used and if used, the proposition to be submitted shall be shown on the machine ballot. Any elector who was qualified to vote in the election may demand a recount of the ballots or contest the election in the manner and within the time provided by law for recount or contest of elections under the general election laws of the state. The parish board of election supervisors shall supervise the election. It shall appoint three commissioners and one clerk, who shall be qualified electors and residents of the precinct, to preside over the election at each polling precinct. To reduce expenses of holding the election, the governing authority of the parish may combine regular voting precincts provided notice of any such combination is included in the notice of the election. The governing authority of the parish shall promulgate the results of the election. For the proposition to carry, it must receive a majority vote in favor thereof of the votes cast in the election.

F. The parish governing authority shall notify the applicant and the State Racing Commission promptly of the results of the election. If the racing meet has been approved, the applicant may proceed with the racing meet in accordance with the license and rules and regulations of the State Racing Commission. If the proposed racing meet has not been approved at the election, the commission shall revoke the license theretofore issued to the applicant and shall not accept or consider an application for a license for a racing meet in the same parish until the expiration of at least two years from the date of the election at which the racing meet in the parish was disapproved.

G. Any person who conducts or attempts to conduct a racing meet in a parish in which approval of the racing meet at an election is required by this section without such election approval shall be guilty of a misdemeanor and upon conviction shall be imprisoned in the parish jail for not more than six months and, in addition, shall be fined not more than one thousand dollars.

In addition to the penalty provided in this subsection, the district court of the parish of location of the proposed racing meet, upon application of the governing authority of the parish and upon a showing that this section is applicable and that a racing meet is being conducted or is attempted to be conducted in violation of this section is empowered to and shall grant injunctive relief.

Added by Acts 1972, No. 43,§ 1. Amended by Acts 1974, No. 626,§ 2.

§182. Racing of Appaloosa Horses

All race tracks in Louisiana shall be allowed to schedule races of Appaloosa horses.

Added by Acts 1974, No. 361,§ 1.

§182.1. Racing of Quarter Horses and Thoroughbred Horses

All racing associations in this state shall be allowed to schedule races in which quarter horses and thoroughbred horses can participate in the same race. The length of the races provided by this Section shall be around one turn in the track. All races scheduled under the provisions of this Section shall be conducted as races for quarter horses and allowed at both quarter horse and thoroughbred race meetings. Further, all races scheduled under the provisions of this Section shall be conducted even though at the time of the race no quarter horse or thoroughbred, as the case may be, has been entered for that race.

Acts 1983, No. 182,§ 1. Acts 1986, No. 993,§ 1.

§182.2. Arabian Horses

A. All race tracks in Louisiana shall be allowed to schedule races of Arabian horses in accordance with the rules and regulations adopted by the Louisiana State Racing Commission.

B. The Arabian Horse Association of Louisiana is hereby recognized as the representative breeder's association for Arabian horses.

C. The rules and regulations adopted by the racing commission under the provisions of this Section shall provide that the winners of the races authorized by this Section shall not participate in the purse supplements, stallion awards, and breeder's awards for other breeds of horses.

Acts 1987, No. 242,§ 1.

§183. Contracts between Licensees and Permittees Licensed to Race Horses at Race Meetings Conducted in the State

A. The monies to be distributed by a licensee as purses to permittees licensed to race horses in Louisiana and the monies to be distributed by a licensee to the Horsemen's Benevolent and Protective Association for the use and benefit of such permittees, their employees, and others, for hospital and medical benefits and for the administrative expenses in providing these benefits shall be and include:

(1) An amount to be not less than fifty percent of a licensee's commission of the gross pari-mutuel handle retained by it from each race at a licensed race meeting in this state as provided by this Chapter, after all fees required by law have been deducted, plus

(2) The total amount earned by a licensee for purse supplements under R.S. 4:217 since the completion of its previous meeting as of the first day of the race meeting covered by this Subsection, plus

(3) The total amount earned by a licensee for purse supplements under R.S. 4:217 during the race meeting covered by this Subsection.

(4) The total of Paragraphs (1), (2), and (3) shall be allocated by the licensee in not less than the following percentages thereof:

(a) Ninety-six percent thereof to such permittees as purses.

(b) Four percent thereof to the Horsemen's Benevolent and Protective Association for the use and benefit of such permittees, their employees, and others as medical and hospital benefits with an amount not to exceed thirty percent aforesaid of the commissions and amounts received by the Horsemen's Benevolent and Protective Association to be used for administrative expenses and other costs necessary to provide the benefits.

(c) The total of the revenues received by the Horsemen's Benevolent and Protective Association under the provisions of Subparagraph (b) hereof, together with all expenditures made therefrom, shall be published and reported quarterly by it to horsemen actively racing in the state.

B. Monies due as purses to persons licensed to race horses at race meetings conducted in the state as a result of conditions outlined in R.S. 4:183(A) and the monies due to the Horsemen's Benevolent and Protective Association pursuant to the provisions of R.S. 4:183(A)(4)(b) shall be allocated and distributed during the race meeting at which earned.

(1) In the event the amount distributed as purses is more than the amount required by R.S. 4:183(A), the

overpayment shall be carried forward to the next race meeting conducted by the same association. It shall be carried on the association books as an asset.

(2) In the event the amount distributed as purses to persons licensed to race horses at race meetings conducted in the state is less than the amount required by R.S. 4:183(A), and more than an amount equal to the average daily purse distribution at the race meeting at which generated, it shall be delivered to the Horsemen's Benevolent and Protective Association for further distribution to persons having earned monies during the meeting, in the direct proportion that the underpayment is to the monies earned by that person at that meeting. In the event the underpayment is less than an amount equal to the average daily purse distribution at that meeting, it shall be retained by the association in an interest bearing account to be used for purses at the next meeting conducted by that association. Interest earned on the account shall be added to the purse paid over and above the amount required to be paid as purses by R.S. 4:183(A).

Added by Acts 1977, No. 436,§ 1, effective July 11, 1977. Amended by Acts 1982, No. 228,§ 2, effective July 15, 1982; Acts 1984, No. 197,§ 1, effective June 28, 1984; Acts 1988, No. 794,§ 1; Acts 1990, No. 612,§ 1, effective July 19, 1990; Acts 2001, No. 566,§ 1.

§183.1. Purse Supplement; Promotional Items and Services; Manufacturer's Product Name in Race Designation

A. Notwithstanding any other law to the contrary and particularly R.S. 26:286 and R.S. 51:422, any manufacturer, including a manufacturer of alcoholic beverages, may do any of the following:

(1) Add a purse supplement to any licensed race conducted in the state.

(2) Provide and pay for any promotional items, services, or advertisements in connection with any licensed race conducted in the state or in connection with any function held during the racing season at any track which is licensed to conduct race meetings.

B. Any manufacturer who provides a purse supplement or promotional items, services, or advertisements under the provisions of Subsection A of this Section may have his product's name used in the name of any such race or function. In addition, the race may be designated using a brand name of the manufacturer as part of the designation of the race.

C. Wholesale dealers of alcoholic beverages licensed under the provisions of Title 26 of the Louisiana Revised Statutes of 1950, who are not also manufacturers of alcoholic beverages, are prohibited from participating in the activities allowed under this Section. Violation subjects the wholesaler to suspension or revocation of the wholesale permit as provided for in Title 26 of the Louisiana Revised Statutes of 1950.

Acts 1985, No. 902,§ 1, effective July 23, 1985; Acts 1985, No. 992,§ 1, effective July 23, 1985.

§183.2. Disposition of Accrued Interest on Undistributed Monies at a Race Meeting

Monies designated for purses under R.S. 4:183(A)(2) shall be deposited by the licensee in a separate interest bearing account when earned and shall remain in that account until the first day of the next race meeting of the appropriate breed. Monies earned as interest on that account shall be added to those designated for purses under R.S. 4:183(A) and shall be considered part of the gross purses as defined therein.

Acts 1989, No. 626,§ 1, effective July 7, 1989.

§184. Special Maiden Thoroughbred Races; Purses

A. Each racing association shall conduct one special accredited Louisiana bred maiden thoroughbred race each thoroughbred racing day of each race meeting authorized and licensed by the commission, if sufficient horses are available. The special maiden race shall be in addition to the two daily races written only for accredited Louisiana bred thoroughbred horses as provided in R.S. 4:167 and shall be conducted as an additional race to the normal racing program of a racing association. The special maiden race shall carry no special designation on the official racing program other than a normal sequential number but shall be designated in the condition book and the overnight as a special maiden race. The Executive Committee of the Louisiana Thoroughbred Breeders Association shall specify the type, age, distance, and purse of the special maiden race.

B. Notwithstanding any other provision of law to the contrary, the commissions derived from any special maiden race shall be accounted for separately from all other races and shall be distributed only as provided herein. The distribution of commissions from special maiden races shall be as follows:

(1) An amount of eight percent of any commission shall be retained by the racing association for payment to the Louisiana Thoroughbred Breeders Association monthly for the purpose of disbursing breeder awards in accordance with a distribution formula established by the Executive Committee of the Louisiana Thoroughbred Breeders Association.

(2) Of the remaining amount of commission, fifty percent shall be retained by the racing association, forty percent shall be paid into a special maiden race purse account from which the purse money shall be disbursed in accordance with the racing associations' normal formula for division of purses, and ten percent shall be remitted to the state of Louisiana. Any monies left in the account at the conclusion of the race shall revert to the Louisiana Thoroughbred Breeders Association to supplement other Louisiana bred thoroughbred purses at the next available race meeting conducted by that racing association.

C. Any breakage generated from the special maiden race shall be handled in accordance with the provisions of R.S. 4:167.

D.(1) When the monies available to an association, under the provisions of Subsection B of this Section, for the purse of a special maiden race out of its commissions on the pari-mutuel handle of that special maiden race are insufficient to provide a purse in an amount equal to that offered for other races of comparable quality conducted at the same race meeting, the association shall supplement the purse for the special maiden race from monies dedicated for horsemen's purses pursuant to R.S. 4:183 up to an amount sufficient to make the purse for the race at least equal to purses offered by it for other races of comparable quality.

(2)(a) Notwithstanding any other provision of law to the contrary, in the event that the Louisiana Thoroughbred Breeders Association certifies to the racing association that the monies generated for breeder awards and disbursed by the Louisiana Thoroughbred Breeders Association, pursuant to Paragraph (B)(1) of this Section and R.S. 4:217(D)(1)(a), are insufficient to make such breeder awards on any given special accredited Louisiana bred maiden thoroughbred race according to the distribution formula established by the executive committee of the Louisiana Thoroughbred Breeders Association, then the racing association shall make available from its purse account sufficient monies to the Louisiana Thoroughbred Breeders Association to make breeder awards in accordance with the established formula.

(b) However, in no event shall the monies made available pursuant to this Paragraph by all licensed racing associations operating in the state exceed the total of one hundred fifty thousand dollars in any one calendar year. In addition, no racing association shall be required to make available monies from its purse account for the purposes described in this Paragraph in an amount that is disproportionate to the amount made available by other racing associations based upon total purses paid during the prior calendar year.

(c) The monies required to be made available by this Paragraph shall be made available until November 1, 2003.

E. The authorized representative of the horsemen is entitled to the same deduction from the purse monies of a special maiden race distributed by an association as provided in R.S. 4:183(B).

Added by Acts 1983, No. 514,§ 1, effective July 8, 1983. Amended by Acts 1989, No. 708,§ §1, 2, effective July 8, 1989; Acts 2001, No. 565,§ 1.

§185. Horsemen's Bookkeeper

A. At each race meeting conducted in this state pursuant to the provisions of this Part, there shall be a bookkeeper for the collection, disbursement, and investment of monies belonging to horsemen licensed and racing at such a race meeting who shall be known as the Horsemen's Bookkeeper. The Horsemen's Bookkeeper shall be bonded, selected, and employed by the authorized representative of horsemen racing in Louisiana.

B.(1) Each association conducting a race meeting shall provide a separate office for the Horsemen's Bookkeeper who shall keep a separate bank account for the horsemen's monies to be known as the "Horsemen's Bookkeeper Account".

(2) At all times the Horsemen's Bookkeeper Account shall have on deposit funds sufficient to cover all monies due to horsemen with regard to daily purses, jockey fees, stakes, handicaps, rewards, claims, deposits, monies, if any, for horsemen's medical and hospital benefit programs, National Thoroughbred Racing Association, Inc. dues, and pony lead fees.

(3) Except for interest earned on the investment of monies in the Horsemen's Bookkeeper Account and that portion of a pony lead fee as hereby authorized and assessed by the representative of horsemen in the state to provide retirement benefits to horsemen and to pay its administrative and operating costs, withdrawals from the account shall be only for those purposes provided in Paragraph (2) of this Subsection.

(4) The interest earned on the investment of monies in the Horsemen's Bookkeeper Account and that portion of a pony lead fee as provided for in Paragraph (3) of this Subsection shall be collected by the Horsemen's Bookkeeper and paid, in due course, to the authorized representative of horsemen.

(5) After first paying the expenses and other charges necessary to operate the offices of the Horsemen's Bookkeeper, the interest earned on the investment of monies in the Horsemen's Bookkeeper Account by the authorized representative of horsemen shall be used by it for the benefit of horsemen racing in the state.

C. The account shall at all times be subject to audit by the legislative auditor or by a certified public accountant approved by the legislative auditor, the expenses of such audit to be paid by the Horsemen's Benevolent and Protective Association.

Acts 1984, No. 197,§ 1, effective June 28, 1984; Acts 1989, No. 627,§ 1, effective July 7, 1989; Acts 1999, No. 616,§ 1.

§186. Entering Horse under Another Name

A. It shall be unlawful for any person knowingly to enter or cause to be entered any horse for competition or knowingly to compete with any horse entered for competition under any name other than its true name for any prize, purse, premium stake, or sweepstakes offered or given by any agricultural or other society, association, or persons in the state where such prize, purse, premium stake, or sweepstakes is to be decided by a contest of speed.

B. The true name of any horse for the purpose of entry for competition or performance in any contest of speed shall be the name under which the horse has publicly performed and shall not be changed after having once so performed or contested for a prize, purse, premium stake, or sweepstakes except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

C. The official records of any disputed contest of speed shall be received in all courts as evidence upon the trial of

any person alleged to have violated the provisions of this Section.

D. Whoever violates this Section shall be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned for not less than one year at hard labor nor more than five years at hard labor, or both.

Acts 1985, No. 641,§ 1, effective July 16, 1985.

§191. Exclusion, Ejection; Initial Remedy; Procedure

A. If a person is excluded from or ejected from any race track, race meeting, race, or any establishment licensed to operate or conduct any exotic wagering or pari-mutuel wagering or pools by a majority of the stewards of a race track, association or establishment the person shall exhaust all administrative remedies before the commission prior to instituting any legal action seeking judicial relief.

B. The owner or officer of a race track, association, or licensed establishment shall notify the commission in writing of any person's exclusion or ejection within three calendar days after the day on which the exclusion or ejection occurred, exclusive of Saturdays, Sundays or legal holidays. The notice shall include the name of the person excluded or ejected and any other pertinent information about the person and the date and approximate time when, and place where, the exclusion or ejection occurred and the reason therefor.

Added by Acts 1981, No. 779,§ 1.

§192. Hearing; Determination; Order

A. The person excluded or ejected may demand a public administrative hearing by giving to the commission written notice of his exclusion or ejection within ten calendar days after its occurrence, exclusive of Saturdays, Sundays, or legal holidays. Upon receipt of the notice of the aggrieved person, the commission shall call and hold a hearing at the next regular meeting of the commission which is held not sooner than fifteen days after receipt of such notice. If the aggrieved person requests an expedited hearing, the hearing shall be set not less than ten days after the receipt of the request for the expedited hearing, and if the commission does not hold the hearing within ten days, the aggrieved person may proceed with his other legal remedies as provided in this Chapter. If the commission and the person demanding a hearing mutually agree, the hearing may be held at any time.

B. The commission, upon the evidence received at the hearing and the merits of the testimony, shall determine whether the person was lawfully excluded or ejected in accordance with its rules and regulations provided for in R.S. 4:193, and shall enter its decision in its record of official proceedings. It shall be the responsibility of the owner or officer to show that the person was excluded or ejected in accordance with such rules and regulations.

C. If the determination of the commission is that the action to exclude or eject was lawful, the commission shall order the person excluded or ejected for a specified time from all race tracks, race meetings, races, or licensed establishments that are under the commission's regulatory powers. If the commission determines that the exclusion or ejection was unlawful, the commission shall order the owner or officer of the race track, association, or licensed establishment to allow said person to enter the premises and participate in any race. All orders shall be subject to review by a court of competent jurisdiction.

Added by Acts 1981, No. 779,§ 1.

§193. Categories of Persons Subject to Exclusion and Ejection; Civil Liberties

A. The commission shall adopt and promulgate rules and regulations establishing categories of persons who may be excluded or ejected from a track, race meeting, race, or licensed establishment. Such categories shall include, but shall not be limited to, categories of persons:

(1) Who are not of age.

(2) Who have been convicted of a felony under the laws of the United States, this state or any other state or country, or any crime or offense involving moral turpitude.

(3) Who are career or professional offenders as defined by regulation of the commission.

(4) Who are of notorious or unsavory reputation or whose presence, in the opinion of the commission, would be inimical to the state of Louisiana and its citizens or to the track, meeting, race, or licensed establishment, or to both.

(5) Who have had a license or permit refused, suspended or withdrawn under R.S. 4:152.

B. No person may be excluded or ejected on account of race, color, creed, national origin, ancestry, disability, as defined in R.S. 51:2232(11), or gender.

C. No permittee in good standing shall be denied access to or racing privileges at any racing facility except in accordance with the rules of the Louisiana State Racing Commission.

Added by Acts 1981, No. 779,§ 1. Amended by Acts 1982, No. 629,§ 1; Acts 1993, No. 820,§ 1.

§194. Notification of Order

The commission shall notify all race tracks, associations, and licensed establishments in the state, and the state police, and local law enforcement officials who exercises law enforcement powers where a race track is located, of its order, naming the person excluded or ejected and giving the reason for the order. The commission shall maintain a list of all persons determined to have been lawfully excluded or ejected, with each person's age, birthdate, driver's license number, social security number, last known residential and business addresses, the date of the exclusion or ejection, and the name of the race track, the date and the reason for the determination and any other information deemed necessary, including the time specified in the order.

Added by Acts 1981, No. 779,§ 1.

§195. Requirements to Exclude, Eject Certain Persons; Penalties for Failure to Act

Any owner, official, supervisor, or employee of a race track, association, or a licensed establishment shall keep from the premises where he conducts his business or performs his employment any person whom he knows is ordered by the commission to be excluded or ejected. The commission may revoke, limit, condition, or suspend the license of or impose a fine on, any individual or licensee in accordance with laws of the state and rules and regulations of the commission, if the licensee or person knowingly and wilfully fails to act to exclude or eject any person whom he knows is ordered by the commission to be excluded or ejected.

Added by Acts 1981, No. 779,§ 1.

§196. Unlawful entry; penalty

Any person who is ordered by the commission to be excluded or ejected from race tracks, race meetings, races, and licensed establishments properly is guilty of a misdemeanor if he thereafter enters such premises, and shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

Added by Acts 1981, No. 779,§ 1.

§197. Standards for Commission; APA

A. The commission shall adopt the rules under R.S. 4:191 through R.S. 4:197 to protect and promote the public interest, including the orderly and efficient conduct of horse racing, fairness and justice in horse racing, and the peaceful enjoyment of horse racing by the members of the public.

B. Except as otherwise provided in R.S. 4:191 through R.S. 4:197, the commission's hearings, practice, procedures, determinations, and orders shall be governed by Chapter 13 of Title 49.

Added by Acts 1981, No. 779,§ 1.

§198. Disclosure of Source of Purses and Purse Supplements

Each racing association shall disclose, in writing in the condition book maintained by it, the source of all purses and purse supplements to be distributed by it on each racing day.

Acts 1992, No. 1028,§ 1.

Part I-A. Louisiana Champions Day

§201. Purpose

The purpose of this Part is to focus national attention on and enhance the horse breeding industry in the state by establishing a special day of racing to display Louisiana bred champions.

Acts 1990, No. 884,§ 1.

§202. Louisiana Champions Day; Creation; Racing Program; Funding

A. Beginning in 1991, and every year thereafter, the Louisiana Thoroughbred Breeders Association is hereby authorized to hold a special day of racing devoted solely to Louisiana bred horses to be known as "Louisiana Champions Day". Louisiana Champions Day shall be held in November or December of each year; the date and location of which shall be determined by the Louisiana Thoroughbred Breeders Association in consultation with the Louisiana Quarterhorse Breeders Association.

B.(1) The racing program on Louisiana Champions Day shall consist of seven races for thoroughbreds and three races for quarterhorses.

(2) The conditions of each race shall be determined by the appropriate breeders association.

C. Louisiana Champions Day purses shall be determined for each race by the Louisiana Thoroughbred Breeders Association after consultation with the Louisiana Quarterhorse Breeders Association and shall be funded as follows:

(1) Purses offered by participating racing associations.

(2) Matching funds from the appropriate breeders association.

(3) Corporate contributions.

(4) Funds made available pursuant to R.S. 4:203 and any other applicable provision of law.

(5) Any other donations, bequests, or contributions made available for that purpose.

Acts 1990, No. 884,§ 1.

§203. Louisiana Champions Day Account; Funding; Use; Audit

A. All fees from pari-mutuel wagering due pursuant to R.S. 4:161, 161.1, 161.2, 163.1, 166, 166.1, 166.2, 166.3, and 218 from races held on Kentucky Derby Day, Preakness Day, and Belmont Stakes Day shall be paid instead to the Louisiana Thoroughbred Breeders Association and placed in an interest-bearing account to be known as the "Louisiana Champions Day Account" for use at the next Louisiana Champions Day.

B. If no Louisiana Champions Day is held within eighteen months of the receipt of such funds each year, the Louisiana Thoroughbred Breeders Association shall remit any and all monies received pursuant to this Section to the state treasurer for deposit in the state general fund.

C. Monies derived pursuant to this Section may only be used for Louisiana Champions Day and shall be over and above those provided for from other sources as provided in R.S. 4:202.

D. The Louisiana Champions Day Account shall be subject at all times to audit by the legislative auditor or by a certified public accountant approved by the legislative auditor, the expenses of such audit to be paid by the Louisiana Thoroughbred Breeders Association.

Acts 1990, No. 884,§ 1; Acts 1992, No. 2,§ 1, effective April 30, 1992; Acts 1997, No. 335,§ 1; Acts 1999, No. 481,§ 1.

Part II. Offtrack Wagering

§211. Definitions

Unless the context indicates otherwise, the following terms shall have the meaning ascribed to them below:

(1) "Eligible applicants" means the primary licensee fulfilling the licensure criteria described in this Part.

(2) "Exotic wagers" or "exotic wagering pools" include all pari-mutuel pools except the win, place, or show pools conducted at each race meeting in the state. Examples of exotic wagering pools in common usage are daily double pools, exacta pools, trifecta pools, twin trifecta pools, pick-six pools, and quinella pools.

(3) "Host track" means the Louisiana track at which the race is run.

(4) "Offtrack wagering facility" means the licensed and authorized location where offtrack wagers may be accepted.

(5) "Pari-mutuel facility" means any pari-mutuel race track conducting race meetings during the 1986-87 racing season and licensed prior to the effective date of this Part.

(6) "Parish seat" means the facility, courthouse, meeting hall, etc., at which the parish governing authority meets on a regular basis in an official capacity.

(7) "Primary licensee" means the licensed association conducting the majority of race days at a pari-mutuel facility.

Acts 1987, No. 203,§ 1, effective June 30, 1987.

§212. Offtrack Wagering; Authorization

The Louisiana State Racing Commission, hereinafter referred to as the commission, is hereby authorized to license offtrack wagering in this state and shall promulgate such rules and regulations as are necessary for the efficient administration of offtrack wagering in this state.

Acts 1987, No. 203,§ 1, effective June 30, 1987.

§212.1. Toll-Free Telephone Assistance for Compulsive Gamblers; Posting of Signs on Premises

The commission shall require the posting of one or more signs on licensed premises at each point of entry into areas where authorized gaming is conducted, authorized gaming devices are located, or authorized wagering on the results any horse race is conducted to inform patrons of a toll-free telephone number available to provide information and referral services regarding compulsive or problem gambling. Failure by the owner of the licensed premises to post and maintain such a sign or signs shall be cause for the imposition of a fine not to exceed one thousand dollars per day.

Acts 1997, No. 1192,§ 1.

§213. Offtrack Wagering Facilities; Establishment

In addition to the rights granted in R.S. 4:149.2, any association licensed by the commission may accept and transmit wagers as provided in this Chapter and engage in all necessary activities to establish appropriate offtrack wagering facilities to accomplish this purpose. Such activities shall include, but not be limited to:

(1) Live simulcast of races from the host track.

(2) Construction or leasing of offtrack wagering facilities.

(3) Sale of goods and beverages.

(4) Advertising and promotion.

(5) All other related activities.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1990, No. 559,§ 1, effective July 19, 1990.

§214. Offtrack Wagering Facilities; Licensing; Criteria; Management; Appeal of License Suspension or Revocation

A. License approval shall be subject to the criteria established by R.S. 4:159. Licensure shall be subject to the following conditions:

(1) Only the primary licensee operating at a pari-mutuel facility may apply for a license to operate offtrack wagering facilities in this state and only such primary licensees shall be licensed to operate offtrack wagering facilities under this Part.

(2)(a)(i) Before a license is granted for an offtrack wagering facility in any parish, the voters of that parish must have approved the establishment of such a facility within the parish in a referendum election held for that purpose. The commission shall request a referendum by the governing body of a parish only after receipt of an application for licensure of an offtrack wagering facility in that parish by the eligible applicant as provided in R.S. 4:215.

(ii) If the referendum fails to gain voter approval, or if the commission's request to the parish governing authority for a referendum is not granted within six months of such request, then the request therefor is rendered void.

(iii) Any request for an offtrack referendum that is pending on the effective date of this Subparagraph before the governing authority of a parish wherein such a referendum has failed to gain voter approval in a prior election shall be rendered void upon that date.

(iv) Any request for an offtrack referendum that has been pending before a parish governing authority for six months or more upon the effective date of this Subparagraph shall be rendered void upon that date.

(b)(i) After a request by the commission to a parish governing authority for an offtrack referendum is voided for any reason, the original applicant may either:

(aa) Resubmit the application for licensure, and the commission shall submit a new request for an offtrack referendum election to the parish governing authority; or

(bb) Submit a new application to the commission for licensure of an offtrack wagering facility in any city, town, or municipality within the parish, and the commission

shall request the governing authority of such city, town, or municipality to hold an offtrack referendum election.

(ii) If the referendum fails to gain voter approval or if the commission's request for a referendum is not granted within six months of such request, the request therefor is rendered void.

(iii) If the offtrack referendum gains voter approval, the commission may license one offtrack wagering facility within the corporation limits of the city, town, or municipality in which the referendum was held. Such license must conform to all applicable licensing criteria as provided in this Part.

(c)(i) Except as provided in R.S. 4:214(A)(2)(c)(ii), the collection and distribution of license fees as provided in R.S. 4:218 shall not be affected by this Paragraph.

(ii) Notwithstanding any provision of R.S. 4:218 to the contrary, if an off-track wagering facility is located within the corporate limits of a municipality as a result of a municipal off-track wagering referendum as provided in this Paragraph, called by the municipal governing authority without the assistance of the parish governing authority, the municipal governing authority may impose a license fee not to exceed two percent of the total amount wagered at that facility, and no license fee shall be imposed by the parish, and the municipality shall retain the total license fees collected; otherwise, distribution of the fees shall be in accordance with R.S. 4:218(B).

(3) A license shall not be granted to an offtrack wagering facility to be located within a fifty-five mile radius of a pari-mutuel facility without the prior written permission of the primary licensee of that facility.

(4) Not more than two offtrack wagering facilities may be licensed in a parish with a population of less than four hundred twenty-five thousand.

(5) Final license approval is subject to local governing authority facility citing requirements.

(6) Each offtrack wagering facility shall be specifically designed as an entertainment complex. Maximum allowable attendance at each facility shall be one hundred twenty-five percent of the seating capacity at that facility. At least one area for patrons at each offtrack wagering facility shall be designated as a nonsmoking area.

(7) No person licensed by the commission pursuant to the provisions of this Chapter who shows proof of licensure upon entering an offtrack wagering facility shall be assessed any fees for admission into the facility.

B.(1) Licenses granted by the commission shall be valid for a ten-year period. In the event of the sale of the pari-mutuel facility, such license may be transferred and remain valid for the balance of the term of the license. If the conditions of the sale do not include the transfer of the offtrack wagering facility license, such license shall be automatically voided upon the completion of the sale.

(2) In the event a primary licensee is granted approval by the Louisiana State Racing Commission to transfer its live racing dates to another pari-mutuel facility, such primary licensee shall retain all the rights, privileges, and obligations relative to offtrack wagering facilities as provided in this Part as though it remained a primary licensee, as defined in R.S. 4:211(7), in its original location.

C. License applications shall be accompanied by a good faith deposit of one thousand dollars.

D. All primary licensees are eligible for licensure at their existing horse racing facilities as offtrack wagering facilities. Such primary licensees shall not be subject to the licensing requirements in R.S. 4:214(A)(2).

E. There shall be no penalty for closing a licensed offtrack wagering facility provided the licensee submits written notice to the commission at least thirty days prior to closure. The commission shall notify all eligible applicants of the notice of closure. Ownership of an offtrack wagering facility may be transferred to other eligible applicants subject to all licensing requirements except as provided in R.S. 4:214(A)(2).

F. Nothing in this Part shall be construed as preventing licensees from jointly owning or contracting for the management of any or all licensed offtrack wagering facilities.

G. In no case may offtrack wagering facilities accept wagers on races run at any track without a contract with the licensee operating the host track. This contract shall include all terms and conditions for use of races run at the host track by the offtrack wagering facility, including compensation of the host track for such use. This contract shall be filed with the commission. No host track may deny the use of its races by any other offtrack wagering facility in Louisiana under the same terms and conditions.

H. In no case shall an offtrack wagering facility allow the admission of any person less than eighteen years old. However, the provisions of this Paragraph shall not apply to any offtrack wagering facility located on the premises of a pari-mutuel facility as defined in R.S. 4:211(5).

I. In addition to license fees, each licensee shall pay the fees provided for in this Subsection. Each licensee shall begin paying the fees on the first day of the second year in which the licensee operates the facility. The licensee shall pay to the collector twenty-five cents for each person attending the offtrack wagering facility other than licensed personnel, employees, officials, and working press. These payments shall be made at the conclusion of each calendar week and shall be accompanied by a report under oath showing the total contributions and admissions, and any other information which the commission may require.

J.(1) Should the commission suspend or revoke the license of a primary licensee, the licensee may, within ten days of the notification of the commission's decision take a suspensive appeal to the district court having jurisdiction over the licensee's offtrack wagering facility. The appeal shall be filed in the district court in the same manner as an

original suit is instituted thereon. Each appeal shall be tried de novo. Either party may amend and supplement his pleadings and additional witnesses may be called and heard.

(2) Within ten calendar days of the signing of the judgment by the district court in any such appeal case, the commission or the applicant for a license or licensee, as the case may be, may suspensively appeal the judgment to the appellate court of proper jurisdiction. The appeal shall be perfected in the manner provided for in civil cases and shall be suspensive or devolutive in the discretion of the court.

(3) All proceedings in the district and appellate courts arising under this Part are civil in nature and shall be heard summarily by the court, without a jury, shall take precedence over other civil cases, and shall be tried in chambers or in open court, and in or out of term.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1988, No. 188,§ 1, effective July 1, 1988; Acts 1988, No. 700,§ 1; Acts 1989, No. 628,§ 2; Acts 1990, No. 559,§ 1, effective July 19, 1990; Acts 1990, No. 561,§ 1, effective June 30, 1990; Acts 1990, No. 1013,§ 1, effective July 26, 1990; Acts 1991, No. 963,§ 1; Acts 1992, No. 777,§ 1; Acts 2000, 1st Ex. Sess., No. 32,§ 1.

{{NOTE: THE PROVISIONS OF R.S. 4:214(A)(2)(c)(ii) SHALL NOT APPLY TO ANY OFF-TRACK WAGERING FACILITY IN OPERATION ON THE EFFECTIVE DATE OF THE ACT WHICH ORIGINATED AS HOUSE BILL NO. 1167 OF THIS 1992 REGULAR SESSION. (ACTS 1992, No. 777, EFFECTIVE AUGUST 21, 1992.)}}

§214.1. Minimum Live Racing Dates; Offtrack and Other Authorized Wagering

An association shall not be licensed to conduct offtrack or other authorized wagering in the state unless it conducts live horse racing for not less than eighty racing days within a twenty week period at the facility designated in its license, unless the association is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the association has no control. When a pari-mutuel wagering facility and a related offtrack betting facility are sold, the purchaser shall conduct the minimum number of live racing days required by this Section as a condition of operating the offtrack betting facility.

Acts 1989, No. 631,§ 1, effective July 7, 1989; Acts 1990, No. 557,§ 1, effective July 19, 1990.

§215. Offtrack Wagering Facilities, Ownership

A. Only a primary licensee of a pari-mutuel facility may own and operate an offtrack wagering facility in a parish whose parish seat is located less than fifty-five miles from such facility.

B. Offtrack wagering facilities to be located in parishes whose parish seat is less than fifty-five miles from more than one pari-mutuel facility must be jointly owned by those facilities. Such jointly owned facilities shall be subject to the following provisions:

(1) Percentage of ownership shall be inversely proportional to the distance from the pari-mutuel facility to the parish seat of the parish in which the proposed facility is to be located.

(2) A copy of a written agreement between all eligible applicants for licensure of offtrack wagering facilities in a parish must be submitted to the commission with the application for licensure.

(3) If an eligible applicant does not wish to participate in the establishment of offtrack wagering facilities with other eligible applicants, he shall so state in writing within thirty days of receipt of notification, a copy of which shall be included with the application for licensure submitted by any other eligible applicants.

C. Ownership of offtrack wagering facilities in parishes whose parish seat is fifty-five miles or more from any pari-mutuel facility shall be determined by the following procedure:

(1) Any applicant eligible for licensure of an offtrack wagering facility desiring to establish such a facility in a parish covered by this Subsection shall provide written notification of this intent to the commission.

(2) The commission shall notify all other eligible applicants under the provisions of this Part of this intent.

(3) All eligible applicants must respond within thirty days of receipt of this notice of intent if they wish to participate in the joint ownership of an offtrack wagering facility in that parish. Ownership shall be distributed equally among eligible applicants who choose to participate, unless agreed to and contracted otherwise by such eligible applicants. Applicants who fail to respond within thirty days will not be eligible to participate in any offtrack wagering facility in the parish.

(4) All eligible applicants indicating their wish to participate in joint ownership of an offtrack wagering facility must submit a joint application for licensure pursuant to the provisions of R.S. 4:214.

Acts 1987, No. 203,§ 1, effective June 30, 1987.

§216. Commissions on Wagers

A. Notwithstanding any other provisions of law, commissions on wagers made at offtrack wagering facilities shall be as follows:

(1) On win, place, and show bets, seventeen percent.

(2) On exotic wagers involving the selection of two horses, twenty and one-half percent.

(3) On exotic wagers involving the selection of three or more horses, twenty-five percent.

(4) In addition to the commission provided above, the offtrack wagering facility where the wager is made is entitled to retain the breakage on such wagers, which is understood to be the amount of money remaining after paying off bettors.

B. Commissions shall be deducted and retained by the licensee of the offtrack wagering facility where the wager is made.

C.(1) From such commissions, and except when the primary licensee is conducting offtrack wagering at its racing facility, on all wagers made at an offtrack wagering facility, the following amounts thereof shall be used for disbursement by the licensee to supplement horsemen's purses in accordance with the provisions of R.S. 4:217:

(a) When the total of all daily wagers at an offtrack wagering facility is less than fifteen thousand dollars, five and one-half percent of such wagers.

(b) When the total of all daily wagers at an offtrack wagering facility is fifteen thousand dollars or more but less than twenty-five thousand dollars, eight hundred twenty-five dollars plus six percent of all such wagers in excess of fifteen thousand dollars.

(c) When the total of all daily wagers at an offtrack wagering facility is twenty-five thousand dollars or more, one thousand four hundred twenty-five dollars plus six and one-half percent of all such wagers in excess of twenty-five thousand dollars.

(2) When the primary licensee is conducting offtrack wagering at its racing facility, from such commissions, six and one-half percent of all daily wagers made at the facility shall be used for disbursement by the licensee to supplement horsemen's purses in accordance with the provisions of R.S. 4:217.

(3) When daily wagers at the offtrack wagering facility are placed on racing events from more than one host track, the total daily monies designated for horsemen's purses under this Subsection shall be distributed pro rata to each host track based on monies wagered at that offtrack wagering facility on racing events from host tracks on that day.

(4) In addition to the commissions provided for in Paragraphs (1) and (2) of this Subsection, on exotic wagers on two or more horses placed at offtrack facilities, the licensee shall disburse an amount equal to one and one-half percent of the amount so wagered to be used to supplement horsemen's purses in accordance with the provisions of R.S. 4:217.

(5) Notwithstanding the provisions of Paragraphs (1), (2), and (4) of this Subsection, when an offtrack wagering facility has not conducted pari-mutuel wagering at its facility prior to July 1, 1991, and for a twenty-four month period commencing the first day on which pari-mutuel wagering is conducted at that facility, from such commissions, five and one-half percent of all daily wagers made at the facility shall be used for disbursement by the licensee to supplement horsemen's purses in accordance with the provisions of R.S. 4:217. After the twenty-four month period has expired, purse supplements shall be calculated according to the provisions of Paragraphs (1), (2), and (4) of this Subsection.

D. Any fees authorized pursuant to R.S. 4:218 shall be collected from the commissions authorized in this Section.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1991, No. 161,§ 1, effective Jan. 1, 1992; Acts 1992, No. 391,§ 1, effective June 18, 1992.

§217. Purse Supplements; Designation and Distribution

A. Repealed by Acts 1988, No. 794,§ 2.

B. The balance of the total monies derived from commissions and designated for purse supplements pursuant to R.S. 4:216 shall be distributed as follows:

(1) To the host track, forty-five and forty-five hundredths percent and to the track owned by the licensee(s), forty-five and forty-five hundredths percent.

(2)(a) To the Louisiana Thoroughbred Breeders Association or the Louisiana Quarterhorse Breeders Association. Nine and ten hundredths percent shall be used by these associations to supplement purses for allowance, handicap, and stake races for accredited Louisiana bred horses and to pay breeder awards to breeders of accredited Louisiana bred horses finishing first, second, or third in open races at any track in Louisiana.

(b) Such monies shall be paid to the breed organization representing the breed which ran in the race generating the monies.

(c) Such monies shall be paid quarterly to the appropriate breed organization.

(d) Where monies generated by this Paragraph are available, breeder awards shall be equal, proportional to the money won, to those paid in restricted races.

(e) Up to two hundred thousand dollars per year from the monies available under this Paragraph may be used by each breeders association to supplement purses on Louisiana Champions Day. Such supplements are to be over and above purses and purse supplements as provided elsewhere in this Chapter.

C. All monies generated under this Section shall be distributed within one year from the date generated. Monies generated at a racing facility not operating when the monies are generated shall be used at the next race meeting of the same breed held at that racing facility.

D.(1) Notwithstanding any other provision of law to the contrary, the monies designated for purses under the provisions of R.S. 4:216(C) from wagers placed at offtrack wagering facilities on special accredited Louisiana bred maiden races as defined in R.S. 4:184 shall be accounted for separately and shall be distributed as follows:

(a) Fifteen and ten hundredths percent shall be distributed to the Louisiana Thoroughbred Breeders Association for breeder awards in accordance with a distribution formula established by the executive committee of that organization.

(b) Forty-one and forty-five hundredths percent shall be distributed to the host track for purse supplements for the special accredited Louisiana maiden thoroughbred races held at that track.

(c) Forty-one and forty-five hundredths percent shall be distributed to the tracks owned by the licensee(s) of the offtrack wagering facility where the wagers are made for purse supplements for the special accredited Louisiana bred maiden thoroughbred races held at their respective tracks.

(d) Two percent shall be distributed to the Horsemen's Benevolent and Protective Association for the use and benefit of such persons and other horsemen as medical and hospital benefits with an amount not to exceed thirty percent thereof to be used for administrative expenses and other costs necessary to provide the benefits.

(2)(a) When the amounts designated for purse supplements under this Subsection are in excess of those required to make purses for the special accredited Louisiana-bred maiden thoroughbred races run at a facility equal to purses for other maiden races of equivalent conditions, such excess funds may be used as purse supplements for other Louisiana bred races during the current race meeting at that facility.

(b) However, from all sponsor-added supplements added to special accredited Louisiana-bred maiden thoroughbred races, the breeder's and stallion's award portion shall be first deducted from that supplement and the balance shall constitute the total supplement to that purse.

(3) Monies designated for purse supplements under this Subsection that are not used during the current race meeting shall be placed in an interest bearing account and shall remain in that account until the next licensed race meeting held at the appropriate facility. At such time, the funds in that account and the interest earned thereon shall then be used for purse supplements as provided herein.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1988, No. 188,§ 1, effective July 1, 1988; Acts 1988, No. 794,§ 2; Acts 1990, No. 1013,§ 1, effective July 26, 1990; Acts 1992, No. 135,§ 1, effective June 5, 1992; Acts 1997, No. 335,§ 1; Acts 1999, No. 1053,§ 1; Acts 2001, No. 566,§ 1.

§218. Fees Authorization

A. The commission may collect a license fee not to exceed one and one-half percent of the total amount wagered at each offtrack wagering facility. This fee shall be distributed as follows:

(1) Fourteen percent to the Louisiana Thoroughbred Breeders Association or the Louisiana Quarterhorse Breeders Association for promotion of the appropriate breeding industry and for breeder awards. Distribution shall be in direct proportion to the monies wagered on each breed.

(2) Thirty-three percent to the Louisiana Board of Regents for distribution to public and private institutions of higher education in the state.

(3) Fifty-three percent to the commission to cover administrative costs.

B.(1) The parish governing authority in those parishes where the offtrack wagering facilities are located may impose license fees not to exceed two percent of the total amount wagered at that facility. When a facility is located within the corporation limits of a city, town, or municipality, one-half of the total funds collected pursuant to the provisions of this Subsection shall be disbursed to the governing authority of that city, town, or municipality.

(2) Allocation of funds under this Subsection shall be based on the status of the site of an offtrack wagering facility at the time that facility is licensed by the Louisiana State Racing Commission. Subsequent annexation by a city, town, or municipality shall not affect allocation.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1990, No. 1013,§ 1, effective July 26, 1990.

§219. Uncashed Pari-Mutuel Tickets; Limitation of Time for Presentation; Disposition of Unclaimed Monies

A. All pari-mutuel tickets purchased at offtrack wagering facilities licensed pursuant to this Part evidencing the right to participate in pari-mutuel pools or the right to a refund must be presented for payment within ninety days after the close of the race meeting of the host track. The failure to present such a ticket within the prescribed time shall constitute a waiver of the right to participate in the pari-mutuel pool or the right to a refund. Thereafter, the holder of such ticket shall have no right to enforce payment thereof.

B. The sum held by any licensee for payment of outstanding winning pari-mutuel tickets and for refunding the price of pari-mutuel tickets shall be retained by such licensee for such purpose until the expiration of ninety days after the close of the race meeting of the host track.

C. After such time, any unclaimed monies shall be disposed of as follows. The primary licensee shall retain such sum so that the sum plus that retained under the provisions of R.S. 4:176(B) do not exceed two hundred fifty thousand dollars per race meeting and the remaining unclaimed monies, if any, shall be remitted to the State General Fund with a report. Such monies are due one hundred days after the close of the race meeting of the host track.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1989, No. 587,§ 1; Acts 1990, No. 556,§ 1; Acts 1992, No. 391,§ 1, effective June 18, 1992.

§220. Transmission of Wagers

All wagers accepted by an offtrack wagering facility shall be transmitted to the host track conducting the race upon which the wager is made, for inclusion in that track's appropriate pari-mutuel pool. Inclusion in such pools is for the purpose of calculating payoffs to bettors and breeders' awards, and the provisions of Part I of this Chapter shall in no way apply.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1989, No. 628,§ 2.

§221. Employees; Licensing

A. All employees of offtrack wagering facilities who are directly involved in its pari-mutuel operation or supervision thereof shall be licensed pursuant to the rules and regulations promulgated by the commission.

B. All licensees operating offtrack wagering facilities shall employ local residents to the extent that qualified people are available.

C. No license issued under this Section shall be granted for more than one fiscal year, but shall be valid at all offtrack wagering facilities in the state during the period.

D. The commission may grant to, or refuse, suspend, or withdraw the license to, anyone licensed pursuant to this Part and any rules and regulations the commission adopts and upon the payment of a license fee as fixed pursuant to this Part or by the commission. Any license may be revoked by the commission and any person whose license has been revoked shall be ineligible to participate at any offtrack wagering facility or otherwise in racing unless the license shall be returned by the commission with permission to operate thereunder. No license shall be refused to any applicant who is qualified in accordance with the rules and regulations adopted by the commission; and no license shall be revoked without just cause.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1989, No. 628,§ 2; Acts 1992, No. 281,§ 1, effective June 11, 1992.

§222. Audit by Commission

A. The licensee shall deposit fees on a weekly basis in a designated state depository.

B. The commission shall verify licenses, verify that all fees and monies provided for in this Part are deposited on a weekly basis, and supervise, check, and audit the operation of the offtrack pari-mutuel wagering pools, its conduct, and distribution.

Acts 1987, No. 203,§ 1, effective June 30, 1987; Acts 1990, No. 561,§ 1, effective June 30, 1990.

§223. Production of Books, Memoranda, or Documents; Removal of Employee; Manner of Keeping Books; Witnesses; Penalty

A. The commission may:

(1) Compel the production of all books, memoranda, or documents showing the receipts and disbursements of any person licensed to operate an offtrack wagering facility under the provisions of this Part.

(2) At any time require the removal of any employee employed by any licensee in any case where it has reason to believe that the employee has been guilty of any dishonest practice in connection with horse racing, has failed to comply with any condition of the licensee's license, or has violated any rule adopted by the commission.

(3) Require that the books, financial statement, or other statement of any licensee under this Part be kept in a manner provided by the commission.

(4) Visit, investigate, and place auditors and inspectors in the offtrack wagering facility of any such licensee.

(5) Summon witnesses before its meetings, administer oaths to such witnesses, and require testimony on any issue before it.

B. Any person failing to appear before the commission, or failing to produce books, records, and documents ordered, or refusing to testify thereon, shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

Acts 1989, No. 628,§ 2.

§224. Administrative Procedure; Review of Commission Rulings

Except as otherwise provided by this Section, the commission's hearings, practice and procedure, and rule making procedure are as provided in the Administrative Procedure Act. However, in cases made the subject of judicial review, the court may not extend or continue beyond ten days from date of issuance any stay order or temporary restraining order issued by it, except:

(1) upon agreement of counsel for all parties, or

(2) absent such agreement, by order of the court, but only after a contradictory hearing held no later than the tenth day following the issuance of such stay order or temporary restraining order and then only upon a showing by a party that a denial of such extension or continuation would be prejudicial to that party's opportunity to cause the court to affirm, modify, or reverse the decision to be reviewed.

Acts 1989, No. 628,§ 2.

§225. Commission Authority, Fines, Suspensions, Revocations, Forfeitures and Disciplinary Actions

The commission may impose upon a licensee a fine not exceeding ten thousand dollars and may suspend a licensee indefinitely, or both. Any commission action taken herein shall be consistent with the provisions of this Part.

Acts 1989, No. 628,§ 2.

§226. Grounds for Denial or Termination of License to Operate an Offtrack Wagering Facility

A. The commission may refuse, suspend, or withdraw licenses granted by it for just cause.

B. Those things constituting just cause are:

(1) Any action by a licensee contrary to the provisions of this Part.

(2) Corrupt practice.

(3) Intentional falsification and/or intentional misstatement of a material fact in an application to operate an offtrack wagering facility.

(4) Material false statement to the commission.

(5) Continued failure or inability of the licensee to meet its financial obligations connected with fulfillment of the purposes for which its license was issued.

Acts 1989, No. 628,§ 2.

§227. License Fees, Commissions, and Taxes of this Part in Lieu of all other Such Taxes

The license fees, commissions, and taxes imposed upon an offtrack wagering facility in this Part are in lieu of all other such licenses, sales, excise, and occupational taxes to the state or to any parish, city, town, municipality, or other political subdivision thereof.

Acts 1990, No. 1013,§ 1, effective July 26, 1990.

Part III. Racing Other than Horse Racing

§§241 through 248 Repealed by Acts 1962, No. 298,§ 1.

§249. Dog Racing Prohibited

The business of conducting dog races is prohibited in this state.

Acts 1962, No. 298,§ 1.

§250. Repealed by Acts 2001, No. 1137,§ 1.

Part IV. Horsemen's Workers' Compensation Group Benefits Program

§251. Horsemen's Workers' Compensation Group Benefits Program

Notwithstanding any other law, the Horsemen's Benevolent and Protective Association, pursuant to R.S. 4:179.1, a statutorily authorized representative of horsemen, is hereby authorized and empowered, in addition to any and all other existing powers it may have, to do the following:

(1) To establish a group self-insurance program for the purpose of providing workers' compensation insurance coverage and benefits to members of the Horsemen's Benevolent and Protective Association and any other persons licensed by the Louisiana State Racing Commission.

(2) To administer the group self-insurance program as a part of its corporate activity or to carry out the group self-insurance program through a trust established under the law of Louisiana.

(3) To establish criteria for eligibility of persons participating in the group self-insurance program and to be the sole arbiter of said criteria and eligibility for said participation.

(4) To declare as surplus and to distribute a portion or all of any accumulated funds derived from the group self-insurance program to the persons participating and to be the sole arbiter of what funds to declare as surplus and what funds to distribute.

(5) To take such other acts as may be necessary or helpful in establishing and administering the group self-insurance program, especially those acts which may lower the cost of workers' compensation insurance coverage and benefits to horsemen and other licensees of the Louisiana State Racing Commission.

Acts 2001, No. 492,§ 1; Acts 2001, No. 1137,§ 1.

§252. Repealed by Acts 2001, No. 1137,§ 1.

§253. Repealed by Acts 2001, No. 1137,§ 1.

§254. Repealed by Acts 2001, No. 1137,§ 1.

§255. Repealed by Acts 2001, No. 1137,§ 1.

§256. Repealed by Acts 2001, No. 1137,§ 1.

§257. Repealed by Acts 2001, No. 1137,§ 1.

§258. Repealed by Acts 2001, No. 1137,§ 1.

§259. Repealed by Acts 2001, No. 1137,§ 1.

§260. Repealed by Acts 2001, No. 1137,§ 1.

§261. Repealed by Acts 2001, No. 1137,§ 1.

§262. Repealed by Acts 2001, No. 1137,§ 1.

§263. Repealed by Acts 2001, No. 1137,§ 1.

§264. Repealed by Acts 2001, No. 1137,§ 1.

§265. Repealed by Acts 2001, No. 1137,§ 1.

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Louisiana State Racing Commission

Rules of Racing

Cumulative Supplement

(To the 2003 Main "Red" Book)

June 2006

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Title 35

HORSE RACING

Part I. General Provisions

Chapter 1. Definitions

§101. Definitions

A. …

Accredited Louisiana Bred – a thoroughbred, quarter horse, Paint horse, or Appaloosa horse foaled in Louisiana in conformity with the respective breed or breeders association and recognized by the commission.

* * *

Recognized Meeting – any meeting with regularly scheduled races for thoroughbreds, quarter horses, Paint horses, or Appaloosa horses on the flat, licensed by and conducted under rules promulgated by a governmental regulatory body, to include foreign countries which are regulated by a racing authority which has reciprocal relations with the Jockey Club of New York, American Quarter Horse Association, American Paint Horse Association, or the Appaloosa Horse Club, Inc., and whose race records can be provided an association by the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc.

Registration Certificate – a document issued by the Jockey Club of New York, the America Quarter Horse Association in Amarillo, Texas, the American Paint Horse Association in Fort Worth, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, certifying as to the name, age, color, sex, pedigree, and breeder of a horse registered by number with the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc. It shall be deemed to refer also to the document known as a "racing permit" issued by the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc. in lieu of a registration certificate when a horse is recognized as a thoroughbred, quarter horse, Paint horse, or Appaloosa for breeding purposes insofar as registering its progeny with the Jockey Club of New York, the American Quarter Horse Association, the American Paint Horse Association, or the Appaloosa Horse Club, Inc.

* * *

Thoroughbred, Quarter Horse, Paint Horse, and *Appaloosa Horse Racing* – the conduct of running contests between horses, each of which is registered with the Jockey Club of New York, the American Quarter Horse Association in Amarillo, Texas, the American Paint Horse Association in Fort Worth, Texas, or the Appaloosa Horse Club, Inc. in Moscow, Idaho, and certified as having a thoroughbred, quarter horse, Paint horse, or Appaloosa pedigree, and each of which is ridden by a jockey, such conduct being licensed by a governmental regulatory body.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142, R.S. 4:143 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:91 (March 1976), amended LR 2:420 (December 1976), LR 3:16 (January 1977), LR 4:269 (August 1978), LR 7:262 (May 1981), LR 12:827 (December 1986), LR 13:340 (June 1987), amended by Order of House Concurrent Resolution No. 10 of the Regular Legislative Session of 2004.

Chapter 3. General Rules

§302. Ex Parte Communications

A. Commissioners shall not communicate *ex parte* with any licensee, applicant for license, or licensee's representative on the merits of matters in which the commission may make findings of fact, conclusions of law or otherwise render a final agency decision, except upon notice and opportunity for all parties to participate. This rule is not intended to prohibit communications relating to procedure, the disposition of *ex parte* matters, such as requests for hearing or on matters of regulatory policy not the subject of a pending adjudication.

B. Any member of the commission engaging in *ex parte* communications with any licensee, applicant for licensee, or licensee's representative on the merits of an adjudication pending before the commission shall withdraw from participating in any adjudicative hearing, discussion or deliberation on these matters. "Adjudication pending" shall mean any matter which has been the subject of a stewards' investigation, action or ruling brought before the commission as an appeal or by referral to be finally determined before judicial relief may be sought.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:148 and R.S. 49:960.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 31:1058 (May 2005).

Chapter 5. Registration and Accreditation

§501. Fraudulent Registration of Horse

A. Any person or persons fraudulently registering, or attempting to fraudulently register, a thoroughbred with the Jockey Club of New York, a quarter horse with the American Quarter Horse Association, Paint horse with the American Paint Horse Association, or an Appaloosa with the Appaloosa Horse Club, Inc., shall be denied a license, or have his license revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:178 and R.S. 4:179.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:447 (December 1976), amended LR 3:43 (January 1977), LR 4:286 (August 1978),), amended by Order of House Concurrent Resolution No. 10 of the Regular Legislative Session of 2004.

Chapter 7. Quarter Horse Racing

§711. Mixed Races; Distance

A. …

B. Races between quarter horses and Paint horses are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:179 and R.S. 4:182.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission, LR 16:202 (March 1990), amended by Order of House Concurrent Resolution No. 10 of the Regular Legislative Session of 2004.

Chapter 9. Appaloosa Horse Racing

§909. Mixed Races

A. …

B. Races between Appaloosa horses and Paint horses are prohibited unless special permission is granted by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and R.S. 4:182.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 2:92 (March 1976), amended LR 2:447 (December 1976), LR 3:43 (January 1977), LR 4:286 (August 1978), amended by Order of House Concurrent Resolution No. 10 of the Regular Legislative Session of 2004.

Chapter 17. Corrupt and Prohibited Practices

§1716. Human Recombinant Erythropoietin and/or Darbepoietin

A. The possession and/or use of human recombinant erythropoietin and/or darbepoietin is strictly prohibited, and shall be classified as an RCI category I substance. Every horse eligible to race in Louisiana is subject to random testing for these and other substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:3160 (December 2005).

§1720. Total Dissolved Carbon Dioxide Testing

EMERGENCY RULE

A. – B1. …

2. Blood samples for TCO_2 may be drawn prior to or after the race. Samples drawn after the race shall not be drawn earlier than 90 minutes following official post time. Samples drawn pre-race shall be drawn prior to the official post time.

3. The pre- or post-race TCO_2 level in the blood shall not exceed 36.0 milliequivalents per liter (mEq/L).

4. – 6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000), amended by the Office of the Governor, Division of Administration, Racing Commission LR 32: (2006).

§1797. Penalty Guidelines

A. – B3. ...

4. *Classes IV and V:* the trainer may be suspended for a period not more than 60 days and a fine of not less than $500 nor more than $1,500, or both, depending on the severity and number of violations occurring within a 12-month period. The purse may be redistributed on referral to the commission at its discretion.

a. On ordinary violation(s) of Classes IV or V within a 12-month period the trainer shall be fined $500 on the first violation; $1,000 on the second violation; $1,000 on the third and subsequent violations and referred to the commission.

b. On extraordinary violation(s) of Classes IV or V in a manner that might affect the performance of a horse within a 12-month period the trainer shall be fined $1,000 on the first offense; $1,000 and referred to the commission for further action on second and subsequent violations.

c. On gross violation(s) of Classes IV or V in a manner that intends to affect the performance of a horse the trainer shall be fined not less than $1,000 and referred to the commission for further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 19:612 (May 1993), amended by the Office of the Governor, Division of Administration, Racing Commission LR 28:1014 (May 2002), LR 30:1017 (May 2004).

Part III. Personnel, Registration and Licensing

Chapter 57. Associations' Duties and Obligations

§5736. Purses from Video Poker

A. …

1. Two-thirds of the total funds to all thoroughbred racing associations, proportionately distributed to each association based on the number of prior calendar year thoroughbred race days per track to the total number of prior calendar year thoroughbred race days. Such funds shall be used solely to supplement purses in accordance with a schedule or formula established by the purse committee of the Louisiana Thoroughbred Breeders Association, and only on Louisiana-bred thoroughbred races with purses not exceeding $20,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 27:323 and R.S. 33:4862.23.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 31:3160 (December 2005).

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9905. Timing of Entering Next Claiming Race

A. Except as otherwise provided herein, a claimed horse shall not enter in starter, optional or claiming races for 30 days after being claimed in a race in which the determining eligibility price is less than 25 percent more than the price at which the horse was claimed. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the 31st day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper. A similar rule in other states will be recognized and enforced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:445 (December 1976), repromulgated LR 3:41 (January 1977), LR 4:285 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 14:292 (May 1988), repealed LR 22:13 (January 1996), readopted by the Office of the Governor, Division of Administration, Racing Commission, LR 30:1476 (July 2004).

§9913. Vesting of Title; Tests

A. Title to a claimed horse shall be vested in the successful claimant at the time the horse becomes a starter. The successful claimant shall then become the owner of the horse whether alive or dead, sound or unsound, or injured at any time after leaving the starting gate, during the race or after.

B. The successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test and/or erythropoietin and/or darbepoietin antibodies.

1. Should the test for equine infectious anemia prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana.

2. Should the test for recombinant erythropoietin and/or darbepoietin antibodies prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the state of Louisiana until such time as the horse tests negative.

C. Additionally, if such erythropoietin and/or darbepoietin antibody positive result is found, the claimant, claimant's trainer or claimant's authorized agent shall have 48 hours in which to request the claim be declared invalid, such request to be made in writing to the stewards.

D. The expense of the tests and the maintenance of the horse during the period requested for the tests shall be absorbed by the successful claimant.

E. If such tests are requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the state veterinarian will draw blood samples.

1. Blood samples drawn to test for equine infectious anemia shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

2. Blood samples drawn to detect by immunoassay the antibody to recombinant erythropoietin and/or darbepoietin shall be sent to the Louisiana State Racing Commission's state chemist.

F. Notwithstanding any inconsistent provision of this Part, a horse shall not be subject to disqualification from the race and from any share of

the purse in the race, and the trainer of the horse shall not be subject to application of trainer's responsibility based upon the finding by the laboratory that the antibody of erythropoietin and/or darbepoietin was present in the sample taken from that horse

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:285 (August 1978), amended LR 5:136 (June 1979), amended by the Office of the Governor, Division of Administration, Racing Commission LR 30:1476 (July 2004), LR 31:3160 (December 2005).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLI. Horseracing Occupations

Chapter 7. Jockeys and Apprentice Jockeys

§725. Jockey Fee Schedule

Editor's note: reprinted due to the Office of the Register omitting the below chart in the Rules of Racing main text.

A. Prior to the start of each race conducted by an association licensed by the commission, sufficient money shall be on deposit with the horsemen's bookkeeper in an amount equal to pay the losing mount fee of a jockey for that race. In the absence of a special agreement, the fee of a jockey shall be as follows.

Purse	Win	Second	Third	Unplaced
$400 and under	$27	$19	$17	$16
500	30	20	17	16
600	36	22	17	16
700-900	10%	25	22	20
1,000-1,400	10%	30	25	22
1,500-1,900	10%	35	30	28
2,000-3,400	10%	45	35	33
3,500-4,900	10%	55	45	35
5,000-9,900	10%	65	50	40
10,000-14,900	10%	5%	5%	45
15,000-24,900	10%	5%	5%	50
25,000-49,900	10%	5%	5%	60
50,000-99,900	10%	5%	5%	75
100,000 and up	10%	5%	5%	100

B. Failure, refusal and/or neglect of a trainer to timely deposit or have deposited the aforesaid jockey fee for a horse entered to race, on or before the time specified herein, shall be a violation of this Section. Each such violation shall be punishable by a fine of not less than $200 and the failure to pay such fine within 48 hours of imposition thereof shall be grounds for suspension. Additionally, an amount equal to the jockey fee actually earned by the jockey in accordance with the aforesaid schedule shall be paid to the jockey earning same within 48 hours of the imposition of the aforesaid fine, and failure to pay said jockey fee within the time specified herein shall be an additional grounds for suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148, R.S. 4:150 and R.S. 4:151.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:431 (December 1976), amended LR 3:28 (January 1977), LR 4:276 (August 1978), LR 5:23 (February 1979), LR 12:12 (January 1986), amended by the Department of Economic Development, Racing Commission, LR 16:112 (February 1990).

Chapter 23. Racing Commissioners

§2301. Prohibitions

A. No member of the Louisiana State Racing Commission shall be an official, member of any board of directors, or person financially interested in any racetrack or race meeting licensed by the commission. No member may directly or indirectly own race horses which participate in any race meeting licensed by the commission. However, nothing shall prohibit a member of the commission from owning a horse that sired or bred a racehorse that participates in a race meeting licensed by the commission, or from participating in a breeder or stallion award, provided the member does not have an ownership interest in the racehorse that competed in the race meeting at the time of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:144 and R.S. 4:148

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:1058 (May 2005)

§2303. Removal

A. Any member of the commission violating La. R.S. 4:144(B)(2) or the foregoing section shall, after verified complaint, investigation and resolution of the alleged violation, be removed from the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:144 and R.S. 4:148

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:1058 (May 2005)

§2305. Complaints

A. Any person may file a written complaint alleging a prohibited violation which complaint shall be handled in the same manner as all other legal matters pursuant to La. R.S. 4:146(A).

B. In order for the written complaint to be considered, it must comply with the following:

1. it must be verified or notarized, subjecting such complainant to discipline for perjury under the rules and other applicable laws;

2. it must contain the full name, address and telephone number of the complainant;

3. it must clearly identify by name the commissioner who is alleged to have violated the rule or law, clearly identify the kind of alleged violation, and must state facts in detail and with particularity within the complainant's own knowledge of the substance of the alleged violation including date, time, place and circumstance of the violation;

4. it must identify by name and address all persons known to or believed by the complainant to have direct knowledge or information of the alleged violation, and provide a brief description of the knowledge or information; and

5. it must explain and attach all relevant documents which tend to establish the violation and which are available to the complainant at the time of making the complaint and to identify any other relevant documents known to exist which are unavailable to the complainant along with the name and address of the custodian of each such document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:144 and R.S. 4:148

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:1059 (May 2005)

§2307. Investigation

A. Upon receipt, the complaint shall be immediately forwarded for handling and representation as all other legal matters in accordance with La. R.S. 4:147(A) after which a determination shall be made as to whether a valid complaint has been stated. The complainant shall be given written notice of any deficiencies in the complaint and be afforded an opportunity to correct any errors. Notice of receipt of a valid complaint shall be immediately forwarded to members of the commission.

B. The commissioner against whom the complaint is filed shall have ten days after its receipt within which to either submit his/her resignation to the Governor or to furnish a written response to the complaint. If the commissioner fails to timely furnish a written response, the chairman, or his designated vice-chair, shall immediately suspend such commissioner pending conclusion of the investigation, which shall be immediately commenced. The Governor shall be immediately notified of such action in writing.

C. Upon timely receipt of a written response to the complaint by the commissioner against whom the complaint is made, preliminary interviews shall be conducted within ten days of the complainant filing the complaint and of the commissioner as well as other persons who may be reasonably interviewed and who have been identified as having knowledge of the matter. At the conclusion of the period for interviews, the commission shall be advised whether there is reasonable cause to believe that the commissioner has done some act which, if proved, would constitute a prohibited violation of the law or the rules of racing.

D. If a determination is made that there is no reasonable cause, no investigation shall be commenced unless and until a majority of the commission at the next regular or special meeting of the commission decide to commence an investigation. If a determination is made that there is reasonable cause, an investigation shall be commenced until a majority of the commission at a regular or special meeting of the commission decide to terminate the investigation. Upon commencement of an investigation, the chairman, or his designated vice-chair, shall suspend the commissioner pending conclusion of the investigation. The Governor and all other members of the commission shall be immediately notified of such action in writing.

E. The investigation shall be concluded within 30 days of its commencement, except upon a showing of good cause which is authorized by the chairman, or his designated vice-chair. At the conclusion of the investigation a written report and recommendation shall be filed which includes suggested findings of fact and conclusions of law, to the commission, to the suspended commissioner, and to the complainant. Within ten days the suspended commissioner and the complainant may file written objections with the commission to the report and recommendation. At the next regular or special meeting of the commission following receipt of the report and recommendation and the expiration for the time to file written objections, the commission shall conduct a public hearing on whether to accept or

reject the report and recommendations. If any written objection is filed, the suspended commissioner and the complainant may each be represented by counsel at the public hearing and participate, in calling and cross-examining witnesses and arguing the merits. If no objection is timely filed, the commission may at the public hearing accept and adopt the report and recommendations.

F. At the conclusion of the public hearing, a resolution to immediately remove the suspended commissioner shall require a vote of two-thirds of the members present and voting. There shall be no reconsideration of the resolution. There shall be no appeal to any court nor any judicial review of the resolution or the removal. Any member so removed shall not be eligible for reappointment as a commissioner for a period of five years. The Governor and the Secretary of State shall be notified of the removal of the commissioner, the reasons therefor, and of the legal impediment to reappointment.

G. If at the conclusion of the public hearing there is no resolution offered to remove the commissioner or if one is offered but is unsuccessful, then the chairman, or his designated vice-chair, shall on behalf of the commission terminate the suspension of the commissioner. There shall be no appeal to any court nor any judicial review of the termination of the suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142, R.S. 4:144 and R.S. 4:148

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 31:1059 (May 2005)

* * * END * * *