DIVISION 4. CALIFORNIA HORSE RACING BOARD

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DIVISION 4. CALIFORNIA HORSE RACING BOARD

Article 1. Racing Board Powers and Jurisdiction

1400. Powers Reserved.

All powers of the Board not specifically defined in these rules and regulations are reserved to the Board.

NOTE: Authority cited: Article IV of Section 19b, California Constitution and Sections 19420, 19440, 19460 and 19562, Business and Professions Code.

1401. Jurisdiction.

The jurisdiction of the Board over matters covered by law or the rules is continuous throughout the year.

1402. Controlling Authority.

The law, rules, and orders of the Board supersede the conditions of a race or race meeting and govern thoroughbred, harness, quarter horse, appaloosa, arabian, paint and mule racing. The stewards may enforce rules or conditions set forth by breed registry organizations if such rules or conditions are not inconsistent with the rules of the Board. The breed registry organizations are the Jockey Club for thoroughbred racing, the United States Trotting Association for harness racing, the American Quarter Horse Association for quarter horse racing, the Appaloosa Horse Club for appaloosa racing, the Arabian Horse Registry of America for arabian racing, the American Paint Horse Association for paint racing, and the American Mule Association for mule racing.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19562, 19563, 19564 and 19703, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 3-24-92; effective 4-22-92.
3. Amendment filed 12-23-96; effective 1-22-97.
4. Amendment filed 10-14-04; effective 11-13-04.

1405. Punishment by the Board.

Violation of any provision of this Division, whether or not a penalty is fixed therein, is punishable in the discretion of the Board by revocation or suspension of any license, by fine, or by exclusion from all racing inclosures under the jurisdiction of the Board, or by any combination of these penalties. The Board may independently punish any misconduct of any person connected with racing.

NOTE: Authority cited: Sections 19420, 19440, 19562, 19572 and 19703, Business and Professions Code. Reference: Sections 19460, 19461, 19517, 19661 and 19702, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 12-23-96; effective 1-22-97.
3. Amendment filed 4-16-02; effective 5-16-02.

1406. Suspension of Rule.

For good cause, with or without a hearing, the Board may temporarily suspend the application of any of its rules upon any conditions it may impose. Every application for such action and any such action by the Board shall, insofar as possible, be in writing. If not in writing, it shall be confirmed in writing as soon thereafter as possible.

1407. Extensions for Compliance.

If a licensee fails to perform an act, or obtain required action from the Board, within the time prescribed therefor by these rules, the Board, at some subsequent time, may allow the performance of such act or may take the necessary action with the same effect as if the same were performed within the prescribed time.

1413. Notice to Licensee.

Whenever notice is required to be given by the Board or the stewards, such notice shall be given in writing either by personal delivery to the person to be notified or by mailing such notice addressed to such person at his address as on file with the Board.

1414. Appointment of Referee.

When directed by the Board, any one commissioner, the Executive Director, any hearing officer assigned by the Office of Administrative Hearings or any other qualified person may sit as referee for the taking of evidence in any matter pending before the Board; any such referee shall report to the Board outlining all findings and the Board shall determine the matter as if such evidence had been presented to the full Board.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 6-7-94; effective 7-7-94.

Article 2. Definitions

1420. Definitions.

As used in these rules:
(a) "Chairman" means the member elected by the Board to be Chairman of the Board and its presiding member.

(b) "Commissioner" means a member of the Board.

(c) "Age of Horse" means the age as reckoned beginning on the first day of January of the year in which the horse was foaled.

(d) "Authorized Agent" means an agent appointed by a written document which is signed by the owner and filed with the Board.

(e) "Breeder" means the owner of the dam at the time of foaling.

(f) "Conviction" includes a plea of guilty, forfeiture of bail, a judgment or verdict of guilty, or a

conviction following a plea of nolo contendere, whether or not the conviction is later set aside pursuant to the provisions of Section 1203.4 of the Penal Code.

(g) "Driver" means one who drives and controls the horse from a seated position on a two-wheel vehicle.

(h) "Horse" means an equine and includes a stallion, gelding, mare, colt, filly or ridgling and includes mule, jack, jenny, ginnet, and hinney.

(i) "Jockey" means a race rider.

(j) "Licensee" means a licensee of the California Horse Racing Board.

(k) "Maiden" means a horse that has never won a race on the flat in a state or country where the races are covered by the Daily Racing Form or other similar authorized publication. A maiden that has been disqualified after finishing first is still a maiden. Conditions referring to maidens apply to the status at the time of starting.

(l) "Nominator" means a person in whose name a horse is entered to race.

(m) "Objection" means a formal complaint filed before a race with the stewards or the Board objecting to the eligibility of any horse to compete in the race or the right of any person to participate in the race.

(n) "Owner" includes the owner, part owner and lessee of any horse. An interest only in the earnings of a horse does not constitute ownership. If husband and wife, it is presumed that joint ownership exists.

(o) "Post" means the place on the race course from which a start is made.

(p) "Post Time" means the definite time for the start of a race, and is indicated by a clock device set up as directed by the Board.

(q) "Premises" means the inclosure and all other areas collectively utilized by an association in connection with its conduct of a licensed race meeting, including parking lots, auxiliary stabling areas, public inclosure and restricted areas, whether or not the areas are adjacent to the inclosure.

(r) "Protest" means a formal complaint filed after a race with the stewards or the Board protesting the right of any horse to a place, purse or award in the race, or protesting any decision of the stewards relating to the eligibility, participation or placing of any horse in a race.

(s) "Race" means a contest among horses for a purse, stake or reward, contested at an authorized race meeting. "Race" includes but is not limited to:
(1) Purse Race. A race for money or any other prize to which the owners of the horses engaged do not contribute.

(2) Stake Race. A race for which owners of horses entered or engaged for the race contribute to a purse for which money or any other prize may be added, nominations to which close 72 hours or more before starting.

(3) Claiming Race. A race in which any horse entered therein may be claimed in conformity with the rules established by the Board, except for horses declared ineligible for claiming under Rule 1634 of this division.

(4) Handicap Race. A race in which the weights to be carried by the entered horses are adjusted by a handicapper, board of handicappers or the racing secretary, to equalize their respective chances of winning.

(5) Overnight Race. A race in which entries close 72 hours or less, excluding Sundays, in advance of the first race of the day on which the race is to be run.

(6) Walkover. A stake race in which only one horse starts or in which all the starters are owned by the same interest.

(7) Invitational Stake Race. An invitational stake race or an invitational handicap race for which owners do not contribute to the purse, but which is advertised in the regular stakes program, shall also be considered a stake race.

(8) Non-wagering Race. A race contested without pari-mutuel wagering on its results including a race upon which pari-mutuel wagering is canceled.

(9) Match Race. A race contested between two horses under conditions of the contest agreed to by their owners.

(10) "Special Racing Event". A race of unique interest, magnitude or fame. "Special racing event" shall also mean an exhibition race when approved by the Board.

(11) "Exhibition Race". A race contested under conditions established by the association as a promotional event or to provide a special racing opportunity to a particular horse or class of horse or class of participants and to which the association contributes the purse or awards for the contest. No pari-mutuel wagering may be conducted on the results of an exhibition race.

(t) "Race on the Flat" means a race run over a course on which no jumps or other obstacles are placed.

(u) "Recognized Meeting," "Race Meeting," or "Authorized Meeting" means the entire period under the conduct of an association within the inclosure of the designated grounds, and for which the Board has granted a license. When the context in the rules applies, it may include a meeting conducted by an association in some other jurisdiction recognized by the Board.

(v) "Restricted Area" means those areas within the inclosure where admission can be obtained only upon presentation of authorized credentials, proper license or visitor's pass, including those areas designated as the stable area, receiving or detention barn, jockey room, saddling paddock, race course and pari-mutuel department.

(w) "Rules" means the Rules and Regulations of the California Horse Racing Board and the orders of the Board.

(x) "Starter" means a horse when it is in the starting gate stall, and, when the starter dispatches the field, the stall gate in front of the horse is opened.

(y) "Sulky" means a dual wheel racing vehicle with dual shafts not exceeding the height of the horses withers. Shafts must be hooked separately on each side.

(z) "Time of Race Meeting" means that period of time commencing at 12:01 A.M. on the first day of racing at a recognized meeting and concluding at 12:00 midnight after the final race of the last day of racing as allocated and licensed by the Board.

(aa) "Weight for Age" means the standard weight to be carried by a horse according to the scale established by the rules, and remains such though there be penalties or allowances.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19401(e) and 19420, Business and Professions Code.

HISTORY:
1. Amendment filed 8-3-79; effective 9-2-79.
2. Amendment filed 4-21-83; effective 5-21-83.
3. Amendment filed 6-23-94; effective 7-23-94.
4. Amendment filed 12-6-99; effective 12-6-99.
5. Amendment filed 8-21-08; effective 9-20-08.

Article 3. Racing Association

1430. Allocation of Racing Weeks and Dates.

The Board shall allocate racing weeks and dates for the conduct of horse racing in this State for such time periods and at such racing facilities as the Board determines will best subserve the purposes of the Horse Racing Law and which will be in the best interests of the people of California in accord with the intent of the Horse Racing Law. Upon a finding by the Board that the allocation of racing weeks and dates for any racing year is completed, the racing weeks and dates so allocated shall be subject to reconsideration or amendment only for conditions unforeseen at the time of the allocations. The allocation of racing weeks and dates does not commit the Board to the granting of a license to conduct a horseracing meeting to any specific racing association nor for the allotted time period nor at the racing facility scheduled for such racing weeks and dates.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19530, Business and Professions Code.

HISTORY:
1. Amendment filed 8-28-80; effective 9-27-80.

1431. Notice of Intention to File for License.
Every person who has not held a license to conduct a horseracing meeting in the preceding year who intends to file an application to conduct an authorized race meeting and/or an application for license to conduct a horseracing meeting shall file with the Board a Notice of Intention to file such applications. The required notice of intention shall be filed no later than one hundred twenty (120) days in advance of the proposed or scheduled date for the commencement of the meeting intended to be specified in the application for license. Any prospective applicant for license to conduct a horseracing meeting failing to file timely the notice of intention may be disqualified and its application for license refused summarily by the Board. In the absence of any timely notice of intention filed by a prospective applicant intending to file an application for a license for a race meeting conducted in the preceding year by any other person the presumption shall be that the person having held the license to conduct the horseracing meeting in the preceding year is deemed to have been allocated the racing weeks and dates for a like horseracing meeting as scheduled by the Board for the current annual racing calendar.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19530, Business and Professions Code.

HISTORY:

1. Amendment filed 8-28-80; effective 9-27-80.

1432. Board May Demand Information.

The Board may require any racing association, prospective racing association or other person intending to make application for license to conduct a horseracing meeting to furnish the Board with a detailed proposal and disclosure as to its proposed racing program, purse program, officials, principals or shareholders, plant, premises, facility, finances, lease arrangements, agreements, contracts and such other information as the Board may require to determine the eligibility and qualifications of the association or person to conduct a race meeting.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19480, Business and Professions Code.

HISTORY:
1. Amendment filed 8-28-80; effective 9-27-80.

1433. Application for License to Conduct a Horse Racing Meeting.

(a) Unless the Board requires an earlier filing, at least 90 days before the time allocated by the Board for a race meeting to start, the association shall file with the Board an Application for License to Conduct a Horse Racing Meeting, CHRB-17 (Rev. 2/15), which is hereby incorporated by reference. Note: CHRB-17 incorporates by reference, the Personal History Record, CHRB-25A (Rev. 11/08). A California fair shall file with the Board an Application for License to Conduct a Horse Racing Meeting of a California Fair, CHRB-18 (Rev. 2/15), which is hereby incorporated by reference. Copies of the CHRB-17 and CHRB-18 may be obtained at the California Horse Racing Board headquarters office.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19480, 19481, 19481.3 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 8-28-80; effective 9-27-80.
2. Amendment filed 1-11-94; effective 2-10-94.
3. Amendment filed 7-7-95; effective 7-7-95.
4. Amendment filed 6-3-96; effective 7-3-96.
5. Amendment filed 6-19-97; effective 6-19-97.
6. Amendment filed 4-14-98; effective 5-14-98.
7. Amendment filed 10-11-01; effective 11-10-01.
8. Amendment filed 10-12-05; effective 11-11-05.
9. Amendment filed 1-26-07; effective 2-25-07.
10. Amendment filed 5-8-07; effective 6-7-07.
11. Amendment filed 12-7-11; effective 1-6-12.
12. Amendment filed 3-25-15; effective 10-1-15.

1434. Denial of License.

Notwithstanding the allocation of racing weeks and dates and Rule 1431 of this division the Board may deny a license to conduct a horse racing meeting when it determines the proposed horse racing meeting is not in the public interest or fails to serve the purposes of the Horse Racing Law or fails to meet any requirement of the law or the Board's regulations. In addition to any other reason, the Board may refuse to issue or deny a license to any applicant who fails to provide the Board with evidence that it has a binding commitment for the use of an approved racing facility or who fails to provide the Board with evidence of its ability to meet its estimated

financial obligations for the conduct of the horse racing meeting.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19480, Business and Professions Code.

HISTORY:
Amendment filed 8-28-80; effective 9-27-80.
Amendment filed 12-6-99; effective 12-6-99.

1436. Duty of Licensed Association.

Each association shall observe and enforce the rules. The license is granted on the condition that the association, its officials, its employees and its concessionaires shall obey all decisions and orders of the Board.

1437. Conditions of a Race Meeting.

The association may impose conditions for its race meeting as it may deem necessary, provided, however, that such conditions may not conflict with the rules, regulations or orders of the Board, that such conditions are published in the condition book or otherwise made available to all licensees participating in its race meeting, that such conditions are posted on the association bulletin board, and a copy of the conditions filed with the Board. The association may also impose requirements, qualifications or requisites for its race meeting as it may deem appropriate.

1439. List of Shareholders.

Each association shall, if a corporation, maintain a current list of stockholders and the number of shares held by each and such list shall be available for inspection by the Board. The association shall immediately inform the Board of any change of corporate officers or directors, or any change in stockholders when such change of the holdings of any individual stockholder exceeds 5% of the outstanding shares of the corporation. The real owner of the stock shall be listed if known. The Board may require the disclosure of the real name of any individual or person who holds over 5% of the outstanding shares of any racing association and may refuse to issue a license to, or suspend the license of, any association which fails to disclose the real name of such shareholders if such information is known to or ascertainable by the association.

1440. Approval of Concessionaires.

(a) No guest association, as defined in Article 24, Rule 2056(h) in this Division, or racing association or person licensed by the Board to conduct a horseracing meeting shall engage, contract with or permit any person or entity to act as a concessionaire for the purpose of providing service to the association in the form of food and beverage service, janitorial service, or racing selection service unless such person or entity providing such service has been approved by the Board.

(b) In order to be approved, a person or entity who contracts to act as a concessionaire shall submit to the Board CHRB-87 (Rev.5/97) Application for License/Contractor or Sub-contractor, Application for Approval/Concessionaire, which is hereby incorporated by reference. The completed CHRB-87 shall accompany CHRB-17, Application for License to Conduct a Horseracing Meeting or CHRB-18, Application For License to Conduct a Horseracing Meeting of a California Fair.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420, 19440 and 19510, Business and Professions Code.

HISTORY:
1. Amendment filed 8-28-80; effective 10-25-80.
2. Amendment filed 9-19-94; effective 10-19-94.
3. Amendment filed 6-19-97; effective 6-19-97.

1440.5. Licensing of Contractors and Sub-contractors.

(a) An entity acting in any of the following capacities shall procure the appropriate license by completing and submitting to the Board, CHRB-87 (Rev.5/97), Application for License/Contractor or Sub-contractor, Application for Approval/Concessionaire which is hereby incorporated by reference, at least ninety (90) calendar days before the date the entity intends to commence business at live race meetings and/or simulcast wagering facilities and pay the required fee as follows:

(1) Totalizator Company $1,000

(2) Simulcast Service Supplier $1,000

(3) Video Production Company $250

(4) Timing Company $250

(5) Photo Finish Company $250

(b) Every license granted by the Board under this rule shall expire on the last day of the issuance month and is renewable annually.

(c) The Board shall notify an applicant in writing within fourteen (14) calendar days from the receipt date by the Board's Administrative office if its application is complete or deficient. If the application is deficient, the notice shall include:

(1) Instructions as to what is required of the applicant to complete the application.

(2) Instructions for requesting additional time to satisfy the requirements listed in the notification, if needed.

(d) The Board shall approve or deny an application within ninety (90) calendar days from the receipt date by the Board unless the applicant requests and is granted additional time to supply information.

(e) If the Board denies an application, the applicant has thirty (30) calendar days, from the receipt date of the Board's denial notification, to request a reconsideration of the Board's decision. This request must be in writing and sent to the Board's Administrative office. The Board shall respond in writing to the reconsideration request within thirty (30) working days from the receipt date of the request. If reconsideration is denied, the applicant may file for judicial review in accordance with Section 11523 of the Government Code.

(f) The Board may deny, suspend or revoke the license on grounds or reasons which include, but are not limited to, the following determinations:

(1) The contractor/sub-contractor is ineligible to conduct business in this state pursuant to any federal or state statute.

(2) The contractor/sub-contractor or any of its officers, directors, partners or principal management employees have engaged in any activity which is a grounds for denial, suspension or revocation of a license pursuant to this Division, or has failed, refused or neglected to comply with any Board order, rule, regulation, or order by the Board's Stewards reasonably related to its operations as a contractor/sub-contractor. The license shall remain denied, suspended or revoked until all parties of the licensee comply with the Board conditions. The remaining parties of the licensee shall not be prohibited from applying for a new license if compliance cannot be obtained from the offending party.

(g) If the Board fails to comply with the time frames outlined in this rule, the entity applicant may appeal, in writing, directly to the Board's Executive Director. Upon receipt of the appeal, the Executive Director shall render a decision, in writing to the applicant, within thirty (30) working days. If the appeal is decided in the applicant's favor, the license fee shall be refunded within fourteen (14) working days.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19510 and 19521, Business and Professions Code.

HISTORY:
1. New rule filed 9-12-95; effective 10-12-95.
2. Amendment filed 6-19-97; effective 6-19-97.

1441. Photographic Device.

All associations shall install and maintain in good service a photographic device for photographing the finishes of all races to assist the placing judges and the stewards in determining the finishing positions of the horses. A photograph of each finish shall be promptly posted for public view in at least one conspicuous place in the public inclosure.

1442. Photographic or Videotape Recording of Races.

All associations shall install and operate a system to provide a photographic or videotape recording of each race so that such recording clearly shows the position and action of the horses and jockeys at close enough range to be easily discernible. If a foul is claimed, or observed by the officials, no decision shall be rendered by the stewards until they have viewed the recording of the race. Except with prior approval of the Board, every race other than a race run solely on a straight course shall be recorded by use of at least three cameras to provide both panoramic and head-on views of the race.

1443. Identification of Photographs.

All photographs or photographic or videotape recordings required by these rules shall be identified by indicating thereon the day, number of the race and the name of the association at which the race is held.

1444. Altering Official Recordings.

No person shall cut, mutilate, alter or change any photofinish photograph, film patrol photo, photographic or videotape recording for the purpose of deceit or fraud of any type.

1445. Preservation of Official Recordings.

All associations shall preserve all photographic or videotape recordings of all races for at least 90 days after the close of their meeting. Upon request of the Board the association shall furnish the

Board with a clear positive print of the photographic recording of any race or a kinescope print of the videotape recording of any race.

1446. Viewing Room Required.

The association shall maintain a viewing room for the purpose of projecting the photographic recording of races, or the videotape screening of the races, for viewing by jockeys, trainers, owners, and other interested persons authorized by the stewards.

1447. Communication System Required.

The association shall install and maintain in good service a communication system between the stewards' stand, pari-mutuel department, patrol judges, starter, ambulance locations, and other designated places.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19440 and 19460, Business and Professions Code.

HISTORY:
Amendment filed 12-6-99; effective 12-6-99.

1448. Bulletin Board Required.

The association shall erect and maintain a bulletin board close to the racing secretary's office or in places where access is granted to all licensees, upon which all official notices of the Board shall be posted.

1449. Distance Poles.

The distance poles shall be the following colors:

1/4 poles	red and white horizontal stripes
1/8 poles	green and white horizontal stripes
1/16 poles	black and white horizontal stripes

1450. Complaint Desk.

The association shall maintain a place where written complaints or claims of violations of the rules or laws may be filed. A copy of any written complaint or claim filed with the association shall be furnished the Board within 48 hours of its receipt.

1452. Feed and Supplies.

No association shall grant an exclusive concession to any vendor of feed, racing supplies or racing services.

1453. Racing Selection Services.

The association shall prohibit the sale, offering for sale, or giving away of any racing selection sheet, or other racing prediction which is required to be filed with the Board pursuant to the provisions of section 19664 of the Business and Professions Code, upon the premises of the association, except with prior approval of the Board.

1454. Board May Direct Notices on Program.

The Board may direct the association to publish in the program any information and notices to the public as it deems necessary.

1456. Honoring Official Credentials.

Credentials issued by the Board shall be honored for admission at all gates and entrances and to all places within the inclosure. Automobiles with vehicle decals issued by the Board shall be permitted ingress and egress at any point. Credentials issued by the Association of Racing Commissioners International, Inc., to its members, past members and staff shall be honored by the association for admission into the public inclosure when presented by such person.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 3-16-94; effective 4-17-94.

1457. Office Space for Board.

The association shall provide within its grounds adequate office space for use by the Board and its employees and shall provide such necessary office furniture and utilities as may be required for the conduct of the Board's business at such association's meeting.

Right of Board to Information.

The association shall furnish the Board with a daily report of its attendance, pari-mutuel handle, license fee, commissions, and the names of all Cal-bred winners, all horses claimed and the claimants thereof, and any other information the Board may require.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440, 19560 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1460. Equipment and Apparatus Subject to Approval.

All equipment, devices or apparatus used to officially record, time, photograph, film or videotape the racing program, or used within the pari-mutuel department for the sale, calculation, display of odds, or encasement of tickets, is subject to Board approval.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440, 19560, 19562 and 19592, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1461. Duty to Compile Official Program.

The association shall compile an official program for each racing day which shall contain the names of the horses which are to run in each race together with their respective post positions, age, color, sex, breeding, jockey, trainer, nominator, owners or stable name, racing colors, weight carried, conditions of the race, the order in which each race shall be run, the distance to

be run, the value of each race, and the probable odds of each horse.

1462. Duty to Maintain Record of Races.

The association shall maintain a complete record of all races of all authorized race meetings of the same type of racing being conducted by the association, and such records shall be maintained and retained for a period of ten years. This requirement may be met by chart books of Triangle Publications, the U.S.T.A., or the American Quarter Horse Association.

1467. Paymaster of Purses.

(a) The association shall appoint a paymaster of purses who shall maintain records as the association and the Board direct. All records shall be separate from those of the Board and are subject to inspection by the Board at any time. The duties of the paymaster of purses or their assistants shall consist of the following:

(1) Maintain records which shall include the name, address, state or country of residence, social security number or federal identification number of each horse owner, trainer, driver, jockey or apprentice jockey participating at the race meeting who has funds due or on deposit in their horsemen's account.

(2) Keep jockey and driver accounts, receive their fees and disburse said fees to the proper claimants.

(3) Verify that the correct claiming price is on deposit with the association before any claim in a claiming race is accepted as official.

(4) Receive and disburse the purses and other awards of each race.

(5) Receive all stakes, entrance money, fines, purchase money in claiming races and other monies that properly come into the paymaster's possession.

(6) Accept money belonging to another association, provided the money is returned within five working days to that association.

(7) Disclose the Cal-bred awards to the respective breed agencies.

(8) Accept and file all required statements of partnerships, assignments of interest, lease agreements, and registrations of authorized agents.

(9) Disburse all monies to the entitled individuals, unless otherwise provided in this section, within 30 calendar days after the meet ends.

(10) Estimate escrow accounts and receive, maintain and disburse funds as directed by the Board.

(11) Deduct from the horse owner's account, and deposit into the account of the horse owner's trainer, 10 percent of the purse earned on any horse that finishes first, second or third at thoroughbred race meetings. Such payments shall be disbursed to the trainer and will be available at the office of the paymaster of purses no later than seven days after the race was conducted. Any amounts so paid shall be repaid to the paymaster forthwith by the trainer upon any order requiring redistribution.

(12) Deduct from the horse owner's account, and deposit into the account of the horse owner's

trainer, 10 percent of the net purse earned on any horse that finishes first, second or third at quarter horse meetings. Such payments shall be disbursed to the trainer and will be available at the office of the paymaster of purses no later than seven days after the race was conducted. Any amounts so paid shall be repaid to the paymaster forthwith by the trainer upon any order requiring redistribution.

(b) For purposes of this regulation, “purse earned” or “net purse earned” means all amounts earned except in stakes races in which case “purse earned” or “net purse earned” means all amounts earned less any nomination, entry or starter fees paid by the owner.

(c) For purposes of subsections (a)(11) and (a)(12) above, horse owners may elect not to have 10 percent of the purse earned deducted from their account by filing with the paymaster of purses at each racing association at which the owner wishes it to be in effect, a form CHRB-134 (New 1/02), Notification of Exclusion To Trainer 10% Program, which is hereby incorporated by reference. The form CHRB-134 (New 1/02) is available at the office of the paymaster of purses at any race meeting.

(d) A form CHRB-134 (New 1/02) may be filed with the paymaster of purses at any time during a race meeting, and

(1) Shall apply to all horses owned in whole or in part by the owner,
(2) Shall be binding on all licensed owners with an interest in the horse or horses,
(3) Shall apply to all trainers employed by the owner, and
(4) Shall remain in force until written revocation is submitted to the paymaster at the race meeting at which the form CHRB-134 (New 1/02) was submitted.

(e) In addition to the duties in subsection (a), the paymaster of purses shall deduct from the horse owner’s account 0.3 percent of the net purse earned by any thoroughbred horse at a thoroughbred racing association or Fair meeting, and deposit into the California Retirement Management Account (CARMA), a charitable trust fund maintained by the horsemen’s organization representing thoroughbred horse owners (horsemen’s organization), for distribution to California thoroughbred retirement/rehabilitation facilities, which provide livestock care and services to retired thoroughbred horses that competed in thoroughbred races in California.

(1) Thoroughbred horse owners may elect not to have the 0.3 percent deducted from the net purse by filing with the paymaster of purses at each racing association for each race meeting at which the owners wish it to be in effect, a form CHRB-206 (New 09/07), Notification of Exclusion of CARMA Contribution, which is hereby incorporated by reference. The form CHRB-206 (New 09/07) is available at the office of the paymaster of purses at any race meeting.

(2) The horsemen’s organization shall distribute CARMA funds at least on an annual basis to retirement/rehabilitation facilities, as determined by the organization. Each such retirement/rehabilitation facility shall be:

(A) A nonprofit corporation or organization.
(B) Exempt or entitled to an exemption from federal or state income taxes.
(C) Approved by the Board.
(3) The horsemen’s organization shall file with the Board within 90 days of the close of its fiscal year an audited financial statement of the CARMA.

NOTE: Authority: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19420, 19433, 19434, 19440 and 19562, Business and Professions Code.

HISTORY:

1. Amendment filed 1-31-02; effective 3-2-02.
2. Amendment filed 4-9-03; effective 5-9-03.
3. Amendment filed 4-8-08; effective 5-8-08.

Ambulance Service.

(a) The association shall provide the services of an ambulance and its properly qualified attendants at all times during the running of races at its meeting, or during the hours the association acts under an agreement as an auxiliary training and stabling facility for a host association.

(b) The association shall also provide the services of a horse ambulance at all times during the running of races at its meeting or during the hours the association permits the use of its race course for training purposes.

(c) A means of communication shall be provided by the association between a place of observation of the race course and the place where the required ambulances and their attendants are posted for prompt response in the event of accident to any person or horse.

(d) If the training facility is not subject to the provisions of subsection (a) it shall either meet the requirements of (a) or, in the alternative, submit for approval by the Executive Director or a designated representative, a written plan specifying emergency procedures for accidents at the facility, which shall include but not be limited to:

(1) A list, which includes response times, of at least two emergency medical services to be used by the facility, and at least two alternative emergency medical services to be used in the event the primary service is not available. The list may utilize a combination of ambulance services, fire departments or police services.

(2) The names of one or more facility employees with access to emergency first aid equipment and the location and nature of such equipment.

(3) The names of one or more facility employees who are trained in basic first aid and who hold a current Cardiopulmonary Resuscitation (CPR) certification.

(4) The type and location of communication equipment, such as telephone or hand held radios, to be provided as a means for facility staff to contact emergency medical services.

(5) The locations on the facility where emergency medical service information is posted for public access. Such information shall include but not be limited to emergency telephone numbers of ambulance, fire and police services.

(e) The Executive Director or a designated representative shall, within 30 calendar days from the date the plan is received at Board headquarters, approve or disapprove, stating the reasons for disapproval, in writing the emergency plan submitted by the facility.

(1) An emergency procedure plan shall be disapproved if it fails to meet any of the requirements of subsections (d)(1) through (d)(5).

(2) Upon disapproval of an emergency procedure plan by the Executive Director or a designated representative, a revised emergency plan may be submitted to Board headquarters within 10 working days of the date the facility is notified of the disapproval.

(3) The Executive Director or a designated representative shall, within 10 working days from the

date the revised plan is received at Board headquarters, disapprove or approve in writing the revised emergency plan submitted by the facility.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440 and 19460, Business and Professions Code.

HISTORY:
1. Amendment and new subsections (a), (b), (c), (d) and (e) filed 10-8-91; effective 10-8-91.
2. Amendment of subsection (e) filed 3-24-92; effective 4-23-92.
3. Amendment filed 6-7-94; effective 7-7-94.

1469. Safety of Race Course.

The association shall take cognizance of any complaint regarding the safety of its race course or premises, and shall maintain in safe condition the race course and all rails and other equipment required for the conduct of its races.

1470. Accounting Practices and Responsibility.

(a) Every association shall maintain in an approved depository those amounts deducted from the pari-mutuel handle which are retained by the association for distribution for purposes specified in the law, rules or agreements including, but not limited to purses, breeder's awards, and unclaimed pari-mutuel distribution. Each association and its managing officers are jointly and separately responsible to assure the amounts retained from the pari-mutuel handle are distributed under the law, rules or agreements (other than collective bargaining).

(b) Racing associations which have not previously operated, new operators of established associations, or associations which have not demonstrated financial stability, are required to make advanced payments, or post a security instrument as a condition preceding the issuance of the racing license.

(c) The Board may, at its discretion, require periodic audits to determine that associations have funds available to meet those distributions for the purposes specified above.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19434, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

Article 3.5. Track Safety Standards

1471. General Provisions and Conditions.

(a) Pursuant to Section 19481 of the Business and Professions (B&P) Code, all horse racing associations, fairs, and training facilities used for timed and reported workouts must comply with the provisions of this article.

(b) Notwithstanding the above, these regulations shall not apply to training tracks not used for timed and reported workouts or to any track maintained by a licensed racing association or fair that is not used for conducting licensed races.

(c) The provisions of this article shall not require the removal or replacement of, or substantial modification to, any rail or other object installed prior to May 24, 1994, if in the judgment of the

Board there is a showing that compliance with the safety standards can be attained by alternate methods, technologies, programs, practices, means, devices or processes proposed and implemented that will provide equal or superior safety for racing participants.

(d) A request for an approval, pursuant to subsection (c), may be submitted in writing, not less than 90 calendar days prior to the start of the race meeting.

(1) The Board will act upon a request not less than 60 days prior to the start of the race meeting. The Board shall prescribe in writing, the terms under which the approval is granted and said approval shall remain in effect only as long as there is compliance with the terms.

(2) Any approval shall be conditional unless a signed and completed Hold Harmless Agreement, CHRB-120 (new 2/96), which is hereby incorporated by reference, is submitted within five days after the approval is granted.

(3) No approval shall be granted unless a policy for liability insurance is obtained in an amount not less than $3 million dollars that names the Board as an additional insured; such policy shall remain in effect for the duration of the race meeting. A copy of the certification of liability insurance shall be submitted with the CHRB-17, Application for License to Conduct a Race Meeting or CHRB-18, Application for License to Conduct a Fair Race Meeting.

(4) The Board may revoke an approval at any time if, in their judgment there is failure to comply with the terms of the approval.

(5) If the Board disapproves a request for an approval the requestor must comply with the provisions of this article.

(e) Unless the Board determines an emergency situation exists, upon receipt of written notification of revocation of an approval the racing association, fair, or training facility shall have not more than 30 calendar days to achieve compliance with the provisions of this article.

(f) Any association or fair that does not comply with the provisions of this article will not be granted a racing license pursuant to Section 19481.5 of the B&P Code.

(g) Forty-five calendar days prior to the start of a racing association meet, or 30 days prior to the start of a fair meet or annually in the case of a training facility the track shall be inspected for compliance with the provisions of this article. The Board shall designate a steward to be responsible for enforcing compliance with safety standards as required by this article and the Board-designated steward or other official shall perform the compliance inspection and report the findings to the Board.

NOTE: Authority cited: Sections 19480, 19481 and 19481.5, Business and Professions Code. Reference: Sections 19480, 19481 and 19481.5, Business and Professions Code.

HISTORY:
1. New rule filed 5-24-94; effective 5-24-94.
2. Amendment filed 6-20-96; effective 7-3-96.
3. Amendment filed 12-23-96; effective 1-22-97.
4. Amendment filed 6-19-97; effective 6-19-97.
5. Amendment filed 10-14-04; effective 11-13-04.

1472. Rail Construction and Track Specifications.

(a) All racing surfaces, including turf courses, shall have an inner rail, and an outer rail or

shadow fence designed to meet the same impact standards as a permanent rail.

(1) Racing surfaces used for standardbred racing shall have an inner rail or pylons, and an outer rail or shadow fence designed to meet the same impact standards as a permanent rail.

(2) If pylons are used, no obstacle shall be placed within an area extending 25 feet from the inner boundary of the racing surface.

(b) All rail posts, except portable, auxiliary, or chute rail posts, must be set in concrete at least 6 inches below the racetrack surface and shall be at least 24 inches deep. Permanent rails shall be designed not to collapse or break away when a horse that is running parallel to the rail bumps, lugs or falls into the rail or posts during normal training or racing. Notwithstanding the above, no permanent or portable turf post or rail shall be constructed of fiberglass, poly vinyl chloride (P.V.C.), or wood, and hedges shall not be used as a post or rail.

(c) The height of all outside and inside rails shall be between 38 and 42 inches from the top of the racing surface to the top of the rail.

(d) All rails, and rail post covers shall be maintained with a smooth surface, and without jagged, sharp or irregular edges. All permanent rails and rail post covers shall be firmly secured by means of bolting, welding or other equivalent method.

(e) All permanent inside rail posts shall be of a gooseneck-type design utilizing at least a 24-inch overhang with a continuous smooth elevated cover extending over the posts. Portable rails and posts shall be designed not to collapse or break away when a horse that is running parallel to the rail bumps, lugs or falls into the rail or posts during normal training or racing conditions. This subsection shall not apply to chute extension rails.

(f) All turf course paths, leading from the inside rail of the main course to the turf course, shall be consistent in appearance with surrounding area. No rails shall be installed on turf course paths that lead from the main course to the turf course.

(g) No objects shall be placed within 10 feet from the face of the inside rail. Marker poles that are placed within 10 feet from the face of the inner rail shall be flexible enough to collapse upon impact of a horse and/or rider or driver.

(h) Any concrete drainage ditch within 10 feet of the face of the inside rail must be covered with a material that will support the weight of the horse and rider or driver and at the same time (if needed), and have padding to cushion the impact of the horse and rider or driver.

(i) All rail gate openings shall be designed not to collapse or break away when a horse that is running parallel to the rail bumps, lugs or falls into the rail or post during normal training or racing. Gates shall have a uniform appearance with the contiguous rail, and all gates on inner rails shall be closed and secured during racing and training.

(j) Separate ingress and egress gates or gaps shall be provided for horses to enter and leave the main racetrack. Each ingress and egress gate or gap shall be a minimum of 20 feet wide. Ingress and egress gates and gaps shall be separated by at least 20 feet. All gaps may be available for ingress for two minutes immediately following renovation breaks. The starting gates used for breaking horses during morning training hours shall be placed in a location that will not result in interference or distraction of gate horses from other horses entering or leaving the track during training hours.

(k) All racetrack lighting systems utilized for night racing shall have an emergency back-up

system or a preferred electrical current provided by a public utility and incandescent lighting. Any such lighting systems must provide horses, riders, and drivers sufficient lighting to safely leave the track in case of a main power failure.

(l) All licensed racing associations or racing fairs conducting live racing and/or training and other training facilities used for timed and reported workouts shall have:

(1) Permanent track surface elevation grade marks installed at least at every 1/32 mile intervals to provide for a means of maintaining a continuous uniform grade of the track cushion and base (if granite). If the track is designed with the front stretch or backstretch at a different elevation than the other, a continuous grade from one elevation to the other shall be maintained.

(2) A minimum of 2 percent cross slope in the straight-aways and a minimum of 4 percent cross slope in the center of the turns.

(3) Synthetic and polymer or wax-coated sand track surfaces shall be exempt from the requirements of Subparagraph (l)(1)(2) of this rule.

NOTE: Authority cited: Sections 19420, 19440 and 19481, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

HISTORY:
1. New rule filed 5-24-94; effective 5-24-94. Subsections (c)(d)(f)(g)(h)(i)(j) and (k) effective 7-23-94.
2. Amendment filed 1-11-95; effective 2-10-95.
3. Amendment filed 5-2-95; effective 6-1-95. Subsections (h) and (i) effective 7-1-95.
4. Amendment filed 12-23-96; effective 1-22-97.
5. Amendment filed 6-20-06; effective 7-20-06.

1473. Renovation of Dirt Racetrack.

(a) Subject to limitations created by periods of inclement weather, all licensed racing facilities and training facilities used for timed and reported workouts which stable between 300 and 1100 racehorses in training shall provide at least one morning break for racetrack surface renovation. Racing facilities which stable more than 1100 racehorses in training shall provide at least two morning breaks to renovate the racetrack surface. For those racing facilities and training facilities with less than 300 racehorses, surface renovation shall be determined by the track maintenance supervisor and designated horsemen's representative stabled at the location.

(b) For all licensed racing facilities and training facilities used for timed and reported workouts where standardbred horses are stabled, racetrack surface renovation shall be determined by the track maintenance supervisor and designated horsemen's representative stabled at the location.

(c) Morning break renovation shall include, but is not limited to, watering, harrowing and/or floating, the racetrack surface at least two-thirds (2/3) of the width of the track from the inside rail to the outside rail of the main track.

(d) Renovation between races shall include, but is not limited to, watering, harrowing and/or floating the racetrack surface at least the length of the starting gate from the inside rail to the outside of the main track for at least the distance of the next race.

NOTE: Authority cited: Sections 19420, 19440 and 19481, Business and Professions Code. Reference: Sections 19420, 19440 and 19481, Business and Professions Code.

HISTORY:
1. New rule filed 5-24-94; effective 7-23-94.
2. Amendment filed 5-2-95; effective 6-1-95.
3. Amendment filed 12-23-96; effective 1-22-97.

1474. Maintenance of Dirt Racetrack.

(a) All licensed racing associations or fairs conducting live racing and/or training, and other training facilities used for timed and reported workouts, shall develop and implement a written policy regarding their track safety maintenance program to be submitted with their license application for Board review 90 days prior to the commencement of the race meeting. The written policy shall provide for:

(1) regular and continuous maintenance of the racing surface under Rule 1473 of this division;

(2) a schedule for maintenance of equipment, track grade, elevations, racetrack renovation, and watering;

(3) analysis of the composition of the racetrack soil sampled every 20 feet and every sixteenth of a mile, and

(4) the name of the person responsible for supervision of the maintenance of the racetrack safety standards.

NOTE: Authority cited: Sections 19420, 19440 and 19481, Business and Professions Code. Reference: Sections 19481, 19481.5 and 19488, Business and Professions Code.

HISTORY:
1. New rule filed 5-24-94; effective 7-23-94.
2. Amendment filed 5-2-95; effective 6-1-95.
3. Amendment filed 12-6-99; effective 12-6-99.

Golf Course in the Infield of the Racetrack.

If golfing activities are conducted in the infield of the racetrack operated by a licensed racing association, fair or training facility used for timed and reported workouts, all racing surfaces must be inspected prior to racing or training and the licensed racing association, fair, or training facility used for timed and reported workouts shall ensure that all golf balls are removed from all racing surfaces. No licensed racing association, fair, or training facility used for timed and reported workouts shall permit any golfing activity in the infield of the racetrack during the hours of training or racing unless the golf course meets the following criteria:

(a) Access to the course is by way of a tunnel or other means where golfers do not physically cross the track.

(b) There is a minimum of 135 feet between the inside track rail and the golf course.

NOTE: Authority cited: Sections 19420, 19440, and 19481, Business and Professions Code. Reference: Sections 19420, 19440, and 19481, Business and Professions Code.

HISTORY:
1. New section filed 5-24-94; effective 5-24-94.

Article 4. Occupational Licenses

1481. Occupational Licenses and Fees.

No person required to be licensed shall participate or attempt to participate in a race meeting without holding a valid license authorizing that participation.

(a) A person acting in any capacity within the restricted area of an inclosure, simulcast facility or auxiliary stabling area shall procure the appropriate license(s) and pay the fee required.

(b) A person acting in any of the following capacities shall procure the appropriate license(s) and pay the fee required:

(1) Horse Owner by Open Claim $250

(2) Officer, Director, Partner or any individual or person who holds 5% or more of the outstanding shares of a racing association, simulcast service supplier or totalizator company. $200

(3) Horse Owner $150

(4) Trainer, Assistant Trainer, Driver, Jockey, Apprentice Jockey, Jockey Agent $150

(5) Veterinarian $150

(6) Steward, Associate Steward, Steward (Veterinary Service), Simulcast Facility Supervisor, Assistant Simulcast Facility Supervisor, Racing Official, Administrative or Managerial personnel including General Manager of a racing association, simulcast organization or an intrastate guest association, who exercise control over other licensees, horse racing, pari-mutuel wagering or simulcast operations, or whose duties routinely require access to restricted areas of the inclosure $150

(7) Bloodstock Agent $150

(8) Valet, Jockey Room or Drivers' Room Attendant or Custodian or Service Person, Colors Attendant, Paddock Attendant $75

(9) Assistant to a Racing Official or Official, Assistant General Manager of a racing association, simulcast organization or an intrastate guest association, Assistant Starter, Assistant to the Veterinarian, Assistant Manager, Announcer, Paymaster of Purses, Superintendent, Starting Gate Driver, Flagman, Marshal, Stewards' Aide $75

(10) Exercise Rider, Pony Rider, Outrider $75

(11) Horseshoer, Stable Agent, Vendor or Vendor's Employee when duties require access to the restricted area, Stable Foreman $75

(12) Pari-mutuel Employee, Totalizator Technician, Video Operator, Photofinish Operator $75

(13) Security Officer, Security Guard, Stable Gateman, Fire Guard, Security Investigator $75

(14) Clerical Employee or Uncategorized Employee of a racing association, intrastate guest association, simulcast organization, simulcast service supplier, totalizator company, horsemen's organization or concessionaire when employed in a restricted area $75

(c) A person acting in the capacity of Backstretch Event Personnel, Groom, Provisional Exercise Rider, Stable Employee or Stable Assistant shall procure the appropriate annual license. The fee for an original license is $35, and the annual renewal of license is $20.

(d) A person acting in the capacity of Authorized Agent shall register an authorized agent agreement and registration of authorized agent and pay a fee of $25 for each registration.

(e) A person or persons electing to conduct racing operations by use of a Stable Name shall register the Stable Name and pay a fee of $300.

(f) A person or persons conducting racing operations as a syndicate or as a partnership having more than ten general partners or having one or more limited partners shall register the syndicate or partnership as a multiple ownership and pay a fee of $300.

(g) A person participating in any capacity required to be licensed under this rule who participates or attempts to participate at a mule racing meeting shall procure an annual Mule Racing Participant license and pay an annual fee of $25. A license for participating in a mule racing meeting is valid only at mule racing meetings and any license otherwise valid for horse racing meetings is not valid for mule racing meetings.

(h) A person whose license-identification card is lost, destroyed or mutilated shall procure a replacement license-identification card and pay a fee of $15.

(i) A person who elects to participate in the Association of Racing Commissioners International (ARCI) Licensing Reciprocity Program shall pay the associated costs charged by the ARCI and the Federal Bureau of Investigation.

(j) The date the payment of the required fee is received and recorded by the Board is the effective date of issuance of a continuous occupational license for the capacity in which licensed. The fees required herein are for the entire period for which the issued license is to be valid.

NOTE: Authority cited: Sections 19440, 19510, 19520 and 19704, Business and Professions Code. Reference: Sections 19510, 19520 and 19704, Business and Professions Code.

HISTORY:
1. Repealer and new rule filed 12-31-82; effective 1-1-83.
2. Editorial correction of subsection (g) 1983.
3. Amendment increasing fees filed 12-30-88; effective 1-1-89.
4. Amendment of subsection (f) changing "three" to "five" and adding "as a multiple ownership" filed 2-14-89; effective 2-14-89.
5. Amendment of subsection (f) changing "five" to "ten" filed 7-6-89; effective 8-5-89.
6. Amendment of subsection (i) filed 12-13-90; effective 1-12-91.
7. Amendment of subsections (b)(6), (b)(9) and new subsection (i) and subsection relettering filed 8-5-93; effective 9-7-93.
8. Amendment filed 1-5-94; effective 2-4-94.
9. Amendment filed 9-12-94; effective 10-12-94.
10. Amendment filed 5-31-95; effective 6-30-95.
11. Amendment filed 12-6-99; effective 12-6-99.
12. Amendment filed 5-30-07; effective 6-29-07.
13. Amendment filed 7-10-08; effective 8-9-08.
14. Amendment filed 3-5-09; effective 4-4-09.

1482. Employment of Unlicensed Person.

No association, owner, trainer or any other licensee acting as an employer within the inclosure at an authorized meeting, shall employ within the inclosure or within any auxiliary stable area, any person required to be licensed by the Board, until such association, owner, trainer or other employer determines that such person required to be licensed has been issued a valid license by the Board or has made application for such license. No association shall permit any owner, trainer, jockey or driver to own, train, ride or drive on its premises during a recognized meeting unless such owner, trainer, jockey or driver has received a license to do so from the Board. The association or prospective employer may demand for inspection the license of any person participating or attempting to participate at its meeting and the association may demand for inspection the documents relating to any horse on its grounds.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Section 19510, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

1483. Application for License.

(a) An applicant for a license shall apply in writing on the application forms furnished by the Board. Every applicant for an original license shall provide two (2) or more complete sets of fingerprints on regulation forms. Every license identification card issued by the Board shall include a current Board photograph of the licensed person.

(b) The fingerprint requirement will be waived for an owner's license, if the applicant holds an owner's license in good standing from a racing jurisdiction that requires fingerprints as part of their license application, provided a Fingerprint Affidavit, CHRB-118 (New 1/97), hereby incorporated by reference, is completed. CHRB-118 is available at all CHRB offices.

NOTE: Authority cited: Sections 19460 and 19510, Business and Professions Code. Reference: Sections 19460, 19510 and 19520, Business and Professions Code.

1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 3-26-91; effective 4-25-91.
3. Amendment filed 1-5-93; effective 2-4-93.
4. Amendment filed 5-1-97; effective 5-31-97.

1484. Evidence of Unfitness for License.

If any applicant for a license or any licensee is under suspension, set down, ruled off, excluded from the inclosure, or otherwise barred from any racing occupation or activity requiring a license, it is prima facie evidence that he or she is unfit to be granted a license or unfit to hold a license or participate in racing in this State as a licensee during the term of any suspension or exclusion from racing imposed by any competent racing jurisdiction.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19460, 19461 and 19510, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

1485. License Subject to Conditions and Agreements.

(a) Every license is subject to the conditions and agreements contained in the application and to

the Board rules in this Division.

(b) Every license issued by the Board remains the property of the Board.

(c) Possession of a license does not confer any right upon the holder thereof to employment at or participation in a race meeting or to be within the inclosure.

(d) The Board may place conditions on any license it issues. All licensees shall strictly comply with any condition imposed by the Board.

NOTE: Authority cited: Sections 19420, 19440 and 19460, Business and Professions Code. Reference: Section 19520, Business and Professions Code.

HISTORY:
1. New subsection (d) filed 4-21-83; effective 5-21-83.
2. Amendment filed 1-6-94; effective 2-5-94.

1486. Term of License.

(a) Every occupational license, original or renewal, granted by the Board under this Article, other than a license as a groom, provisional exercise rider, stable employee, stable assistant, backstretch event personnel and mule racing participant shall expire in its third year on the last day of the birth month of the licensee.

(b) Every original occupational license as groom, provisional exercise rider, stable employee, stable assistant, backstretch event personnel and mule racing participant shall expire on the last day of the calendar year in which it is issued. Such original license shall be automatically extended to expire on the last day of the birth month of the licensee. Renewal licenses shall expire on the last day of the birth month of the licensee on an annual basis.

NOTE: Authority cited: Sections 19440 and 19704,Business and Professions Code. Reference: Sections 19510, 19520, 19521 and 19704, Business and Professions Code.

HISTORY:
1. Amendment filed 8-7-91; effective 9-6-91.
2. Amendment filed 4-1-96; effective 5-1-96.
3. Amendment filed 10-24-06; effective 10-24-06.
4. Amendment filed 10-24-07; effective 11-23-07.
5. Amendment filed 3-5-09; effective 4-4-09.

1486.5. Term of Registration.

Every Registration, such as a Stable name, Syndication, Partnership, Multiple Ownership, Authorized Agent or Trust granted by the Board under this article shall be valid for three years and shall expire on the 31st day of December of the expiration year.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19440, Business and Professions Code.

HISTORY:
1. New rule filed 12-10-90; effective 1-9-91.

1487. Address of Licensees.

Each licensee, applicant for license, or registrant of the Board shall file with the Board his permanent and his current mailing address and shall report in writing to the Board any and all changes to addresses, giving both his old and his new address.

1488. Temporary Occupational License.

(a) Pending completion of the investigation of the qualifications and fitness of an applicant for a license, any initial occupational license granted by the Board is temporary, shall carry no presumption of the qualifications or fitness of the applicant, and may be summarily terminated by the Board. Unless terminated earlier, a temporary license shall be made permanent upon completion of an investigation by the Board of all facts relative to the applicant's qualifications, and a determination that the applicant is fit to hold a license.

(b) A temporary license shall be terminated if the applicant's fingerprints, completed application(s), and such other documentation as may be required for license are not submitted to the Board within 45 calendar days following the date of issuance of the license. In the event of termination of a temporary license, the occupational license fee shall be forfeited. Termination of temporary license is without prejudice to the applicant unless the Board finds that the applicant has made a material misrepresentation or false statement to the Board to obtain a license privilege.

(c) No more than one temporary license shall be issued to an applicant without that applicant first submitting to the Board such fingerprints and completed applications as required under this article.

NOTE: Authority cited: Sections 19440, 19460, 19461 and 19520, Business and Professions Code. Reference: Sections 19460 and 19510, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 1-8-93; effective 2-8-93.

1489. Grounds for Denial or Refusal of License.

(a) The Board, in addition to any other valid reason, may refuse to issue a license or deny a license to any person:

(1) Who has been convicted of a crime punishable by imprisonment in a California state prison or a federal prison, or who has been convicted of a crime involving moral turpitude.

(2) Who has been convicted of a crime in another jurisdiction which if committed in this state would be a felony.

(3) Who has made any material misrepresentation or false statement to the Board or its agents in his or her application for license or otherwise, or who fails to answer any material question on an application for a license.

(4) Who is unqualified to engage in the activities for which a license is required.

(5) Who fails to disclose the true ownership or interest in any or all horses as required by any application.

(6) Who is subject to exclusion or ejection from the racing inclosure or is within the classes of persons prohibited from participating in pari-mutuel wagering.

(7) Who has committed an act involving moral turpitude, or intemperate acts which have exposed others to danger, or acts in connection with horse racing and/or a legalized gaming business which were fraudulent or in violation of a trust or duty.

(8) Who has unlawfully engaged in or who has been convicted of possession, use or sale of any narcotic, dangerous drug, or marijuana.

(9) Who is not permitted by any law to engage in the occupation for which the license is sought.

(10) Who has violated, or who aids, abets or conspires with any person to violate any provision of the rules or the Horse Racing Law.

(b) When considering the denial, suspension or revocation of a license under subparagraphs (a)(1), (a)(2), (a)(7), and (a)(8) of this section, pursuant to section 481 of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person applying for or holding a license under the Horse Racing Law, if to a substantial degree the crime or act evidences a present or potential unfitness to perform the functions authorized by his or her license or in a manner consistent with the public health, safety, or welfare.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 481, 19460, 19510 and 19572, Business and Professions Code.

HISTORY:
Amendment filed 4-21-83; effective 5-21-83.
Amendment of subsection (a), new subsection (b) and relettering, and amendment of newly designated subsection (g) filed 1-6-93; effective 2-5-93.
Amendment filed 12-6-99; effective 12-6-99.
Amendment filed 4-12-16; effective 7-01-16.

1489.1. Suspension of License Due to Delinquent Tax Debt.

(a) No licensee, applicant for license, renewal of license or registration, or any person required to obtain an occupational license from the Board may be issued a permanent license, or reactivate, reinstate or renew a permanent license if his or her name appears on the certified list provided by the California State Board of Equalization (BOE) or the Franchise Tax Board (FTB).
(b) If the name of a licensee or applicant for license appears on the BOE or FTB certified list the Board shall immediately provide the licensee or applicant for license with preliminary notification that:
(1) The license shall be suspended, or
(2) The issuance or renewal of the license shall be withheld.
The preliminary notification shall be made by certified mail to the licensee's or applicant's last given place of residence as provided under Business and Professions Code section 494.5(e)(2).
(c) In accordance with the provisions of Business and Professions Code section 494.5(f)(1), a licensee or applicant for license whose name appears on the certified list shall, 90 days after the Board issues a preliminary notice of intent to suspend or withhold issuance or renewal of license, be subject to suspension of license, or denial of a permanent license, unless and until the BOE or the FTB provides the Board with notice of the licensee's or applicant's compliance.
(1) A license suspended due to delinquent tax debt shall be reinstated within five business days following receipt by the Board of a notice of compliance from the BOE or the FTB.
(2) A temporary license issued to an applicant whose name appears on the certified list shall be valid for a period of 90 days and thereafter shall be terminated unless the Board has received a notice of compliance from the BOE or the FTB. In the event of termination of a temporary

license, the occupational license fee shall be forfeited.
(d) For the purposes of this regulation “certified list” means the list provided by the BOE or the FTB of persons whose names are on the lists of the 500 largest tax delinquencies as provided under section 7063 or 19195 of the Revenue and Taxation Code.

NOTE: Authority cited: Sections 494.5, 19440, 19510, 19520 and 19704, Business and Professions Code. Reference: Sections 494.5, 19510, 19520 and 19704, Business and Professions Code.

HISTORY:
1. New rule filed 08-30-12; effective 09-29-12.

1491. Examinations.

The Board may require the applicant for any license to demonstrate his knowledge, qualifications and proficiency for the license applied for by such examination as the Board may direct.

1493. Refusal Without Prejudice.

A refusal to issue a license (as distinguished from a denial of a license) to an applicant by the Board at any race meeting is without prejudice, and the applicant who has been refused for reasons other than license certification testing may reapply for a license at any subsequent or other race meeting. In all cases an applicant may appeal such refusal to the Board for hearing upon his or her qualifications and fitness for the license.

NOTE: Authority cited: Sections 19440, 19460, and 19520, Business and Professions Code. Reference: Sections 19440, 19460, and 19520, Business and Professions Code.

HISTORY:
1. Amendment filed 11-17-93; effective 12-17-93.

1495. Re-Hearing After Denial of License.

Any person who has had his license denied may petition the Board to reopen the case and reconsider its decision upon a sufficient showing that there is now available evidence which could not, with the exercise of reasonable diligence, be produced at the hearing. Any such petition must be filed with the Board no later than 30 days after the effective date of the Board's decision in the matter. Any person who has been denied a license by the Board may not file a similar application for license until one year from the effective date of the decision to deny the license.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Section 19510, Business and Professions Code; and Sections 11521 and 11522, Government Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

1496. Financial Responsibility of Applicants.

Applicants for license as horse owner or trainer must submit satisfactory evidence of their financial stability and their ability to care for and maintain the horses owned and/or trained by them when such evidence is requested by the Board.

1497. Confidentiality of Applications.

(a) Except as set forth in Subsection (b) of this rule, all information contained on an application for license filed with the Board and all subsidiary information required by the Board in conjunction with such application, may be disclosed to the public.

(b) The following information when contained on an application for license, or when required by the Board as subsidiary information in conjunction with such application, is confidential and shall not be disclosed to the public except in compliance with an order of the Board or any legal order of any court or other agency having jurisdiction of the enforcement of any state or federal laws.

(1) Personal addresses, personal residences and personal telephone numbers.

(2) Personal identification numbers such as social security numbers, federal identification numbers, driver's license numbers, and bank account numbers.

(3) Statements of personal worth and personal financial data used to establish the applicant's personal qualifications for license.

(4) Information regarding minor children.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19435, 19440, 19460, and 19466, Business and Professions Code.

HISTORY:
Amendment of rule and heading filed 8-5-93; effective 9-7-93.

1498. Physical Examination.

(a) All jockeys, apprentice jockeys, and drivers must pass a physical examination at least once a year before the commencement of the first race meeting of the year in which such jockey, apprentice jockey or driver intends to participate, or at such other time as the Board may direct. Such examination will be given by a doctor designated or approved by the Board, and the examination shall include a visual acuity examination and a hearing examination.

(b) In addition to subsection (a) above, the examination shall include a drug test to screen for such substances as described in subsections (b)(2)(A) through (b)(2)(E) of Rule 1500.1 of this article.

(1) A positive finding for any of the drugs or classes of drugs described in subsections (b)(2)(A) through (b)(2)(E) of Rule 1500.1 of this article shall result in the jockey/driver not being cleared to ride/drive until he or she has successfully passed such examination.

(c) The Board or the stewards may require that any jockey, apprentice jockey or driver be re-examined at any time, and the Board or the stewards may refuse to allow any jockey, apprentice jockey or driver to ride or drive until he or she has successfully passed such examination.

NOTE: Authority cited: Sections 19420, 19440 and 19520, Business and Professions Code. Reference: Section 19440, 19520 and 19521, Business and Professions Code.

HISTORY:
1. Amendment filed 9-7-11; effective 10-7-11.

1499. Qualifications for Jockey.

No person under 16 years of age shall be granted a jockey's license nor a license as apprentice jockey. No person whose riding weight at the time of application exceeds 125 pounds shall be licensed as a jockey or apprentice jockey. No person who has never ridden in a race at a recognized meeting shall be granted a license as jockey or apprentice jockey; provided, however, that upon the recommendation of the stewards the Board may issue a temporary license to or otherwise grant permission to such person for the purpose of riding in not more than four races to establish the qualifications and ability of such person for the license.

1500. Apprentice Jockey.

(a) An apprentice jockey is a race rider who has ridden less than 40 winners or less than two years since first having been licensed in any racing jurisdiction, and who otherwise meets the license qualifications of a jockey.

(b) The apprenticeship of an apprentice jockey shall automatically terminate one year from the date of his or her fifth winning ride, or on the date of his or her 40th winning ride, whichever comes later. No apprenticeship shall extend for more than two years from the date of the fifth winning mount, except for good cause the Board may extend the termination date of an apprenticeship or amend the conditions under which the apprenticeship is granted.

(c) Any combination of Thoroughbred, Appaloosa, Arabian or Paint races at authorized race meetings in the United States, Canada or Mexico, which are reported in the Daily Racing Form or other recognized racing publications, shall be considered in determining eligibility for license as an apprentice jockey; provided, however, that any person who has ridden as a licensed jockey in any racing jurisdiction shall have the burden to establish that the granting of an apprentice jockey license to him or her is in the best interest of the rider and of Thoroughbred, Appaloosa, Arabian or Paint racing in this State. Nothing herein shall prohibit an apprentice jockey contract between the apprentice and a qualified employer.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440 and 19460, Business and Professions Code.

HISTORY:
1. Amendment filed 3-18-97; effective 4-17-97.

1500.1. Random Drug Testing.

(a) To ensure the safety and integrity of horse racing, jockeys, apprentice jockeys and drivers are subject to random drug testing, as well as testing based upon reasonable suspicion, as provided in this Division. Failure to submit to or to complete a drug test at the time, location, and manner directed by the Board or its representatives shall constitute a refusal to be tested. A jockey, apprentice jockey or driver who fails to submit to or to complete a drug test shall immediately be prohibited from riding or driving in any race at a facility under the jurisdiction of the Board until a negative test result is achieved.

(1) Random drug testing shall be conducted at the direction of the Executive Director on an unannounced basis before or after the jockey’s or driver’s performance of duties. The names of all jockeys, apprentice jockeys or drivers who appear on the official program the day random drug testing is conducted shall be placed in a secured container which shall be in the custody of the supervising investigator. Prior to the first race of the program, the supervising investigator shall draw nine names. If a name is selected more than once during a race meeting, it shall be

eliminated and another selection made.

(2) Representatives of the Jockey's Guild or the California Harness Horsemen's Association may attend and witness the random selection of names.

(3) For race meetings with duration of up to five months, random drug testing shall occur at least once during the course of the meeting. For the purposes of this regulation, the Northern California fair circuit shall be considered as one race meeting.

(4) For race meetings with duration of six or more months, random drug testing shall occur at least twice during the course of the meeting.

(b) Each urine specimen received from a jockey, apprentice jockey or driver shall be divided into two separate parts. One portion shall be designated as the official jockey/driver test sample and shall be tested by a Board approved official laboratory. The remaining portion of the specimen shall be known as the jockey/driver split sample and shall be available for testing at a Board approved independent laboratory upon the request of the individual who provided the specimen. The Board makes no guarantees as to the amount of the specimen that will be available for the jockey/driver split sample. All specimens taken by representatives of the Board are under the jurisdiction of and shall remain the property of the Board at all times.

(1) For the purposes of this regulation "Board approved official laboratory" and "Board approved independent laboratory" means a California laboratory certified by the United States Department of Health and Human Services under the National Laboratory Certification Program as meeting the minimum standards to engage in urine drug testing for federal agencies. A list of certified laboratories shall be available at the CHRB headquarters office.

(2) Each urine specimen shall be tested for the following prohibited drugs or classes of drugs:

(A) Marijuana metabolites.

(B) Cocaine metabolites.

(C) Amphetamines.

(D) Opiate metabolites.

(E) Phencyclidine (PCP).

(c) The Board approved official laboratory shall immediately and confidentially report to the Executive Director or his designee any positive finding for any of the drugs or classes of drugs described in subsection (b)(2)(A) through (b)(2)(E) of this regulation. The Board approved official laboratory shall also transmit a confidential written report of the finding to the Executive Director within five working days after the notification is made.

(d) When the Executive Director or his designee is notified of a positive finding by the Board approved official laboratory, the Executive Director or his designee shall notify a supervising investigator. The supervising investigator shall confidentially notify the jockey, apprentice jockey or driver who shall:

(1) Immediately be prohibited from riding or driving in any race at a facility under the jurisdiction of the Board, and

(2) Shall have 72 hours from the date he or she is notified to request that the jockey/driver split

sample of the official jockey/driver test sample that was found to contain a prohibited drug or class of drug, be tested by an Board approved independent laboratory.

(e) If the jockey, apprentice jockey or driver wishes to have the jockey/driver split sample tested, he or she shall comply with the following procedures:

(1) The request shall be made on the form CHRB-217 (New 3/11) Request to Release Jockey/Driver Split Sample, which is hereby incorporated by reference. Form CHRB-217 shall be made available at all CHRB offices, and at the CHRB website.

(2) The jockey, apprentice jockey or driver requesting to have the jockey/driver split sample tested shall be responsible for all charges and costs incurred in transporting and testing the jockey/driver split sample. By signing CHRB-217 the jockey, apprentice jockey or driver certifies he or she has made arrangements for payment to the designated independent Board approved laboratory for laboratory testing services.

(3) Verification of payment for costs incurred in transporting and testing the jockey/driver split sample must be received by the CHRB within five working days from the CHRB receipt of CHRB-217. If such verification of payment is not received, the jockey/driver split sample will not be released or shipped to the designated Board approved independent laboratory and the jockey, apprentice jockey or driver will have relinquished his/her right to have the split sample tested. If a complaint issues, the only test results that will be considered will be the results from the Board approved official laboratory.

(f) Upon receipt of a valid request on CHRB-217, CHRB-217A (New 3/11) Authorization to Release Jockey/driver Split Sample Evidence, which is hereby incorporated by reference, shall be completed and the Board shall ensure that the jockey/driver split sample is sent to the designated Board approved independent laboratory for testing.

(1) If the findings by the Board approved independent laboratory fail to confirm the findings of a prohibited drug or class of drug as reported by the Board approved official laboratory, it shall be presumed that a prohibited drug or class of drug was not present in the official jockey/driver test sample.

(g) A jockey, apprentice jockey or driver who fails to request the testing of the jockey/driver split sample in accordance with the procedures specified in this rule shall be deemed to have waived his or her right to have the split sample tested.

(h) Unless or until the Board files an official complaint or accusation, results of the official jockey/driver test sample and the jockey/driver split sample shall be, and shall remain confidential. No test results may be released to any person or organization unless such release is explicitly required under this regulation. Only the Executive Director or the Executive Director's designee, the Board, and the jockey, apprentice jockey or driver shall receive the results.

(i) The Board may take into consideration the possession of a valid and current Medical Marijuana Program Identification Card issued in accordance with the Medical Marijuana Program of the California Department of Public Health in determining whether or not to file an official complaint or accusation against a jockey, apprentice jockey or driver who tests positive for marijuana metabolites.

(j) For the purposes of this regulation, random drug testing shall be accomplished by the taking of urine specimens; however, the Board retains the right to direct a jockey, apprentice jockey or driver to submit to a drug test by methods including, but not limited to, blood, hair follicle or skin.

NOTE: Authority cited: Sections 19420, 19440 and 19520, Business and Professions Code.

Reference: Section 19440, 19520 and 19521, Business and Professions Code.

HISTORY:
1. New rule filed 9-7-11; effective 10-7-11.

Worker's Compensation Insurance Required.

No person may be licensed as a trainer, owner, trainer-driver, or in any other capacity in which such person acts as the employer of any other licensee at any authorized race meeting, unless his liability for worker's compensation has been secured in accordance with the Labor Code of the State of California and until evidence of such security for liability is provided the Board. Should any such required security for liability for worker's compensation be cancelled or terminated, any license held by such person shall be automatically suspended and shall be grounds for revocation of the license. The trainer of a public stable shall provide evidence that the policy of insurance securing his liability for worker's compensation has been endorsed or amended to include, as an additional insured, each person for whom he trains horses to the extent that such person is exposed to liability as the employer of a jockey, unless such person has procured coverage for such exposure and has furnished evidence of such coverage to the Board.

HISTORY:
1. Amendment filed 10-6-78; effective 11-5-78.

1502. Program Trainer Prohibited.

No licensed trainer, for the purpose of avoiding the requirements for workmen's compensation insurance as set forth in this article, shall place any horse in the care of or attendance of any other person.

1503. Qualifications for License as Trainer or Assistant Trainer.

(a) Except as otherwise provided under this article, an applicant for an original license as trainer or assistant trainer shall pass a trainers examination before issuance of a license. An applicant shall:

(1) Pass the written, oral and practical portions of the examination as prescribed by the Board and administered by its agents.

(b) A score of 80% for each portion constitutes a passing grade for the examination.

(c) An applicant who fails the written, practical or oral portion of the examination may apply for reexamination and take the failed portion after a period of at least one month, but not more than six months, from the date of the failed examination.

(1) An applicant who fails to apply for reexamination under subsection (c) must reapply for license as trainer or assistant trainer, and reexamine under subsections (a) and (b).

(2) The examination for license as trainer or assistant trainer shall be scheduled not less than once a month at a time and location designated by the Board.

(d) Notwithstanding the above, an applicant who is currently licensed by another racing jurisdiction as a trainer or assistant trainer, and has held the license for a minimum of one year in good standing, shall make an application for license as trainer or assistant trainer under Rules 1481 and 1483 of this division. The applicant shall appear before the Board of Stewards and they may subject him/her to any portion of the examination.

(1) An applicant who fails either the written, practical or oral portion of the examination administered under subsection (d) may reapply for reexamination and take the failed portion after a period of at least one month, but not more than six months, from the date of the failed examination.

(2) An applicant who fails to apply for reexamination under subsection (d)(1) must reapply for license as trainer or assistant trainer, and reexamine under subsections (a) and (b).

(e) An individual who is currently licensed as a trainer or assistant trainer who wishes to change his or her license from harness to other types of flat racing, or other types of flat racing to harness, is subject to the examination under subsections (a) and (b).

(1) An applicant who fails either the written, practical, or oral portions of the examination administered under subsection (e) may reapply for reexamination and take the failed portion after a period of at least one month, but not more than six months, from the date of the failed examination.

(2) An applicant who fails to reapply for reexamination under subsection (e)(1) must reapply for change of license and reexamine under subsections (a) and (b).

NOTE: Authority cited: Sections 19420, 19440 and 19460, Business and Professions Code. Reference: Sections 19420, 19440, 19460 and 19510, Business and Professions Code.

HISTORY:
New rule filed 4-5-94; effective 5-5-94.
Amendment filed 12-6-99; effective 12-6-99.

1504. Qualifications for License as Farrier.

Except as otherwise provided under this article, an applicant for an original license as a farrier shall take and pass a Farriers Examination prior to issuance of a license. An applicant shall:

(a) Complete and pass the written and the practical portions of the examination as prescribed by the Board and administered by its agents.

(b) A score of 80% shall constitute a passing grade on the written portion of the Farriers Examination.

(c) A passing score in all areas of the practical examination, which is weighted pass/fail, shall constitute a passing grade on the practical portion of the Farriers Examination.

(d) An applicant who fails one or both portions of the Farriers Examination may apply to retake the failed portion at the next regularly scheduled Farriers Examination.

NOTE: Authority cited: Sections 19440, 19460 and 19520, Business and Professions Code. Reference: Sections 19420, 19440, 19460, 19510 and 19520, Business and Professions Code.

HISTORY:
New rule filed 7-21-94; effective 8-20-94.

1504.5. Provisional Exercise Rider and Exercise Rider.

No person may be licensed as an exercise rider who is not currently licensed in good standing as

a provisional exercise rider, unless such person was or is currently licensed as a jockey, apprentice jockey or an exercise rider in good standing in California, or in another racing jurisdiction.

(a) Except as otherwise provided under this article, an applicant for a provisional exercise rider license shall provide evidence that a California licensed trainer employs him or her by submitting a notarized Provisional Exercise Rider Agreement CHRB-213 (New 10/08), which is hereby incorporated by reference. The notary acknowledgement is not necessary if the CHRB-213 is signed before a Board employee. The CHRB-213 shall be available at Board licensing offices at live race meetings, and at Board headquarters offices.

(b) A licensed provisional exercise rider shall:

(1) Not enter the track without the permission of the outrider and, unless the outrider states otherwise, shall be accompanied by the mounted trainer/employer or the trainer's assistant trainer while on the track.

(2) While on the track wear a helmet cover and vest cover of a distinctive color as determined by the outrider.

(c) A provisional exercise rider may apply for license as exercise rider 60 calendar days after the date of issue of his or her provisional exercise rider license.

(1) At the time of application for license as exercise rider, the provisional exercise rider shall submit a recommendation card form California Horse Racing Board CHRB-59 that has been signed by the outrider, the starter and a steward. The recommendation card is available at Board licensing offices at live race meetings, and Board headquarter offices. By signing the recommendation card the outrider, the starter and the steward certify that the applicant has:

(A) Been observed riding one or more horses on the racetrack to the extent necessary for the outrider and starter to determine if the applicant has demonstrated an ability to safely navigate and respond to track conditions and knowledge of starting gate procedures.

(B) Complete and pass a written examination prescribed by the Board and administered by its agents. A score of 80 percent shall constitute a passing grade on the written examination.

(d) An applicant who fails to adequately demonstrate horsemanship or who fails the written examination may reapply for a license as exercise rider after a period of at least one month, but not more than six months, and retake the failed portion. After a six-month period the applicant must demonstrate horsemanship, and pass the written examination, as required under subsections (c)(1)(A) and (c)(1)(B) of this regulation.

(e) Persons working at harness meetings may not sign a CHRB-59 for flat racing.

NOTE: Authority cited: Sections 19420, 19440 and 19520, Business and Professions Code. Reference: Sections 19420, 19440 and 19520, Business and Professions Code.

HISTORY:
New rule filed 3-5-09; effective 4-4-09.

1505. Qualifications for License as Horse Owner.

(a) No person may be licensed as a horse owner who is not the owner of record of a properly registered race horse which is in the care of a licensed trainer, or

(1) who does not have an interest in such race horse as a co-owner, part owner, or lessee, or

(2) who is not the responsible managing employee of a corporation or a limited liability company (Corporations Code section 17000 et seq.) which is the legal owner of such horse.

(b) No person licensed by the Board as a jockey, apprentice jockey, racing official, assistant starter or veterinarian's assistant shall be licensed also as a horse owner.

(c) A horse owner's license shall be granted to individual natural persons only.

(d) An applicant for renewal of a horse owner license whose license is in good standing with the Board, but who is not the owner of record of a properly registered race horse which is in the care of a licensed trainer, or who does not have an interest in such race horse as a co-owner, part owner, or lessee, may renew such license as horse owner.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19460 and 19520, Business and Professions Code.

HISTORY:
1. Amendment filed 8-14-98; effective 9-13-98.
2. Amendment filed 11-17-08; effective 12-17-08.

1506. Horse Ownership by Corporation or Limited Liability Company.

If the legal owner of any race horse is a corporation or a limited liability company (Corporations Code section 17000 et seq.), the corporation or limited liability company shall appoint one or more responsible managing employee(s) who, if qualified, may be granted a license as Horse Owner. Such employee accepts and assumes all responsibilities of an owner.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference:Sections 19460 and 19520, Business and Professions Code.

HISTORY:
1. Amendment filed 8-14-98; effective 9-13-98.

1507. Partnerships.

All general partners in the partnership owning a race horse assume equal responsibilities of ownership, and all such general partners are required to be licensed, irrespective of the percentage of partnership held. No limited partner may be granted a license as horse owner.

1508. Statements of Partnerships.

(a) All statements of partnerships and the relative proportion of ownership interest, the terms of sales with contingencies, arrangements, or leases, shall be filed with the paymaster of purses of the association and with the Board, and shall declare:

(1) to whom winnings are payable,

(2) in whose names the horse is run if more than three persons comprise the partnership, and

(3) with whom rests the power of entry.

(b) The part owner of any horse may not assign his share or any part of it without the written consent of the other partners. The consent shall be filed with the paymaster of purses.

(c) No part owner or lessee of a racehorse is qualified for a license as horse owner until he has complied with this rule.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420, 19440, 19460 and 19461, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1509. Use of License Required.

Every licensee, in order to maintain his qualifications for any license held by him, must have been regularly engaged in the occupation for which the license was issued for no less than 21 working or racing days during the term of the license. Should a licensee not be so engaged for the period required, the Board may require that such licensee or applicant for renewal of a license re-establish his qualifications for such license.

1510. Knowledge of Rules.

Every licensee, in order to maintain his qualifications for any license held by him, shall be familiar with and knowledgeable of the rules including all amendments thereto. Every licensee is presumed to know the rules.

Article 5. Racing Officials

1520. Racing Officials.

The racing officials of a race meeting, unless otherwise ordered by the Board, are: the stewards, the associate judges, the placing judges, the paddock judge, the patrol judges, the starter, the clerk of scales, the official veterinarian, the racing veterinarian, the horse identifier, the horseshoe inspector, the timers, and the clerk of the course.

NOTE: Authority cited: Sections 19440, 19562, Business and Professions Code. Reference: Sections 19401(a), (e), Business and Professions Code.

HISTORY:
1. Amendment filed 6-25-76; effective 7-25-76.
2. Amendment filed 4-12-79; effective 5-12-79.

1521. Responsibility to the Board.

The racing officials are strictly responsible to the Board for the performance of their respective duties, and they shall promptly report to the Board or its stewards, any violation of the rules and regulations of the Board coming to their attention or of which they have knowledge. Any racing official who fails to exercise due diligence in the performance of his duties shall be relieved of his duties by the stewards and the matter referred to the Board.

1523. Racing Officials Subject to Approval.

Every racing official is subject to prior approval by the Board before being eligible to act as a racing official at a race meeting. At the time of making application for a racing license the

association shall nominate the racing officials other than the racing officials appointed by the Board and after issuance of license to the association there shall be no substitution of any racing official except with approval of the stewards or the Board.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Section 19510, Business and Professions Code.

HISTORY:
Amendment filed 4-21-83; effective 5-21-83.

1525. Racing Officials Appointed by the Board.

The Board shall appoint the following racing officials for a race meeting: The stewards, the official veterinarian, and the official horse identifier.

HISTORY:
1. Amendment filed 4-11-78; effective 5-11-78.

1527. General Authority of Stewards.

The stewards have general authority and supervision over all licensees and other persons attendant on horses, and also over the inclosures of any recognized meeting. The stewards are strictly responsible to the Board for the conduct of the race meeting in every particular.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 4-16-02; effective 5-16-02.

1528. Jurisdiction of Stewards to Suspend or Fine.

The stewards' jurisdiction in any matter commences at such time as entries are taken for the first day of racing at the meeting and extends until thirty (30) days after the close of such meeting. However, the Executive Director of the Board may delegate the authority to adjudicate any matter occurring at any racing meeting to another Board of Stewards if the matter is not resolved after the conclusion of the thirty (30) days. The stewards may suspend the license of anyone whom they have the authority to supervise or they may impose a fine or they may exclude from all inclosures in this State or they may suspend, exclude and fine. All such suspensions, fines or exclusions shall be reported immediately to the Board.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 10-20-81; effective 11-19-81.
2. Amendment filed 11-29-94; effective 12-29-94.

1529. Referral to the Board.

The stewards may refer any matter within their jurisdiction to the Board when the penalty the stewards have jurisdiction to impose is insufficient when a hearing cannot be held under the conditions or in the manner prescribed, when a hearing is impractical due to conclusion of the meeting, or for other good and sufficient cause, and they may order the suspension of the

licensee pending further Order of the Board. In such event, the Board shall accept the matter for hearing and adjudication or such other action as the Board deems to be in the best interests of justice.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19460 and 19461, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

Cases Not Covered by Rules and Regulations.

Should any case occur which may not be covered by the Rules and Regulations of the Board or by other accepted rules of racing, it shall be determined by the stewards in conformity with justice and in the interest of racing.

1531. Vacancy Among Racing Officials.

Where a vacancy occurs among the racing officials the stewards shall fill the vacancy immediately. Such appointment is effective until the vacancy is filled in accordance with the rules.

1532. Payment of Fines.

(a) All fines imposed by the stewards shall be paid by the person upon whom such fine has been imposed to the paymaster of purses within seven calendar days after imposition and no person shall fail to pay a fine within the time limit it is due except when the imposition of such fine is ordered stayed by the stewards, the Board or a court having jurisdiction.

(1) Official ruling shall state that fines shall be paid within seven calendar days from the date of the ruling, or the license of the person upon whom the fine has been imposed shall be suspended.

(b) On the first working day of each week of the meeting, the paymaster of purses shall provide the Board with a record of the full name of any person at the meeting upon whom a fine was imposed, the steward's ruling number, the date upon which the fine was imposed, and the date upon which the fine was paid. Within ten calendar days after the conclusion of the meeting the paymaster shall forward the collected fines and the record of such fines to the Executive Director of the Board.

(1) A paymaster of purses who receives payment for a fine imposed at a meeting other than the one at which the fine is paid shall record the full name and occupational license number of the person upon whom the fine was imposed, the racetrack at which the fine was imposed, the date and number of the steward's ruling, and the date upon which the fine was paid. The paymaster of purses shall forward the collected fines and the record of such fines in accordance with subparagraph (b) of this rule.

(c) Any fine imposed by the Board shall be paid within seven calendar days to the Executive Director of the Board or as may be otherwise ordered by the Board.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19461 and 19640, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

2. Amendment filed 1-4-94; effective 2-3-94.
3. Amendment filed 6-7-94; effective 7-7-94.

1536. Stewards' Minutes.

(a) The stewards shall maintain minutes and records of all proceedings before the stewards that shall contain:
(1) the record of votes,
(2) a record of all actions taken, and
(3) the penalties imposed along with the reasons for the actions.

A majority vote of the stewards shall govern and, in the event of a split vote, each steward shall file a separate report on the matter. The stewards shall submit their original minutes to the Executive Director weekly, and shall deliver a copy of their minutes to each member of the Board.

(b) A report of all on-track accidents involving jockeys or drivers on form Jockey/Driver Accident Report CHRB-201 (Rev. 2/14), which is hereby incorporated by reference, shall be attached to the stewards' minutes.

(c) A report of all on-track accidents involving exercise riders, or employees in a jog cart or sulky not engaged in a race, on form Training Accident Report CHRB-201A (New 2/14), which is hereby incorporated by reference, shall be attached to the stewards' minutes.

(1) For the purposes of this regulation "employee" means a person engaged to drive a jog cart or sulky at a standardbred facility.

NOTE: Authority cited: Sections 19420, 19440 and 19481.3(e), Business and Professions Code. Reference: Sections 19432, 19440 and 19481.3(e), Business and Professions Code.

HISTORY:
1. Amendment filed 4-11-78; effective 5-11-78.
2. Amendment filed 4-21-83; effective 5-21-83.
3. Amendment filed 6-7-94; effective 7-7-94.
4. Amendment filed 1-11-07; effective 2-10-07.
5. Amendment filed 1-11-07; effective 2-10-07.

1537. Record and Transcript of Hearing.

(a) A verbatim record shall be made of all hearings before the stewards in any matter other than those relating solely to riding infractions where the penalty imposed by the stewards is ten (10) days or less suspension, or those relating to license application recommendations.

(b) Notwithstanding subsection (a), and at the stewards' discretion, the racing association shall provide either a certified court reporter or electronic recording equipment to record all hearings. Such recording equipment shall include, but not be limited to, tape recorder(s), at least three (3) microphones and a sufficient supply of recording tapes.

(c) The cost of such reporter and recording equipment shall be assumed by the racing association conducting the racing meeting. The taped recording(s) shall be stored and maintained by the Board for a minimum of sixty (60) days after the initial hearing or in the event an appeal is filed, a minimum of sixty (60) days after an appeal is heard and decided by the Board.

(d) Upon the request of the Executive Director or his/her designee, the racing association shall furnish an original and two copies of the hearing transcript to the Executive Director.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19432 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 11-29-93; effective 12-29-93.
2. Amendment filed 6-7-94; effective 7-7-94.
3. Amendment filed 10-15-96; effective 11-14-96.

1538. Duty of Disclosure.

It is the duty and obligation of every licensee to make full disclosure to the Board at a hearing before the Board or to the stewards at a hearing before the stewards of any knowledge he possesses of a violation of any racing law or of the rules and regulations of the Board, and no person may refuse to testify before the stewards at any hearing on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege, nor shall any person testify falsely before the stewards.

1539. Representation at Hearing.

Every person who is called to testify before the stewards is entitled to have counsel or an observer of his choosing present at the hearing; provided, however, that such counsel or observer shall only participate under such conditions or in such manner as the stewards may direct.

Power to Order Examination of Horse.

At any time the stewards may order an examination of any horse within the inclosure, by such persons as they see fit, and may order the examination of any ownership papers, certificates, documents or eligibility, contracts or leases pertaining to such horse, and they may require an affidavit of ownership or interest in any horse.

1542. Power to Refuse Entry and Deny Eligibility.

For good cause, the stewards may refuse the entry to any race, or declare ineligible to race and order removed from the premises, any horse.

1543. Stewards to Determine Fouls and Extent of Disqualification.

The stewards shall determine the extent of disqualification in cases of fouls or riding or driving infractions. They may place the offending horse behind such other horses as in their judgment it interfered with, or they may place it last.

1544. Calling off Race.

(a) If the stewards determine a race cannot start before midnight or cannot be conducted in accordance with the Board’s rules and regulations, they shall cancel and call off such race.

(b) The stewards may declare a race no contest if mechanical failure or interference during the running of the race affects the majority of horses in such race.

(c) Any wagers on races called off, canceled, or declared no contest shall be refunded, and no purse, prize or stakes shall be awarded.

(d) If a race is called off, canceled, or declared no contest, any submitted claims shall be void.

(e) A race shall be canceled if no horse covers the course.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
Amendment filed 11-22-06; effective 12-22-06.

1545. Substitution of Jockey or Trainer.

(a) In the event a jockey who is named to ride on a mount in a race is unable to fulfill his engagement and is excused by the stewards, the trainer of the horse may select a substitute jockey or, if no satisfactory substitute jockey is available, may elect that the stewards declare the horse from the race.

(b) In the absence of the trainer of the horse, the stewards may place the horse in the temporary charge of a substitute trainer of their selection.

1546. Complaints Against Officials.

Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the Board by the stewards together with a report of the action taken or the recommendation of the stewards. Complaints against any steward shall be made in writing to the Executive Director of the Board and signed by the complainant.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420, 19440 and 19510(c), Business and Professions Code.

HISTORY:
1. Amendment filed 6-7-94; effective 7-7-94.

Failure to Appear.

Any licensee who fails or refuses to comply with written or verbal notification to appear before the Board of Stewards shall have their license privileges suspended pending their appearance before the Board of Stewards. Failure to appear shall be a separate cause for disciplinary action.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19460 and 19461, Business and Professions Code.

HISTORY:
1. Amendment filed 2-4-97; effective 3-6-97.

1548. Rulings by the Stewards.

(a) Any ruling or order issued by the stewards shall specify:

(1) the full name of the licensee or person subject to the ruling or order;

(2) his date of birth and social security number, if known;

(3) a statement of the offense charged including any rule number, and

(4) the penalty imposed.

(b) Any person affected by any ruling or order shall be notified.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1549. Recommendation of Discipline.

A racing official may recommend to the stewards that disciplinary action be imposed upon any licensee for a violation of any rule or regulation or for any other misconduct by such licensee.

1550. Steward's List.

The stewards shall maintain a Steward's List of those horses which are ineligible to start or be entered in any race because of poor or inconsistent performance. The stewards may place on such list any horse which, in their opinion, has run an unsatisfactory race and its entry to any race shall be thereafter refused until it is demonstrated to the stewards that it should be removed from the list.

1551. Starter's List.

The starter shall maintain the Starter's List and all horses shall be schooled to the starting gate, if and when required, under the personal supervision of the starter and/or his assistants. The entry of any horse on the Starter's List shall be refused.

1552. Duties of the Starter.

The starter shall give all orders and take all measures not in conflict with the rules as may be required to insure a fair start. The starter shall appoint his assistants. The starter shall not permit his assistants to handle or take charge of a horse in the starting gate without his express instructions.

1553. Duties of the Paddock Judge.

The paddock judge shall supervise the assembling of the horses scheduled to race and shall have general supervision over the saddling equipment and changes thereof. The paddock judge shall supervise the saddling of horses in the paddock and shall supervise their departure for the post. The paddock judge shall maintain a record of all equipment of a horse saddled for a race and he shall report to the stewards any change therefrom at a subsequent saddling. No change of equipment shall be made without the consent of the stewards.

1554. Duties of Horse Identifier.

The horse identifier shall make an inspection of each horse prior to its departure for the post. He shall immediately report to the stewards and the paddock judge any horse which is not properly identified or has any irregularities from the official identification record of the Board. The horse identifier shall inspect, identify, and prepare identification records and photographs of all horses

within the inclosure not previously identified in California. He shall inspect documents of ownership, eligibility, registration, or breeding, as may be necessary to insure proper identification of each horse eligible to compete at the race meeting. He shall supervise the tattooing or branding for identification of any horse within the inclosure.

1555. Duties of Horseshoe Inspector.

The horseshoe inspector shall make an inspection of the horseshoes of each horse prior to its departure for the post. He shall report immediately to the stewards any horse which is improperly shod, and he shall maintain a record of the type of shoes worn by each horse. He has the authority to make adjustments and corrections in shoes of any horse as he may deem necessary, subject to the approval of the stewards.

1556. Duties of Patrol Judges.

The patrol judges shall be subject to the orders of the stewards and shall report to the stewards all facts occurring under their observation during the running of a race.

1557. Duties of Timer.

The timer shall record for posting the time of each race.

1558. Duties of Placing Judges.

The placing judges shall occupy the placing judges' stand at the time the horses pass the winning post, and their duty shall be to place the horses in the order of finish and display results. If the photograph of the finish of the race indicates a close finish, or the placing judges are not unanimous as to the correct order of finish, the photograph shall be submitted to the stewards for examination and for concurrence on the result before the order of finish of the race is displayed or announced. In the case of a dead heat, or disagreement as to the correct order of finish, the decision of the stewards shall be final. In placing the horses at the finish, the position of the horses noses only shall be considered and not any other part of the body.

1559. Duties of Clerk of Scales.

The clerk of scales shall verify the correct weight of each jockey at the time of weighing out and when weighing in, and he shall report any discrepancies to the stewards immediately. The clerk of scales shall notify the stewards of any change of jockeys, or of any extra or special weight declared for any horse, or any overweight, or any alteration of colors. At the close of each day's racing the clerk of scales shall provide the association with a report of the weight carried in every race and the names of the jockeys specifying overweight, if any. He shall provide the paymaster of purses an accounting of the riding fees due each jockey at the end of each racing day. The Clerk of Scales shall be responsible to the stewards for the conduct of the jockeys and their attendants in the jockey room.

1560. Duties of the Official Veterinarian.

The official veterinarian shall be responsible to the stewards for the conduct of horses and their attendants in the receiving and detention barn. He shall have authority and jurisdiction to supervise the practicing licensed veterinarians and shall enforce the Board's rules and regulations relating to veterinary practices. The official veterinarian shall recommend discipline for the licensed veterinarians who fail to comply with the rules and regulations and accepted veterinary practices. He shall report to the Board the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefor. He shall maintain a list of all infirm

horses on the grounds. No official veterinarian, during his term of appointment, shall directly treat or prescribe for any horse registered to race at any recognized meeting except in emergency, the details of which shall be immediately reported to the stewards.

1561. Duties of the Racing Veterinarian.

The Racing Veterinarian shall examine each horse when it is first entered to race at the race meeting and he shall report to the stewards any horse which in his opinion is not of the age or condition which is satisfactory for the type of racing to be conducted at the meeting. The stewards may declare any such horse so reported as ineligible to be entered or started at the meeting until such time as the Racing Veterinarian certifies such horse to be raceably sound. The Racing Veterinarian shall be present in the paddock, on the race course, and at the starting gate during the saddling, the parade, and until the horses are dispatched from the gate for the race, and he shall examine any horse when there is a question as to the physical condition of such horse. He shall report any horse which in his opinion is incapable of physically exerting its best effort to win to the stewards who may declare such horse from the race. The Racing Veterinarian shall examine any horse which appears in physical distress during the race, at the finish of the race and he shall report such horse together with his opinion as to the cause of the distress to the stewards and to the official veterinarian. The Racing Veterinarian has the authority to treat any horse in event of an emergency, accident or injury, and he is authorized to humanely destroy any horse which in his opinion is so seriously injured that it is in the best interests of racing to so act, and every horse owner and trainer in participating in a race in this State does consent thereto. The Racing Veterinarian shall recommend to the official veterinarian those horses which by reason of physical disability should be placed on the Veterinarian's List and he may recommend removal from the list of those horses which in his opinion can satisfactorily compete in a race.

1562. Duties of Associate Judges.

An associate judge may perform any of the duties which are performed by any racing official at a meeting, provided such duties are assigned or delegated to him by the Board or by the stewards presiding at that meeting.

NOTE: Authority cited: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code. Reference: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code.

HISTORY:
1. New rule filed 6-25-76; effective 7-25-76.

Duties of the Clerk of the Course.

The clerk of the course shall keep a record of all registration certificates or certificates of eligibility deposited with or released by the racing association, shall verify that the said certificates correctly reflect the ownership of the horse for which the certificate applies, shall record when directed appropriate identifying information on the said certificates in the custody of the said clerk of the course, is authorized to make transfers of certificates on horses claimed at the meeting and shall perform such other duties as directed by the stewards.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19401(a), (e), Business and Professions Code.

HISTORY:
1. New rule filed 4-12-79; effective 5-12-79.

Article 6. Entries and Declarations

1580. Control over Entries and Declarations.

All entries and declarations are under the supervision of the stewards, and they may, without notice, refuse the entries of any person or the transfer of any entries, and they may also, in their discretion, limit entries by providing that no horse shall be listed for more than one race in any one day.

1581. Racing Secretary to Establish Conditions.

The racing secretary may establish the conditions for any race, the allowances or handicaps to be established for specific races, the procedures for the acceptance of entries and declarations, and such other conditions as are necessary to provide and conduct the association's race meeting.

1581.1. Entries.

No person shall enter or attempt to enter a horse for a race unless such entry is a bonafide entry made with the intention that such horse is to compete in the race for which entry is made.

(a) No horse having been drawn for a post position for any race to be run shall be entered for any subsequent race, other than for a stakes race, until or unless excused by the stewards from the race in which drawn for valid reason or until the race in which it has drawn has been run.

(b) No person shall attempt to enter or enter any horse for a race unless such person is authorized to do so in accordance with the rules.

(c) Every horse drawn in for a post-position in a race shall have a jockey or driver named to ride or to drive such horse before the draw is finalized and no jockey or driver shall be named to ride or to drive more than one such drawn horse in each race.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Sections 19440 and 19562, Business and Professions Code.

HISTORY:
1. New rule filed 6-6-80; effective 7-6-80.
Amendment filed 1-18-84; effective 2-17-84.

1581.2. Prohibition on Entering of Pregnant Mares Beyond 120 Days Gestation.

Notwithstanding Rule 1664 of this division, a pregnant mare may not be entered in a race if she is beyond 120 days of gestation.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19562, Business and Professions Code.

HISTORY:
1. New rule filed 10-16-12; effective 11-15-12.

1582. Form of Entries and Declarations.

(a) Entries and declarations shall be in writing on the forms provided by the association and signed by the owner of the horse, his authorized agent, the trainer of the horse or a representative

delegated by the trainer.

(b) As a condition of the race meeting under Rule 1437 of this division, entries may be made by telephone, facsimile, or any other electronic method deemed appropriate by the association, and the association may require a written confirmation of such entries.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 12-5-06; effective 1-4-07.

1583. Receipt of Entries and Declarations.

The racing secretary is the person authorized to receive entries and declarations for all races. The racing secretary, employees of his department, or racing officials shall not disclose any pertinent information concerning entries which have been submitted until after all entries are closed.

1585. Miscarriage of Entry, Declaration or Payment.

Any entry, declaration, nomination, sustaining payment or other required payment, fee or eligibility documents submitted by mail but not received by the specified time shall not be accepted unless the person mailing the same submits satisfactory evidence of proper mailing in the form of a timely postmark or declaration from a postal representative.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

1586. Joint Subscriptions and Entries.

Joint subscriptions, nominations and entries may be made by two or more partners, and each partner is jointly and severally liable for all stakes and forfeits.

1587. Entries Survive with Transfer.

All entries and rights of entry are valid and survive when a horse is sold with his engagements duly transferred. If a partnership agreement is properly filed with the paymaster of purses, subscriptions, entries and rights of entry survive in the remaining partners. Unless written notice to the contrary is filed with the stewards, the entries, rights of entry, and engagements remain with the horse and are transferred therewith to the new owner. No entry or right of entry shall become void on the death of the nominator unless the conditions of the race state otherwise.

1588. Horse Ineligible to Start in a Race.

In addition to any other valid ground or reason, a horse is ineligible to start in any race:

(a) if such horse is not registered by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(b) if the parentage verification to both the sire and the dam of all horses foaled in 1992 and thereafter has not been certified by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;
(c) if, unless the stewards permit otherwise, the certificate of foal registration, eligibility papers, or other registration issued by the official registry for such horse is not on file with the racing secretary at the time of entry;
(d) if such horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry;
(e) if the certificate of foal registration, eligibility papers or other registration issued by the official registry has been altered, erased, or forged;
(f) if the identification markings of the horse do not agree with the identification markings as set forth in the registration of such horse;
(g) unless he is eligible to enter said race and is duly entered for such race;
(h) when such horse is owned in whole or in part by an unlicensed person or is in the care of an unlicensed trainer;
(i) when such horse is on the Steward's List, the Starter's List or the Veterinarian's List;
(j) when, except with prior approval of the stewards for good cause**,** such horse is on the Veterinarian’s List in another racing jurisdiction. Good cause includes:
(1) unforeseen administrative issues in removing the horse from the Veterinarian’s List of another racing jurisdiction;
(2) the location of the horse prevents it from being evaluated by the official veterinarian of another racing jurisdiction and cleared from that jurisdiction’s Veterinarian’s List, and the horse is approved to race by a California official veterinarian; or
(3) any other unforeseen event or reason that would prevent a horse that would otherwise not be on a Veterinarian’s List from being cleared from the Veterinarian’s List of another racing jurisdiction.
(k) when, except with prior approval of the stewards, such horse has not been on the grounds of the association or its approved auxiliary stable area for at least 24 hours prior to the time the race is to be run.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440 and 19562, Business and Professions Code.

HISTORY:
1. Amendment of subsection (a) filed 7-9-92; effective 8-8-92.
2. New subsection (b) and subsection renumbering filed 7-8-92; effective 8-9-92.
3. Amendment filed 7-15-15; effective 10-1-15.

1591. Horses Ineligible to Be Entered for Claiming Race.

In addition to any other valid ground or reason, a horse is ineligible to be entered for any claiming race when there is a lien on such horse which has been filed with the stewards and the racing secretary, and when such lien is declared as valid for racing purposes by the stewards.

Ineligible Horse to Be Disqualified.

Any horse ineligible to be entered for a race, or ineligible to start in any race, who competes in such race may be disqualified and the stewards may discipline anyone responsible therefor.

1593. Change of Name of Horse.

In the event a horse's name is changed, both his old and his new name must be given in every entry list until he has run three races, and both names must be printed on the official program for those three races.

1594. Registration Certificates to Reflect Correct Ownership.

Every certificate of registration or eligibility certificate filed with the association and its racing secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of such horse, and the name of the owner which is printed on the official program for such horse shall conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered for such owner or ownership with the Board.

1595. Alteration or Forgery of Certificate of Registration.

No person shall alter or forge any certificate of registration, registration paper, certificate of eligibility or any other document of ownership or registration, nor willfully forge or alter the signature of any person required on any such document.

1596. Transfer After Sale of Horse on the Grounds.

Any Board licensee acting as either seller or purchaser, or their agents or representatives, of a racehorse, prospective racehorse, stallion, or brood mare, which is sold while within the inclosure of a racing association or fair licensed to conduct a live racing meeting, shall immediately notify the stewards of such sale and transfer. The stewards shall require a completed Bill of Sale, CHRB Form-101 (3/97), which is hereby incorporated by reference, for any such sale or transfer. If a sale or transfer occurs at an auxiliary stabling facility, a Board-approved training facility, an authorized horse sale or any other location and is sold or purchased by a Board licensee, a completed CHRB Form-101 shall be submitted to the stewards at the nearest racing facility within three (3) calendar days of the sale or transfer.

If the buyer and/or seller do not appear in person before the stewards and/or the stewards cannot independently verify the person's signature, a notarized Bill of Sale, CHRB Form-101, shall be required. CHRB Form-101 shall be available to the public at all Board offices.

NOTE: Authority cited: Sections 19420, 19440, and 19525, Business and Professions Code. Reference: Sections 19420, 19440, and 19525, Business and Professions Code.

HISTORY:
1. Amendment filed 6-20-96; effective 7-20-96.
2. Amendment filed 11-26-97; effective 12-26-97.

Association to Maintain Records of Horses on Its Grounds.

The association shall maintain a list or record of all horses admitted to its grounds for racing by name, and such list or record shall also contain the name of the owner or owners of such horses, and the name of the trainers having care of such horses. Such list or record shall be available for inspection by the stewards or the Board. Additions and deletions of horses entering or leaving the grounds shall be made to such list or records within 48 hours of the entering or leaving of a horse.

1598. Selecting Positions of Entered Horses.

The manner of selecting positions of horses at the post shall be determined by the stewards. The

selection shall be by lot and shall be made by one of the stewards or someone designated by them, in public, at the close of the entries. The horses so drawn shall be entitled to a position at the post corresponding to the number drawn, which number shall be exhibited on the saddlecloth and printed in the program with the name of the jockey or driver.

1599. Excessive Number of Entries.

If the number of entries to any race is in excess of the number of horses which may, because of track limitations, be permitted to start in any one race, the race may be split and the starters shall be determined by lot in the presence of those having made entries, and the post positions shall be in the order in which they are drawn.

1600. Horses Listed As Also Eligible.

If the entries to any purse race exceed the number which may, because of track limitations, be permitted to start in any one race, a list of four or more horses entered shall be drawn from the surplus entries and listed as "also eligible" to be drawn in to the race by lot if any of the first number are declared.

1601. Preferred List of Horses.

The racing secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have precedence in starting in any race of a similar distance and similar conditions in which they are afterward entered. If a horse is eliminated two or more times consecutively it shall have precedence over all other entries which have been eliminated fewer times. For the purpose of this rule, races of a mile or over shall be considered races of similar distances and races of less than a mile shall be considered similar distances.

1602. Time for Declarations.

Any owner, his authorized agent, or trainer of a horse which has been entered for a purse race and has been drawn in to the race and entitled to a post position or is also eligible, who does not wish such horse to start in the race, shall file a request for a declaration not later than the "scratch time" designated for such race by the stewards. Any horse so declared pursuant to such request shall lose all preferences it has accumulated.

1603. Insufficient Entries.

The racing secretary with the agreement of the organization representing the horsemen at the meeting shall establish as a condition of the meeting the minimum number of valid entries required for an overnight race to be considered filled and a race considered filled with a sufficient number of valid entries in accordance with such agreement shall be run. If there are insufficient entries for a race to be considered filled, such race may be declared off with approval of the stewards and a substitute race used.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19401, Business and Professions Code.

HISTORY:
1. Amendment filed 6-6-80; effective 7-6-80.

1604. Splitting of Overnight Race.

If a race is declared off because of insufficient entries, the association may split an overnight race which may have closed and may cause a new drawing for post positions.

1605. Change in Conditions After Entry Prohibited.

After any entry to a race whose conditions have been published has been accepted by the racing secretary or his delegate, no condition of such race shall be changed, amended or altered, nor shall any new condition for such race be imposed.

1606. Association to Disclose Ownership.

(a) If two or more horses that are entered in the same race are owned in whole or in part by the same person or persons, or are trained by the same trainer, the racing association shall take such actions as are necessary to adequately inform the public, including publishing the name of the owners and trainer in the official program as required under Rule 1461 of this division, and announcing the circumstances over the public address system.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19401, Business and Professions Code.

HISTORY:
1. Amendment filed 10-22-74; effective 11-21-74.
2. Amendment filed 12-12-80; effective 1-11-80.
3. Amendment filed 8-12-81 as an emergency; effective 8-12-81.
4. Order of Repeal of 8-12-81 emergency order filed 8-12-81 by OAL.
5. Amendment filed 1-4-82; effective 2-3-82.
6. Amendment filed 5-7-07; effective 6-6-07.
7. Amendment filed 10-30-08; effective 11-29-08.
8. Amendment filed 10-20-09; effective 11-19-09.
9. Amendment filed 7-12-11; effective 8-11-11.

1607. Classification of Horses.

The handicapper shall classify all horses he is requested to classify so that they may be eligible for handicaps or graded handicaps, and he may change the class of any horse. The name and class of all horses so classified shall be posted in the office of the racing secretary.

1608. Posting Weight in Handicaps.

The handicapper must post the weight in all handicaps not later than 6 P.M. on the date set for publication.

1609. Liability to Penalty.

For every handicap for which there is a penalty clause, the handicapper shall append to the weight the day and hour in which winners will be liable to a penalty, and no alterations shall be made in any handicap after publication except in case of omission through error of the name or weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

1610. Official Records for Eligibility.

In determining the eligibility, penalty or penalties, and the right to allowance or allowances, the records of the racing secretary and the paymaster of purses shall be considered as official

records, which records may be substantiated by the charts and records of the Daily Racing Form or any other service recognized by the Board.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19401, Business and Professions Code.

HISTORY:
1. Amendment filed 11-1-95; effective 12-1-95.

1611. Claim for Allowance.

Any allowance must be claimed at the time of entry. Failure to claim an allowance or the fact that an allowance was not given a horse shall not be grounds for disqualification of such horse.

1612. Claim of Preference.

No claim for preference in entry to any race shall be considered unless marked on the entry blank by the person authorized to make entry.

1614. Allowance for Fillies and Mares.

Except in races where the conditions of the race expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and older are allowed five pounds between January 1st and August 31st, and are allowed three pounds between September 1st and December 31st.

1615. Scale of Weights for Age.

The following scale of weights for age shall be carried if the conditions for a race do not specify otherwise:

DISTANCE – 1/2 MILE:

Age - 2 years
January through July - not applicable
August - 105
September - 108
October - 111
November/December - 114

Age - 3 years
January/February - 117
March/April - 119
May - 121
June - 123
July - 125
August - 126
September - 127
October - 128
November/December - 129

Age - 4 years
January through December - 130

Age - 5 years and up
January through December - 130

DISTANCE - 3/4 MILE:

Age - 2 years
January through July - not applicable
August - 102
September - 105
October - 108
November/December - 111

Age - 3 years
January/February - 114
March/April - 117
May - 119
June - 121
July - 123
August - 125
September - 126
October - 127
November/December - 128

Age - 4 years
January/February - 129
March through December - 130

Age - 5 years and up
January through December - 130

DISTANCE - 1 MILE:

Age - 2 years
January through August - not applicable
September - 96
October - 99
November/December - 102

Age - 3 years
January/February - 107
March/April - 111
May - 113
June - 115
July - 117
August - 119
September - 121
October - 122
November/December - 123

Age - 4 years
January/February - 127
March/April - 128
May - 127
June through December - 126

Age - 5 years and up
January through April - 128
May - 127
June through December - 126

DISTANCE - 1 1/4 MILE:

Age - 2 years
January through December - not applicable

Age - 3 years
January/February - 101
March/April - 107
May - 111
June - 113
July - 116
August - 118
September - 120
October - 121
November/December - 122

Age - 4 years
January/February - 125
March through May - 127
June through December 126
Age - 5 years and up
January through May - 127
June through December - 126

DISTANCE - 1 1/2 MILE:

Age - 2 years
January through December - not applicable

Age - 3 years
January/February - 98
March/April - 104
May - 108
June - 111
July - 114
August - 117
September - 119
October - 121
November/December - 122

Age - 4 years
January/February - 124
March through December - 126

Age - 5 years and up
January through December - 126

DISTANCE - 2 MILES:

Age - 3 years
January/February - 96
March/April - 102
May - 106
June - 109
July - 112
August - 114
September - 117
October - 119
November/December - 120

Age - 4 years
January/February - 124
March through July - 126
August/September - 125
October through December - 124

Age - 5 years and up
January through July - 126
August/September - 125
October through December - 124

In a race of intermediate distance weights for the shorter distance shall be carried.

1616. Minimum Weights to Be Carried.

Notwithstanding any other provision of this Division, the minimum weight to be carried in all overnight races for two-year-olds only, for three-year-olds only, and for four-year-olds and upward shall be 112 pounds subject to further sex and apprentice allowances. The minimum weight to be carried in all races except handicap and stakes races, shall be 103 pounds.

NOTE: Authority cited: Sections 19562 and 19590, Business and Professions Code. Reference: Sections 19562 and 19590, Business and Professions Code.

HISTORY:
Amendment filed 12-23-96; effective 1-22-97.

1617. Improper Claim for Allowance.

No person shall claim at the time of entry a weight allowance for a horse for which such horse is not entitled. A claim to allowance for which a horse is not entitled is not a cause for disqualification unless carried out at scale.

1618. When Penalties or Allowances Prohibited.

No horse shall be required to carry extra weight nor be allowed extra weight reduction nor be barred from entering any race due in whole to having been beaten in one or more races; provided that this shall not prohibit maiden allowances or allowances to horses that have not won within a specified time races of a specific value.

1619. Apprentice Allowance.

An apprentice jockey shall be allowed the following weight allowances in all Thoroughbred,

Appaloosa, Arabian and Paint races:

(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.

(b) A seven pound allowance until the apprentice has ridden an additional 35 winners; and

(c) If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding their fifth winner, they shall have an allowance of five pounds until the end of that year.

(d) If after one year from the date of his or her fifth winning mount the apprentice has not ridden 40 winners, the applicable weight allowance shall continue for one more year or until the date of the 40th winner, whichever comes first.

An apprentice allowance may be waived with consent of the Stewards.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 3-18-97; effective 4-17-97.

1620. No Penalty for Winning Certain Races at Fairs.

A horse which wins a race at a fair race meeting in this State shall not be penalized for such winning in races run thereafter at any race meeting other than a fair race meeting if the net purse to such winning horse at such fair race is $2,750 or less. This rule shall not apply to a maiden allowance which maiden allowance shall be lost by the winning of any race.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

HISTORY:
1. Amendment filed 4-12-79; effective 5-12-79.

1621. Winnings.

The winnings of a horse consist of its gross winnings. Winnings during the year shall include all prizes from the first of January preceding the time appointed for the start and include races in any country, and include walkover purses. Winning of a fixed sum means winning it in any one race unless otherwise specified in the conditions of the race. Foreign winnings shall be estimated on the basis of the normal rate of exchange on the day of winning. Winnings in Canada when such winnings are expressed in dollars shall not be considered as foreign winnings.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:

1. Amendment filed 4-21-83; effective 5-21-83.

1624. Records of Foreign and Imported Horses.

The owner of any horse which has not previously raced at a recognized meeting in the United States or which has raced elsewhere, must furnish to the racing secretary prior to the entry of such horse to any race in this State, performance records of said horse's races during the past year showing where and when said horse did race, the distance, weight carried and said horse's finishing position and time. If such records are incomplete or unavailable, the owner or his representatives must submit an affidavit to such effect to the racing secretary. If such records or affidavit are not submitted, such horse shall be ineligible to start unless approval is first obtained from the Board.

1625. Penalties and Allowances Not Cumulative.

Penalties and allowances are not cumulative unless so declared by the conditions of the race.

1626. Refund of Fees.

If a stakes race is not run or declared or cancelled, stakes money and entrance money or fees shall be returned to the person contributing such stakes or entrance money. No refund of entrance or stakes money shall be refunded due solely to the death of a horse or his failure to start, or upon a finding by the stewards that the horse entered was ineligible to enter such stakes race or was ineligible to start in such race.

1627. Declarations from Race Irrevocable.

The declaration of a horse from a race is irrevocable.

1628. Declaration for Physical Disability.

The stewards may declare a horse out of a race when in the opinion of the Official Veterinarian or the Racing Veterinarian such horse cannot give his best efforts to win such race due to physical disability or other physical cause. The further entry to any race in this State of such horse shall not be accepted until the expiration of at least 48 hours from the time of declaration and until the said horse has been examined, and his physical condition approved for racing by the Official Veterinarian.

1629. Penalty for Late Declaration.

No person other than the stewards may declare a horse out of any overnight race after the "scratch time" designated for such race by the stewards, and the starting of such horse is obligatory. Any person responsible for the failure of any horse to start in a race when the starting of such horse is obligatory may be disciplined by the stewards.

1630. Declaration in Stakes Races.

A declaration of a horse from a stakes race may be made until one hour before post time for that race after which time the starting of such horse is obligatory. Notwithstanding the foregoing, a request for the declaration of a horse from an overnight stakes race shall be made no later than the scratch time for overnight races and may only be granted with the approval of the Stewards.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19440 and 19562, Business and Professions Code.

HISTORY:

1. Amendment filed 10-11-90; effective 11-10-90.

1631. Walkover Races.

When a walkover is a result of arrangements by owners or trainers of horses engaged to race, no prize or stake need be given. If a walkover occurs any entrance money or stakes money shall go to the winner, but any added money of the association for such race need not be given.

1632. Jockey's Riding Fee.

(a) Winning jockey riding fees in the absence of a contract or special agreement are:

Gross Purse	**Winning Mount**
$100,000 and up:	10% of Win Purse
50,000-99,999:	10% of Win Purse
25,000-49,999:	10% of Win Purse
15,000-24,999:	10% of Win Purse
10,000-14,999:	10% of Win Purse
5,000-9,999:	10% of Win Purse
3,500-4,999:	10% of Win Purse
2,000-3,499:	10% of Win Purse
1,500-1,999:	10% of Win Purse

(1) The purpose of subsection (a) is not to set a minimum or maximum fee. It provides a fee if the parties have not made a written agreement to the contrary.

(2) All fees pursuant to subsection (a) are payable in the lower purse range until the next higher purse range is reached, unless there is a written agreement to the contrary.

(b) Non-winning jockey riding fees are:

GROSS PURSE	**2nd Mount**	**3rd Mount**	**Losing Mount**
$100,000 and up:	5% of Place Purse, plus $10.00	5% of Show Purse, plus $10.00	$168.74
50,000-99,999:	5% of Place Purse, plus $10.00	5% of Show Purse, plus $10.00	137.49
25,000-49,999:	5% of Place Purse, plus $10.00	5% of Show Purse, plus $10.00	118.74
15,000-24,999:	5% of Place Purse, plus $10.00	5% of Show Purse, plus $10.00	106.24
10,000-14,999:	5% of Place Purse, plus $10.00	5% of Show Purse, plus $10.00	99.99
5,000-9,999:	$112.49	$96.25	93.75
3,500-4,999:	99.99	87.49	81.25
2,000-3,499:	87.49	81.25	78.75
1,500-1,999:	74.99	72.49	72.49

(1) The purpose of subsection (b) is to set a minimum, but not a maximum riding fee. No non-winning jockey shall be paid less than the riding fee set forth in subsection (b).

(2) All fees pursuant to subsection (b) are payable in the lower purse range until the next higher purse range is reached unless there is a written agreement to the contrary. However, no such written agreement shall reduce the minimum required by subsection (b).

(c) A jockey's fee is considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey elects to take himself off of his mount. If there is a substitution of jockeys, no additional jockey fee or double jockey fee need be paid except when ordered by the stewards.

(d) In this rule "Win Purse" means the amount paid the winning horse less the fees paid exclusively by the owner to enter the horse in the race;

(1) Entry, nomination or other fees paid shall not be deducted from a jockey riding fee if such fees are paid or reimbursed by any person or entity other than the owner.

(e) If the parties agree on the fee to be paid the jockey, a contract or agreement in writing signed by the jockey or his agent and the owner or his authorized agent specifying the agreed upon fee if a winning mount, second place mount, third place mount and losing mount shall be delivered to the paymaster of purses before the running of the race in question. The paymaster of purses shall debit the owner's purse account under the contract or written agreement. If no contract or written agreement is submitted before the running of the race in question, the paymaster of purses shall debit the owner's purse account under the fee scale set forth in this rule.

(f) A jockey may not share in the fees of another jockey.

NOTE: Authority cited: Sections 19440, 19501 and 19562, Business and Professions Code. Reference: Sections 19401(a), 19401(d), 19420, 19440, 19501 and 19502, Business and Professions Code.

HISTORY:
1. Amendment filed 8-15-74; effective 9-14-74.
2. Amendment filed 10-6-78; effective 11-5-78.
3. Amendment filed 6-8-79; effective 7-8-79.
4. Amendment filed 11-25-86; effective 11-25-86.
5. Amendment filed 12-6-99; effective 12-6-99.
6. Amendment filed 2-28-01; effective 2-28-01.
7. Amendment filed 1-10-08; effective 1-10-08.
8. Amendment filed 3-29-10; effective 3-29-10.
9. Amendment filed 11-28-11; effective 11-28-11.
10. Amendment filed 5-12-14; effective 5-12-14.
11. Amendment filed 7-23-15; effective 10-1-15.
12. Amendment filed 12-10-15; effective 1-1-16.

1633. Release of Certificates of Registration.

(a) Any certificate of registration filed with the racing secretary to establish eligibility to enter a race shall be released only to:

(1) the trainer of record or;

(2) the owner(s) named in the certificate or;

(3) at the request of the owner(s), to a person designated by the owner(s) in writing or;

(4) if unclaimed at the end of the meeting, to the Board.

(b) Under no circumstances shall any person remove and hold a certificate of registration:

(1) to prevent a horse from racing or;

(2) to remove a legal owner's name without authorization.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19460 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-4-94; effective 5-5-94.

Article 7. Claiming Races

1634. Claiming Option Entry.
(a) At the time of entry into a claiming race, the owner may opt to declare a horse ineligible to be claimed provided:
(1) The horse has been laid off and has not started for a minimum of 180 days since its last race, and

(2) The horse is entered for a claiming price equal to or greater than the price at which it last started.

(b) Failure to declare the horse ineligible at the time of entry may not be remedied.

(c) Ineligibility shall apply only to the first start following each such layoff.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19408.2 and 19562, Business and Professions Code.

HISTORY:
1. New rule filed 8-21-08; effective 9-20-08.

1650. Racing Interest Defined.

For the purposes of this article a racing interest is defined as any individual owner, or any partnership of owners, or any registered stable, but not including a lessee, which participates as an owning entity or nominator of a race horse. A licensed owner may participate in more than one racing interest.

Eligibility to Claim.

In claiming races any horse is subject to being claimed for its entered price by any racing interest, by any licensed horse owner, or by any person who has established his qualifications to claim by filing an application for license as horse owner and having been granted a certificate authorizing the claim. Such claim certificate shall not be issued until all conditions and qualifications for a horse owner's license have been met or completed.

HISTORY:
1. Amendment filed 11-16-73; effective 1-1-74.

1652. Prohibited Actions with Respect to Claims.

No person shall:

(a) Enter into or offer to enter into any agreement to claim any horse unless all parties to the agreement are eligible to claim.

(b) Claim his own horse or cause his own horse to be claimed directly or indirectly for his own account.

(c) Attempt to prevent or prevent any racing interest from running a horse in any race for which it is entered or from claiming any horse in any claiming race.

(d) Make any agreement with any other person or racing interest for the protection of each other's horses in any claiming race.

(e) Make any loan agreement for the purpose of obtaining funds for the claim of any horse when a condition of such agreement is a lien on the horse to be claimed.

(f) Except with permission of the stewards, remove any horse which has been entered in a claiming race from the grounds of the association where it is entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse.

(g) Claim more than one horse for the account of any one racing interest from any one claiming race, nor, if an authorized agent representing more than one racing interest, file more than two separate claims on behalf of any of the racing interests he may represent.

(h) Offer any monetary or other reward to any pony boy, exercise boy, groom, stable employee or other licensee for information relative to the physical condition or merit of a horse, or provide information relative to the physical condition or merit of a horse, from the time such horse is entered in a claiming race until the expiration of time to make a claim on such horse in that claiming race.

HISTORY:

1. Amendment filed 6-14-74 as an emergency; effective 6-14-74.
2. Amendment filed 6-25-76; effective 7-25-76.

1653. Responsibility for Prohibited Actions.

If a racing interest is comprised of more than one licensed owner, all owners comprising such racing interest are jointly and severally liable for any action of the racing interest.

1654. Affidavit May Be Required.

The stewards may require any person or any racing interest, its members or authorized agent, making a claim for a horse in any claiming race to make an affidavit in writing that he is claiming said horse for his own account if an individual owner, for the account of the racing interest if comprised of more than one licensed owner, or for the claiming racing interest if an

authorized agent, and that the claim is not being made for any other person.

1655. Form and Deposit of Claim.

(a) All claims shall be in writing on a form approved by the Board, and shall be sealed and deposited in the claim box at least 15 minutes before the post time of the race in which the horse to be claimed is entered.

(b) No money shall accompany a claim form. Any person or racing interest making a claim shall first have the amount of the claim on deposit with the association or the paymaster of purses at the meeting. The paymaster or other authorized official shall verify the amount required is on deposit and that the person submitting the claim is eligible to claim under Rule 1651 of this division by initialling or otherwise marking the claim envelope.

(c) The filing of a claim by depositing the claim form in the claim box constitutes a contract of purchase at the established price and under the rules for claiming.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Sections 19408.2 and 19562, Business and Professions Code.

HISTORY:
Amendment filed 4-21-83; effective 5-21-83.
Amendment filed 12-6-99; effective 12-6-99.

1656. Errors Which Invalidate Claim.

A claim is invalid if the name of the horse to be claimed is erroneously spelled or not specified on the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is hereby incorporated by reference; or if the claim form is not signed by an owner authorized to claim or a member of a racing interest authorized to claim or their properly registered authorized agent; or is not accompanied by a certification from the paymaster of purses that the amount of the claim and all applicable taxes is on deposit with the association or such paymaster of purses; or is deposited at a place other than that provided by the association; or is not deposited within the correct time; or does not specify the racing interest making the claim; or does not correctly specify the name of the new trainer, the claiming race number, or the date of the claiming race; or is otherwise so defective in any particular that the stewards cannot approve its validity; or fails to specify the designated claiming price.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19408.2 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 10-17-12; effective 11-16-12.
2. Amendment filed 4-7-14; effective 7-1-14.
3. Amendment filed 9-17-14; effective 9-17-14.

1657. Opening of Claim.

After the horses in a claiming race have reached the post, the stewards or their delegate shall open and examine the claims but no information concerning such claims shall be divulged to anyone other than the authorized racing officials until the race has been run. Should more than one claim be filed for the same horse, the successful claimant shall be determined by lot in a manner specified by the stewards.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Sections 19408.2 and 19562, Business and Professions Code.

HISTORY:

Amendment filed 4-21-83; effective 5-21-83.

1658. Vesting of Title to Claimed Horse.

(a) Title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter; and said successful claimant becomes the owner of the horse unless voided by the stewards under the provisions of this article. Only a horse which is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the Board shall have no effect upon the claim.

(b) The stewards shall void the claim and return the horse to the original owner if:

(1) The horse suffers a fatality during the running of the race or dies or is euthanized before leaving the track, or

(2) The racing or official veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound or lame before the horse is released to the successful claimant.

(A) "Bled" is defined as the racing or official veterinarian observing a horse bleeding from one or both nostrils during or after the race, and determining that such bleeding is a direct result of exercise induced pulmonary hemorrhage.

(c) The stewards shall not void the claim if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame.
(1) An election made under subsection (c) of this rule shall be entered on the form CHRB-11(Rev. 8/14) Agreement to Claim, in accordance with section 1656 of this article.

(d) The claim shall be void if the race is called off, canceled, or declared no contest in accordance with Rule 1544 of this division.

NOTE: Authority: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:

1. Amendment filed 11-22-06; effective 12-22-06.
2. Amendment filed 10-04-11; effective 11-03-11.
3. Amendment filed 4-07-14; effective 7-1-14.
4. Amendment filed 9-17-14; effective 9-17-14.
5. Amendment filed 3-08-16; effective 7-01-16.

1659. Delivery of Claimed Horse.

A horse which has been claimed shall not be delivered by the original owner to the successful claimant until authorization is given by the stewards, and every horse so claimed shall run for the account of the racing interest in whose name it is entered for such race. No horse claimed out of a claiming race shall remain in the same stable under the management of its former owner or

trainer.

1660. Delivery of Certificates or Documents.

A proper transfer of certificate of registration or eligibility certificate shall be made by the stewards or the delegated racing official indicating transfer of ownership to the successful claimant. No person shall willfully refuse to surrender any document of ownership or other document required by the stewards for the purpose of avoiding or hindering the transfer of a successfully claimed horse to a successful claimant.

1661. Warranty of Clear Title.

Every racing interest entering a horse in a claiming race does warrant that the title to said horse is free and clear of any existing claim or lien, either as mortgage, bill of sale, or lien of any kind, unless before entering such horse the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards.

1662. Sale or Transfer of Claimed Horse.

No horse claimed out of a claiming race shall be sold or transferred to any person for racing purposes within 30 days exclusive of the day such horse was claimed.

HISTORY:
1. Amendment filed 6-14-74 as emergency; effective 6-14-74.

1663. Entry of Claimed Horse

(a) A horse claimed out of a claiming race is eligible to race at any racing association in California immediately after being claimed.
(b) If a claimed horse is entered in a claiming race within 25 days of being claimed:
(1) The horse that won the claiming race from which it was claimed shall start for at least 25 percent more than the amount for which it was claimed.
(2) A horse that did not win the claiming race from which it was claimed shall start for at least the same amount for which it was claimed.
(c) A claimed horse may be removed from the grounds of the association where it was claimed for non-racing purposes.
(d) The provisions of subsection (a) of this rule do not apply to standardbred horses.

NOTE: Authority cited: Sections 19420, and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 6-14-74 as emergency; effective 6-14-74.
2. Amendment filed 9-13-90; effective 10-13-90.
3. Amendment filed 5-19-98; effective 5-19-98.
4. Amendment filed 12-6-99; effective 12-6-99.
5. Amendment filed 8-24-05; effective 8-24-05.
6. Amendment filed 6-25-12; effective 7-25-12.

1664. Entry of Mare in Foal in a Claiming Race.

(a) A mare may not be entered in a claiming race when it is pregnant, unless before the time of entry the owner deposits with the racing secretary a signed agreement whereby the owner at the time of entry provides the successful claimant without cost, protest or fee of any kind, a valid

stallion service certificate covering the breeding of the mare.

(b) A successful claimant of a mare may file with the Board a petition to rescind the claim within 30 days after the date of claim if the successful claimant finds the claimed mare is pregnant and the agreement to provide a stallion service certificate has not been deposited as required by this rule.

NOTE: Authority cited: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code. Reference: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code.

HISTORY:
New rule filed 6-25-76; effective 7-25-76.
Amendment filed 12-6-99; effective 12-6-99.

1665. Rescission of Claim.

The Board may set aside and order rescission of a claim for any horse from a claiming race run in this State upon a showing that any party to the claim committed any prohibited action with respect to the claim or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of this article regarding entry of a horse into a claiming race. Should the Board order a rescission of a claim it may also, in its discretion, make a further order for the costs of maintenance and care of the horse as it may deem appropriate. Any petition or action taken to rescind a claim shall be commenced no later than 30 days from the date the claim was made.

NOTE: Authority cited: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code. Reference: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code.

HISTORY:
1. New rule filed 6-25-76; effective 7-25-76.

Claims at California Fair Circuit.

The Alameda County Fair, the Solano County Fair, the Sonoma County Fair, the San Joaquin County Fair, the Humboldt County Fair, the California State Fair, the San Mateo County Fair and the Fresno District Fair together are deemed to comprise the Northern California Fair Circuit. For the purposes of claiming the Northern California Fair Circuit shall be considered as one race meeting.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Sections 19408.2 and 19562, Business and Professions Code.

HISTORY:
1. New rule filed 6-14-74 as an emergency; effective 6-14-74.
2. Amendment filed 4-21-83; effective 5-21-83.

Article 8. Running the Race

1680. Jockeys and Drivers to Report.

(a) Every jockey engaged to ride in a race shall report to the Jockey Room at least one hour before post time of the first race unless excused by the stewards. Every jockey shall weigh out at the appointed time. After reporting, a jockey shall not leave the Jockey Room except to ride in a race until all his or her engagements for the day have been fulfilled unless excused earlier by the stewards.

(b) Every driver engaged to drive in a race shall report to the Driver Room at least one hour before post time of their first race. After reporting, a driver shall not leave the Driver Room except to drive in a race until all of his or her engagements for the day have been fulfilled unless excused earlier by the stewards.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 10-13-94; effective 11-12-94.

1682. Weighing Out.

All jockeys taking part in a race must be weighed out by the clerk of scales no more than one hour preceding the time fixed for the race. Any overweight in excess of one pound shall be declared by the jockey to the clerk of scales, who shall have such overweight and any change to jockeys posted immediately for public information and announced over the public address system.

1683. Maximum Overweight.

No horse shall carry more than two pounds overweight without consent of its owner, his agent, or his representative, but shall not carry more than seven pounds overweight in any race.

1684. Items Included in Weight.

A jockey's weight includes his riding clothing, saddle and pad. It shall not include the jockey's safety helmet, safety vest, whip or the horse's bridle.

NOTE: Authority cited: Sections 19481 and 19562, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

HISTORY:
1. Amendment filed 11-29-83; effective 12-29-93.
2. Amendment filed 12-23-96; effective 1-22-97.

1685. Equipment Requirement.

(a) No bridle shall weigh more than two (2) pounds.

(b) Whips allowed for use in flat racing shall be unaltered from the original manufacturer; shall have shaft and flap (popper); shall weigh no more than 8 ounces and shall not be more than 30 inches in length.

(1) The minimum diameter of the shaft shall be 0.5 inches, with a smooth, padded contact area that has no protrusions or raised surface.

(c) The only allowed attachment to the shaft is the flap (popper), which shall not extend more than 1 inch beyond the end of the shaft.

(1) The flap (popper) shall have a width of not less than 1 inch, or more than 1.5 inches; shall have a minimum length of 7 inches; and a minimum circumference of 3 inches measured around the width. The flap (popper) shall have no reinforcements or additions beyond the end of the shaft, and no binding within 7 inches of the end of the shaft.

(2) The flap (popper) shall be folded over and sewn down each side. It shall have an inner layer consisting of memory foam, closed cell foam, or a similar shock-absorbing material, and an outer layer that is dark in color and made of a material that does not harden over time.

(d) All whips are subject to inspection and approval by the stewards.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19441.2 and 19481, Business and Professions Code.

HISTORY:

1. Amendment filed 4-15-93; effective 5-17-93.
2. Amendment filed 1-9-96; effective 2-8-96.
3. Amendment filed 3-29-10; effective 4-28-10.

1686. Responsibility for Weight.

The trainer and owner shall be responsible for the weight carried by the horse after the jockey has been weighed out for the race by the clerk of scales. The trainer or owner may substitute a jockey when the engaged jockey reports an overweight in excess of two pounds.

1687. Deposit of Jockey Fee.

The minimum jockey mount fee for a losing mount in the race must be on deposit with the paymaster of purses, except for a jockey riding for his contract employer, prior to the time for weighing out, and failure to have such minimum fee on deposit is cause for disciplinary action and cause for the stewards to declare the horse for which such fee is to be deposited. The association assumes the obligation to advance the minimum jockey fee to the engaged jockey in the absence of a declaration of the horse from the race, and any such advanced fee is a lien upon the horse.

1688. Use of Riding Crop.

(a) In all races where a jockey will not ride with a riding crop, an announcement shall be made over the public address system of such fact.

(b) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race is prohibited from using a riding crop on a horse:
(1) on the head, flanks, or on any parts of its body other than the shoulders or hind quarters;
(2) during the post parade except when necessary to control the horse;
(3) excessively or brutally causing welts or breaks in the skin;
(4) when the horse is clearly out of the race or has obtained its maximum placing;
(5) persistently even though the horse is showing no response under the riding crop; or
(6) more than three times in succession without giving the horse a chance to respond before using the riding crop again.

(c) Correct uses of the riding crop are:
(1) showing horses the riding crop before hitting them;
(2) using the riding crop in rhythm with the horse's stride; and
(3) using the riding crop as an aid to maintain a horse running straight.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19440, 19481 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 6-4-93; effective 7-5-93.
2. Amendment filed 12-23-96; effective 1-22-97.
3. Amendment filed 3-2-15; effective 7-1-15.

1689. Safety Helmets Required.

(a) A racing association, fair, or authorized training facility may not permit any person to be mounted on a horse on the racetrack, be mounted in or riding on a sulky, or work as a member of the gate crew unless the person is wearing a properly fastened safety helmet.

(1) For purposes of this regulation, a member of the gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

(2) For purposes of this regulation, “racetrack” means the surface of the racing or training track.

(b) Safety helmets required under subsection (a) of this rule shall comply with one of the following product standards:

(1) American Society for Testing Materials (ASTM) standard F-1163-04a, or
(2) European Standard (EN) 1384:1996, or
(3) Australian and New Zealand Racing Boards (AS/NZS) standard 3838:2006, or
(4) Snell Memorial Foundation (Snell) Standard for Protective Headgear H2000.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19481 and 19460, Business and Professions Code.

HISTORY:
1. Amendment filed 7-26-94; effective 8-25-94.
2. Amendment filed 12-23-96; effective 1-22-97.
3. Amendment filed 8-16-10; effective 9-15-10.

1689.1. Safety Vest Required.

(a) No jockey or apprentice jockey shall ride in a race unless wearing a safety vest, nor shall a jockey, apprentice jockey, or exercise rider, train or exercise any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(b) No driver shall be mounted in or riding on a sulky, nor shall an assistant starter handle any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(c) Safety vests required to be worn in accordance with this regulation shall:

(1) Provide a minimum of shock absorbing protection to the upper body, as evidenced by a label indicating that the safety vest meets one of the following standards:

(A) “Level 1” under the British Equestrian Trade Association (BETA) 2009 Standard for Horse Riders’ Body and Shoulder Protectors, or

(B) American Society for Testing Materials (ASTM) standard F2681-08, or

(C) Shoe and Allied Trades Research Association (SATRA) (1999) Jockey Vest Standard, Document M6 Issue 3, Australian Racing Board (ARB) 3.

(2) Cover the entire torso from the collarbone to a line level with the hip bone allowing a vee opening in the front neckline;

(3) Weigh no more than 2 pounds.

(4) No vest shall be altered from its original manufactured design. This includes, but is not limited to:
(A) Cutting the vest to customize fit.
(B) Removal of manufacturer’s labels.
(C) Removal of protective padding.

(d) The weight of a safety vest shall not be included in the weight of a jockey or apprentice jockey when weighing out or weighing in or when adding weight to make up a weight assignment.

NOTE: Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

HISTORY:
1. New rule filed 10-26-93; effective 1-1-94.
2. Amendment filed 12-23-96; effective 1-22-97.
3. Amendment filed 2-15-01; effective 2-15-01.
4. Amendment filed 6-9-10; effective 7-9-10.

Prohibited Equipment.

No spurs or steels, twitches, war bridles, or any other appliances other than regular approved racing equipment shall be used on any horse except with express permission of the stewards, who shall report any such permitted use to the Board with the reasons therefor.

1690.1. Toe Grabs Prohibited.

Toe grabs with a height greater than four millimeters worn on the front shoes of thoroughbred horses while racing are prohibited.

NOTE: Authority cited: Section 19420, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. New rule filed 1-9-06; effective 2-8-06.

1691. Colors, Number, and Advertising.

(a) A jockey shall be properly attired for riding in a race, wearing the colors of the owner of the horse he or she is riding, and exhibiting a number on the saddlecloth that corresponds to the number of the horse on the official program.

(b) Advertising, including logos, labels, or product endorsements shall be permitted on jockey attire, owner silks, and track saddlecloths from the point of weighing out for a race to weighing in after its conclusion.
(c) A copy of the advertisement signage must be submitted for review, for compliance with the provisions of this rule, to the stewards at the track where the advertisement will be worn before the horse is entered to race.
(d) Advertisement on jockey clothing is limited to:
(1) A maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and knee and 10 square inches on the rear at the base of the spine.
(2) A maximum of 24 square inches on boots and leggings on the outside of each nearest the top of the boot.
(3) A maximum of 6 square inches on the front center in the neck area.
(e) Advertisement on owner silks is limited to:
(1) A maximum of 32 square inches on the chest area.
(2) A maximum of 1.5 inches by 4 inches on each collar.
(f) Advertisement on track saddlecloths is not limited to size or placement.

NOTE: Authority cited: Sections 19420 and 19562, Business and Professions Code. Reference: Sections 19420 and 19562, Business and Professions Code.

HISTORY:
1. New subsection (b) filed 7-9-92; effective 8-8-92.
2. Amendment filed 2-13-02; effective 2-13-02.

1692. Requirements for Horse, Trainer and Jockey.

Each horse starting in a race must be qualified for that race, ready to run, in physical condition to exert its best effort, and entered with the intention to win. Each trainer having the care or custody of such horse warrants it is fit to participate when brought to the paddock. Such trainers shall be present at the paddock to supervise the saddling of the horse and shall give instructions to assure the best performance of the horse.

Jockeys going to the post in any race shall race their mount to win, shall give their best efforts in the race to their mount and the public, and shall ride their mount out until the finish line is passed.

No person shall, or attempt to, instruct, induce or otherwise solicit any jockey or trainer to ride or perform in a manner contrary to this rule.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 7-23-97; effective 8-22-97.

1693. Control of Horses and Jockeys on Entering the Track.

The horses are under the control of the starter from the time they enter the track until dispatched at the start of the race. After entry on the track or race course, the horses are not entitled to further care from their attendants, except in case of accident the starter may permit the jockeys to dismount and the horses to be cared for during the delay; otherwise, no jockey shall dismount until after the finish of the race. The horse must be started by the jockey, but with the sanction of the starter it may be led to its position in the gate by an assistant starter. With the sanction of the starter an assistant starter may enter the gate to handle a fractious horse. No assistant starter shall

in any way impede, whether intentionally or otherwise, a fair start.

Parade of Horses.

All horses shall parade, carrying their weight and wearing their equipment, from the paddock to the starting post. Any horse failing to do so may be declared by the stewards. No lead pony leading a horse in the parade shall be ridden so as to obstruct the public's view of any horse which is to race, except with the permission of the stewards or their delegate who shall report the granting of such permission and the reasons therefor to the Board.

1695. To the Post.

After entering the race course track, not more than twelve minutes shall be consumed in the parade of horses to the post except in cases of unavoidable delay. After passing the stands once, the horses may break formation and canter, warm up or go as they please to the post. When the horses have reached the post they shall promptly be placed in their starting gate stalls in the order of their post positions, unless otherwise ordered by the starter. The starter shall see that the horses are placed in their proper positions without unnecessary delay. Causes for any delay in the start shall immediately be reported to the stewards.

1696. The Start.

Except in cases of emergency, every horse shall be started from an approved starting gate by the starter. If the doors at the front of the starting gate stall should not open due to a mechanical failure or a malfunction of the starting gate, when the starter dispatches the field, or should a horse not be in the starting gate stall when the field is dispatched, thereby causing such horse to be left, the starter shall immediately report such fact to the stewards, and the stewards may declare such left horse to be a non-starter.

HISTORY:
1. Amendment filed 4-10-75; effective 5-10-75.

1697. Declaration of Horse by Stewards.

After entering the race course track for the post, a horse shall only be declared by the stewards when they consider such horse unfit to run in the race. No horse determined to be a starter shall be excused or declared from the race. Any horse which breaks through the gate or runs off without effective control shall be examined by the racing veterinarian and determined to be fit to compete before being permitted to start.

1698. Failure to Start and Run.

No person shall willfully or negligently cause any horse whose starting is obligatory to fail to start and run its race.

1699. Riding Rules.

During the running of the race:

(a) A leading horse is entitled to any part of the course but when another horse is attempting to pass in a clear opening the leading horse shall not cross over so as to compel the passing horse to shorten its stride.

(b) A horse shall not interfere with or cause any other horse to lose stride, ground or position in

a part of the race where the horse loses the opportunity to place where it might be reasonably expected to finish.

(c) A horse which interferes with another and thereby causes any other horse to lose stride, ground or position, when such other horse is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the Stewards, be reasonably expected to finish, may be disqualified and placed behind the horse so interfered with.

(d) Jockeys shall not ride carelessly, or willfully, so as to permit their mount to interfere with or impede any other horse.

(e) Jockeys shall not willfully strike or strike at another horse or jockey so as to impede, interfere with, intimidate, or injure.

(f) If a jockey rides in a manner contrary to this rule, the mount may be disqualified and the jockey may be suspended or otherwise disciplined by the Stewards.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Sections 19461 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 8-13-97; effective 9-12-97.

1700. Returning to Finish After the Race.

A jockey, after the race, shall return his horse to the finish and upon returning he shall salute the stewards, and receive the permission of the stewards or their delegate to dismount. The jockey shall present himself with his equipment for weighing in immediately after so dismounting. The stewards may authorize any jockey and horse to participate in a ceremony or other approved special activity provided that such ceremony or special activity is under the observation of the stewards or other racing officials.

1701. Weighing In.

A jockey shall weigh in after the finish of the race and he shall not weigh less than one pound of his proper weight nor two pounds over his proper weight except that the stewards may take into account any excess weight caused by rain or mud. The stewards may disqualify any horse whose jockey weighs in at less than one pound of his proper weight, and shall discipline the persons responsible therefor.

1702. Claim of Interference or Other Foul.

A jockey, trainer or owner of a horse, who has reasonable grounds to believe that his horse was interfered with or impeded or otherwise hindered during the running of the race, or that any riding rule was violated by any other jockey or horse during the running of the race, may immediately make a claim of interference or foul with the clerk of scales, the stewards or their delegate before the race has been declared official. The stewards may thereupon hold an inquiry into the running of the race. No person shall make any claim of interference or foul knowing the same to be inaccurate, false or untruthful.

1703. Jockey Excused from Weighing In.

Should any jockey be unable to present himself for weighing in due to accident, injury, or other good cause, the stewards may excuse such jockey.

1704. Official Order of Finish.

When satisfied the order of finish is correct, all timely objections have been addressed, and the race has been properly run under the rules of the Board, the stewards shall order the official order of finish confirmed and the official sign posted for the race. The decision of the stewards as to the official order of finish for pari-mutuel wagering purposes is final, and no subsequent action may set aside or alter the official order of finish for the purposes of pari-mutuel wagering.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
Amendment filed 9-1-94; effective 10-1-94.
Amendment filed 12-6-99; effective 12-6-99.

Article 9. Harness Racing Rules

1720. Harness Racing Rules.

The harness racing rules in this article shall apply to harness races in addition to other rules of this division.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19440, Business and Professions Code.

HISTORY:
Amendment filed 12-23-96; effective 1-22-97.
Amendment filed 12-6-99; effective 12-6-99.

1721. Driving Rules.

No driver during a race shall:

(a) Change either to the right or left during any part of the race when another horse is so near that in altering the position of his horse he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull such horse out of his stride.

(b) Jostle, strike, hook wheels, or interfere with another horse or driver.

(c) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers or horses.

(d) Swerve in or out or pull up quickly.

(e) Crowd a horse or driver by putting a wheel under him.

(f) Carry a horse out or sit down in front of him, take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses, or do any other act which constitutes what is popularly known as "helping."

(g) Let a horse pass inside needlessly.

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

(i) Commit any act which shall impede the progress of another horse or cause him to break.

(j) Change course after selecting a position in the home stretch, or bear in or out, in such manner as to interfere with another horse or cause him to change stride or break.

(k) Drive in a careless or reckless manner.

(l) Drive or cause to be driven any unreasonably slow quarters or fractions.

(m) Fail to use his best efforts to win.

(n) Whip his horse under the arch of the sulky.

(o) Drive in such manner as to obtain for himself an unfair advantage.

1722. Breaking.

Should any horse break from its gait in either trotting or pacing, the driver shall:

(a) Where clearance exists, take such horse to the outside.

(b) Attempt to pull the horse to its gait.

(c) Lose ground.

1723. Lapped-on Break.

The driver of a horse which has broken from its gait who has complied with the breaking rule shall not be set back unless a contending horse on his gait is lapped on the hind quarter of the breaking horse at the finish.

1724. Driver Must Be Mounted.

A driver must be mounted in his sulky during the race, and if not so mounted at the finish he shall be disqualified.

1725. Equipment.

All equipment, hobbles, head-poles, whips and other tack and equipment used in any race is subject to the approval of the stewards who may refuse a change in such equipment or require the use of such equipment as may be deemed proper.

Wheel Discs.

Unless the stewards permit otherwise, every sulky used in a race shall be equipped with plastic wheel discs on the inside and outside of each wheel; such discs shall be either clear or solid pastel color.

1727. Starting Gate to Be Used.

A mobile starting gate shall be used to start all harness races. The starting gate so used shall be equipped with a communication system permitting communication between the starter and the stewards, and shall be otherwise maintained and equipped as may be required by the Board or the stewards.

1728. Starter's Control.

The starter shall have control over the horses from the formation of the parade until he gives the word "go." The starter shall report to the stewards any misconduct or violation on the part of a driver and may order any unmanageable or disabled horse declared from the race with concurrence of the stewards.

1729. Starting the Race.

The starter shall bring the horses to the starting gate as near one-quarter of a mile from the starting point as the track may permit, and shall endeavor to get all horses away in position and on gait. If a horse refuses to come to the gate, is unmanageable or liable to cause an accident or injury to any other horse or to a driver it may be declared and all monies wagered on that horse shall be refunded.

HISTORY:
1. Amendment filed 6-25-76; effective 7-25-76.

1730. Recalls.

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

(a) A horse scores ahead of the gate.

(b) There is interference prior to the word "Go" being given.

(c) A horse has broken equipment.

(d) A horse falls before the word "Go" is given.

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

HISTORY:
1. Amendment filed 6-25-76; effective 7-25-76.

1731. Driver Infractions.

No driver shall:

Delay the start.

(b) Fail to obey the instructions of the starter.

(c) Rush ahead of the wing of the starting gate.

(d) Come to the starting gate out of position.

(e) Cross over before reaching the starting point.

(f) Interfere with another driver or horse during the start.

(g) Fail to come up into position.

1732. Racing Costume Required.

(a) A driver shall be attired in his own driving colors or the colors of the owners of the horse, white driving trousers with leg clips and a safety helmet, when driving in any race.

(b) No form of advertising including logos, labels, or product endorsements shall be permitted on a driver's attire during the running of a race.

NOTE: Authority cited: Sections 19420 and 19562, Business and Professions Code. Reference: Sections 19420 and 19562, Business and Professions Code.

HISTORY:
1. Amendment of subsection (a) and new subsection (b) filed 6-9-92; effective 7-9-92.

1733. Whips.

Whips shall not exceed four feet plus a snapper not longer than six inches. Whips shall be in good condition and are subject to inspection by the officials at any time.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19563, Business and Professions Code.

HISTORY:
1. Amendment filed 2-8-93; effective 3-10-93.
2. Amendment filed 10-16-06; effective 11-14-06.

1734. Whipping.

No driver shall use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing visible injury, nor whip any horse about the head, nor whip any horse after the finish line has been crossed except when necessary to control the horse.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19563, Business and Professions Code.

HISTORY:

1. Amendment filed 2-8-93; effective 3-10-93.

Driver's Minimum Fee.

(a) Driver's fees in the absence of a contract or special agreement are $20.00 or 5% of the purse earned, whichever is greater.

(b) The purpose of this rule is not to set a minimum or maximum fee. It provides a fee if the parties have not made a written agreement to the contrary.

(c) A driver's fee is considered earned when the horse he has been engaged to drive leaves the

paddock for the post. If there is a substitution of drivers after the fee is earned, no additional driver fee or double driver fee need be paid except when ordered by the stewards.

(d) In this rule "Purse Earned" means the amount paid the winning horse less the fees paid by the owner to enter the horse in the race.

(e) If the parties agree on the fee to be paid the driver, a contract or agreement in writing signed by the driver or his agent and the owner or his authorized agent specifying the agreed upon fee shall be delivered to the paymaster of purses before the running of the race in question. The paymaster of purses shall debit the owner's purse account under the contract or written agreement. If no contract or written agreement is submitted before the running of the race in question, the paymaster of purses shall debit the owner's purse account under the fee scale set forth in this rule.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440 and 19562, Business and Professions Code.

HISTORY:
Amendment filed 8-15-74; effective 9-14-74.
Amendment filed 12-6-99; effective 12-6-99.

1736. Selecting Positions of Entered Horses for Harness Races.

Notwithstanding Rule 1598 of this division, post positions of entered horses in a harness race are determined by lot unless assigned under the conditions of the race.

NOTE: Authority cited: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code. Reference: Article IV of Section 19b, California Constitution, and Sections 19420, 19440, 19460 and 19562, Business and Professions Code.

HISTORY:
New rule filed 6-25-76; effective 7-25-76.
Amendment filed 12-23-96; effective 1-22-97.
Amendment filed 12-6-99; effective 12-6-99.

Article 10. Quarter Horse Racing Rules

1740. Quarter Horse Rules.

The quarter horse racing rules in this article shall apply to quarter horse races in addition to other rules in this division.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
Amendment filed 12-23-96; effective 1-22-97.
Amendment filed 12-6-99; effective 12-6-99.

1741. Timing of Race.

Quarter horse races shall be started from a gate and shall be timed from the post at which the starting gate is placed from the time at which the starting gate stall doors are opened.

1742. Apprentice Allowance.

No quarter horse racing association is required to grant an apprentice allowance for any race.

1743. Thoroughbred and Appaloosa Horses Competing in Quarter Horse Races.

(a) Thoroughbred and Appaloosa horses may be entered in Quarter Horse races under the following conditions:

(1) Such races are held at Quarter Horse meets, mixed breed meets, and fair meets.

(2) Such races do not exceed a distance of five (5) furlongs.

(3) A Quarter Horse race in which Thoroughbreds and Appaloosas compete shall be designated as a Quarter Horse race.

(4) Thoroughbreds shall constitute less than half the number of horses in such races.

(5) A maiden Thoroughbred or a maiden Appaloosa competing in and winning a Quarter Horse race loses its maiden status for all future races regardless of the value of the purse to the winner.

(6) A Thoroughbred or an Appaloosa competing in and winning a Quarter Horse race at a Quarter Horse race meeting, fair or mixed race meeting shall not be penalized for winning in races run thereafter at any Thoroughbred or mixed race meeting if the net winning purse to such horse is $2,750 or less.

(7) No claim for an apprentice allowance may be made for a Thoroughbred or an Appaloosa competing in a Quarter Horse race unless the conditions for the race provide for such an allowance for all competing horses in the race.

(8) No Thoroughbred or Appaloosa will run in a Quarter Horse race unless the past performance of the Thoroughbred or Appaloosa is published in a recognized racing publication or in the official program.

(9) The Racing Secretary shall provide information to recognized racing publications or the official program about the past performance of Thoroughbred and Appaloosa horses who have competed in previous Quarter Horse races.

(b) The association which conducts the meeting shall, as provided in subdivision (b) of Business and Professions Code 19613, pay to the horsemen's organization representing Thoroughbred horsemen an amount for administrative expense and services rendered to horsemen equivalent to 1.5 percent of the amount available to Thoroughbred horses for purses, and an amount for a pension plan for backstretch personnel to be administered by the horsemen's organization equivalent to an additional 1 percent of the amount available to the Thoroughbred horses for purses. The remainder of the portion shall be distributed as purses.

(c) Any redistributable money paid to the Board pursuant to Business and Professions Code Section 19641 which is paid to a welfare fund established by a horsemen's organization from races with both Thoroughbred and Quarter Horses shall be divided pro rata between the two welfare funds based on the number of Thoroughbreds and Quarter Horses in the race.

(d) Notwithstanding the composition of the qualifying field, payments made to horsemen's associations as specified in Business and Professions Code Section 19533(b) shall be made on

the proportional basis of the horses officially starting the race.

NOTE: Authority cited: Sections 19420, 19440 and 19533, Business and Professions Code. Reference: Sections 19420, 19440 and 19533, Business and Professions Code.

HISTORY:
1. New rule filed 10-23-91; effective 11-22-91.
2. Repealer and new rule filed 3-30-93; effective 3-30-93.

Article 10.5. Mule Racing

1747. Mule Racing Rules.

The mule racing rules in this article shall apply to mule races in addition to other rules in this division.

NOTE: Authority cited: Sections 19440 and 19703 Business and Professions Code. Reference: Sections 19440 and 19703, Business and Professions Code.

HISTORY:
1. New rule filed 10-25-07; effective 11-24-07.

1748. Shoeing Mules.

A mule that is not shod is eligible to start in a race.

NOTE: Authority cited: Sections 19420 and 19703 Business and Professions Code. Reference: Sections 19703, Business and Professions Code.

HISTORY:
1. New rule filed 10-25-07; effective 11-24-07.

Article 11. Objections and Protests; Appeals

1750. Stewards to Make Inquiry.

The stewards shall make diligent inquiry into any objection or protest made either upon their own motion, by any racing official, or by any other person empowered by this division to make such protest or objection.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 1-6-94; effective 2-5-94.

1751. Objections.

Objections to the participation of a horse entered in any race shall be made to the stewards and confirmed in writing by the objector. An objection to a horse entered in a race shall be made not later than one hour before the scheduled post time of the race in which such horse is entered, except that the stewards upon their own motion may consider an objection until such time as the horse becomes a starter.

1752. Grounds for Objection.

An objection to a horse which is entered to race shall be made on the following grounds or reasons:

A misstatement, error or omission in the entry under which a horse is to run.

(b) That the horse which is entered to run is not the horse it is represented to be at the time of entry, or that the age is erroneously given.

(c) That the horse is not qualified to enter under the conditions specified for the race, or that the allowances are improperly claimed or not entitled the horse, or that the weight to be carried is incorrect under the conditions of the race.

(d) That the horse is owned in whole or in part by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in this Division.

(e) That the horse was entered without regard to an existing lien as otherwise prohibited in this Division.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19420, 19440 and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1753. Horse Subject to Objection Ineligible to Start.

The stewards may declare from the race any horse which is the subject of an objection if they have reasonable cause to believe that the objection is valid.

1754. Protests.

A protest against any horse which has started in a race, shall be made to the stewards in writing, signed by the protestor, no later than seventy-two (72) hours after the race is declared official excluding non-racing days of the meeting. If the incident the protest is based upon occurs within the last two (2) days of the race meeting, the protest may be filed with the Executive Director of the Board no later than seventy-two (72) hours after the race is declared official excluding Saturdays, Sundays, or official holidays. Upon receipt of the protest the Executive Director will assign the protest to an active board of stewards. Protests shall state the specific reason or reasons in such detail to establish probable cause for the protest.

NOTE: Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code. Reference: Sections 19420, 19440, and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 9-18-95; effective 10-18-95.

1755. Grounds for Protest.

A protest to the stewards may be made on any of the following grounds:

(a) Any ground for objection as set forth in this Article.

(b) The official order of finish, as determined by the stewards, was incorrectly posted.

(c) A jockey, driver, trainer or owner of a horse which started in the race was ineligible to participate in racing as provided in this Division.

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

(e) An unfair advantage was gained in violation of the rules.

NOTE: Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code. Reference: Sections 19420, 19440, and 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 9-18-95; effective 10-18-95.

1756. Persons Empowered to File Objection or Protest.

A jockey, driver, trainer or owner of a horse which is entered for or is a starter in a race is empowered to file an objection or protest against any other horse in such race upon the grounds set forth in this article for objections and protests.

1757. No Limitation on Time to File When Fraud Alleged.

Notwithstanding any other provision in this article, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged provided that the stewards are satisfied that the allegations are bonafide and susceptible of verification.

1758. Inaccurate Protest.

No person shall file any objection or protest knowing the same to be inaccurate, false, or untruthful.

1759. Horse to Be Disqualified on Valid Protest.

If a protest against a horse which has won or which has placed in any race is declared valid, that horse may be disqualified and the other horses in the race are entitled to places in the order in which they finished. A horse so disqualified is a starter in the said race and may be placed last in the order of finish, or behind a horse interfered with.

1760. Purse Award or Prize to Be Withheld.

The stewards or the Board may order any purse, award or prize for any race withheld from distribution pending the determination of any protest; and in the event any purse, award or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to such purse, award or prize, the stewards or the Board may order such purse, award or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award or prize erroneously distributed shall be suspended until its return.

1761. Appeal from Decision of Stewards.

(a) From every decision of the stewards, except a decision concerning the disqualification of a horse due to a foul or a riding or driving infraction, an appeal may be made to the Board.

(b) Appeals shall be made in writing, stating the reason or reasons for the appeal, and shall be signed by the appellant, appellant's attorney, or appellant's representative. Appeals shall be received by a Board employee at any of its offices, not later than seventy-two (72) hours from the date of the decision of the stewards unless the Board for good cause extends the time for filing.

(c) An appeal shall not affect a decision of the stewards until the appeal has been sustained or dismissed or a stay order issued by the Chairman.

NOTE: Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code. Reference: Section 19517, Business and Professions Code.

HISTORY:
1. Amendment filed 3-3-94; effective 4-4-94.
2. Amendment filed 12-13-95; effective 1-12-96.

1762. Temporary Stay Order.

(a) The Executive Director upon the direction of the Chairman, or in the absence of the Chairman any Commissioner, may issue a temporary stay order to stay execution of any ruling, order or decision of the stewards, other than a stay of a decision pertaining to the finish of a race for pari-mutuel pool distribution.

(b) An application for a temporary stay pending a hearing shall include facts and reasons to justify the issuance of the stay. Applications for a temporary stay order shall be filed with any office of the Board.

(c) The granting of a temporary stay order carries no presumption that the stayed decision of the stewards is or may be invalid.

(d) A temporary stay order may be dissolved at any time by order of the Chairman or his designee.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
Amendment filed 10-6-78; effective 11-5-78.
Amendment filed 6-7-94; effective 7-7-94.
Amendment filed 12-6-99; effective 12-6-99.

1763. Decision upon Appeal.

The Board shall issue its decision upon any appeal in writing and such decision is subject to review by the court having jurisdiction.

1764. Appearance at Hearing upon Appeal.

The Board shall notify the appellant, the stewards and all licensees or other persons affected by decision under appeal of the date, time and location of its hearing in the matter. The burden shall be on the appellant to prove the facts necessary to sustain the appeal.

1765. Complaints.

Complaints filed with the stewards, in writing by any person, which allege misconduct or a violation of this division or the Horse Racing Law by any licensee or which allege or indicate improper activities or detrimental conduct on the part of any licensee, shall be referred to the Board and investigated by the Board or its investigators when there is sufficient reason to believe that such complaints are bonafide and subject to verification.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 1-6-94; effective 2-5-94.

1766. Designated Races.

(a) The Board of Stewards appointed for a race meeting shall, immediately prior to the commencement of that meeting, designate the stakes, futurities or futurity trials or other races in which a jockey or a driver who is under suspension for ten days or less for a riding or driving infraction will be permitted to compete, notwithstanding the fact that such jockey or driver is technically under suspension at the time the designated race is to be run.

(b) Official rulings for riding or driving infractions of ten days or less shall state: "The term of this suspension shall not prohibit participation in designated races in California." However, the Board of Stewards may prohibit a jockey or a driver from participating in designated races if such jockey or driver has previously been suspended at least twice during the race meeting specified in subsection (a) of this rule.

(c) Prior to the commencement of a meeting, a listing of the races designated in accordance with subsection (a) of this rule shall be submitted in writing to the Board. A copy of the list of designated races shall be posted in the Jockey or Driver's Room, and any other such place deemed appropriate by the stewards.

(d) A suspended jockey or driver must be named at the time of entry to participate in any designated race.

(e) A day in which a suspended jockey or driver participates in one designated race in California shall count as a suspension day.

(f) A day in which a suspended jockey or driver participates in more than one designated race in California shall not count as a suspension day.

(g) Notwithstanding the above, a day in which a jockey or a driver participates in one or more designated races in another jurisdiction while under suspension in California shall not count as a suspension day.

(h) A suspended jockey or driver who participates in more than one designated race under subsection (f) of this regulation, or in one or more designated race(s) under subsection (g) of this regulation, shall complete his or her term of suspension on an equivalent day of the week following the day on which the jockey or driver participated in the designated race(s).

NOTE: Authority cited: Section 19460, Business and Professions Code. Reference: Sections 19460, 19461 and 19520, Business and Professions Code.

HISTORY:
1. New rule filed 3-8-93; effective 4-7-93.

2. Amendment filed 9-9-10; effective 10-9-10.

Article 12. Colors, Stable Names, Agents

Registration of Colors.

Racing colors shall be registered with the clerk of the course when registering a horse within an inclosure, and authority for the use of such colors must be sanctioned by the Board. No color may bear any symbols or markings which could be interpreted as for advertising purposes. Any difference between claimants to the right of particular colors shall be decided by the stewards. The registered colors of an owner may not be registered by another, except after five years of non-use or abandonment by the registering owner. Any temporary change from the registered colors of the owner must be approved by the stewards.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 1-6-94; effective 2-5-94.

1781. Responsibility for Colors.

The owner is responsible for the registration of colors and for their availability to and use by the jockey engaged to ride his horse. The stewards may make a temporary substitution of colors when necessary.

1782. Program to Note Owner's Colors.

The colors to be worn by each jockey in a race shall be described in the official racing program and any change in such colors from those described in the program shall be announced to the public prior to the commencement of the race.

1783. Registration of Stable Names and Stable Name Groups.

(a) A licensed owner may register a stable name with the Board by filing an application and paying the fee for such stable name.
A stable name is subject to the approval of the Board.
No person may register more than one stable name at the same time.
No person may use the real name of any owner of racehorses as his stable name.
No stable name registration may be used for advertising purposes.
A stable name that has already been registered may not be registered by another owner.

(b) A licensed owner may register a stable name group with the Board by filing an application and paying the fee for the stable name group. The stable name group shall be subject to Subparagraphs (a)(1) through (a)(5) above. The stable name group may establish multiple entities that shall run under the name of the registered stable name group.

(1) Each entity shall be registered, as applicable, in accordance with Rule 1481; Rule 1506; Rule 1507 and Rule 1784 of this division.

(2) The entity shall name the horse(s) it owns, and such horse(s) shall be owned separately from the other entities within the stable name group.

(3) Each entity shall possess a unique roster of owners. The roster shall name each owner and

state if the owner is a general or a limited partner as well as the percentage of ownership of each. The roster shall be filed with the racing office and with the Board's occupational licensing office.

(4) A licensed owner may participate in the horse ownership of one or more entities that run under a stable name group.

(A) A partner whose ownership interest in an entity that runs under a stable name group is 10 percent or less of such entity may elect not to obtain a license as horse owner. For the purposes of this regulation, such partner shall be considered a limited partner. However, the partner may elect at any time to obtain a license as horse owner, and for the purposes of this regulation, shall then be considered a general partner.

(5) A partner who owns 10 percent or less of an entity that runs under a stable name group is not subject to the provisions of Rule 1606 of this division when a horse owned by the entity in which the partner participates is entered to race in the same race in which the partner has ownership interest in another horse that is entered to race.
(c) The granting of a stable name or stable name group registration by the Board shall not relieve any person from his obligation to file or register a fictitious name as provided by the laws of the State of California.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19460 and 19520, Business and Professions Code.

HISTORY:
1. Amendment filed 7-10-08; effective 8-9-08.

1784. Registration to Disclose All Partners.

(a) An application to register a stable name shall disclose the real names of all partnership or ownership interests participating in the stable and the percentage of ownership interest of each, including the interest owned by any corporation, limited liability company (Corporations Code section 17000 et seq.), general partnership, limited partnership, trust, estate, person or individual.

(b) A registered stable name group shall comply with the provisions of subparagraph (a) of this regulation for each entity that runs under the stable name group.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19460 and 19520, Business and Professions Code.

HISTORY:
1. Amendment filed 8-14-98; effective 9-13-98.
2. Amendment filed 7-10-08; effective 8-9-08.

Change of Stable Name Registration or Ownership of Stable.

(a) A stable name may be changed at any time by registering a new stable name and paying the fee as set by the Board.

(b) A stable name registration may be abandoned, or an expired stable name registration may be transferred to a new owner by giving written notice to the Board and to the stewards. A stable name registration that has expired, and has remained unregistered for at least three consecutive years, shall be considered abandoned.

(c) Any change in ownership, in whole or in part, of a currently registered stable name shall be

immediately reported in writing to the Board and to the stewards. If the stable consists of multiple owners, the notification must be signed by at least the designated person responsible for the stable's conduct as listed on the stable name registration form and the person whose name is being removed, or added. A signature must be notarized if the person who signs is not present when the notification is presented to the Board.

NOTE: Authority cited: Sections 19440 and 19520, Business and Professions Code. Reference: Sections 19440, 19521 and 19520, Business and Professions Code.

HISTORY:
1. Amendment filed 8-10-93; effective 9-9-93.
2. Amendment filed 10-21-96; effective 11-20-96.

1787. Limitation of Use of Stable Name.

No owner may use his real name for racing purposes if he has a registered stable name, except with approval of the stewards or the Board.

1788. Authorized Agent Registration.

A licensed owner may register his authorized agent by filing a registration of authorized agent with the Board and by paying the fee set by the Board. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the registration form.

1789. Prohibited Acts of Agent.

No authorized agent may sign on behalf of any owner the certificate of registration for any horse in the absence of a valid power of attorney authorizing such signature.

1790. Jockey Agent.

A jockey agent is the authorized representative of a jockey if he is registered with the stewards as his representative by the employing jockey. No jockey agent shall represent more than two jockeys at the same time except with permission of the stewards who may also limit a jockey agent to the representation of one jockey if circumstances so warrant. Jockeys are bound by agreements made on their behalf by their agents.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

HISTORY:
Amendment filed 4-12-79; effective 5-12-79.

1791. Records Required of Jockey Agents.

Every jockey agent shall maintain a record of all engagements made for the jockeys he represents, and such record shall specify first, second or third calls in each race. The officials may require that the jockey agent file his first, second or third calls with the Racing Secretary and may require the jockey agent to display his record of engagements. A trainer or owner may demand a written confirmation of an engagement from a jockey or his agent. Conflicting claims for the services of a jockey shall be decided by the stewards.

1792. Acting as Jockey Agent.

No person other than a licensed jockey agent shall make engagements for a jockey, except that the holder of a contract of any jockey or apprentice jockey, or his authorized agent, may make engagements for the jockey under contract. A jockey may make his own engagements.

1793. Stable Agent.

A stable agent is the authorized representative of a stable or an owner, who is licensed as a stable agent by the Board. A stable agent may act on behalf of a stable or owner in the entry of horses, the deposit of funds with the Paymaster of Purses on behalf of the stable, in the engagement of a jockey, and in such other matters as authorized by the owner or stable.

1794. Prohibited Acts of Stable Agent.

No stable agent shall be eligible to withdraw any funds of the owner or stable from the association, or file any claim in any claiming race, or sign on behalf of the owner or stable any certificate of registration of any horse in the absence of a valid power of attorney authorizing such signature.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 5-6-94; effective 6-5-94.

Article 13. Bloodstock Agents

1800. Bloodstock Agents.

For the purpose of this article, a bloodstock agent is defined as any person who for gain, gratuity, commission or reward, in either money or goods, acts as an agent for the sale or purchase of any race horse not his own which is eligible to race at an authorized race meeting in this State.

1801. Bloodstock Agents to Register.

Every bloodstock agent who offers for sale, offers to purchase for a client, or his own account for resale within 60 days, or offers his service as an agent in the purchase or sale of any race horse not his own which is eligible to race in this State, shall register with the Board on registration forms provided by the Board.

Sales with Warranties.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse where any warranty of soundness, condition or racing ability is expressed or implied shall file with the Board within five days of the date of sale a memorandum report of warranty which shall set forth the warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agents acting in their behalf.

1803. Sales with Conditions.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in this State where any condition of such purchase or sale includes any lien upon

such horse by the seller or other person shall file a memorandum report of conditional sale with the Board within five days of the date of sale.

1804. Misrepresentations.

No bloodstock agent shall misrepresent any material fact, nor shall he withhold any material fact which he knows, from any person connected with the sale of a horse; nor shall any bloodstock agent misrepresent his personal interest in any horse.

1805. Failure to Comply with Regulations.

Any bloodstock agent or licensee who violates any provision of this article shall be refused admission to all private areas or restricted areas of the inclosure.

1806. Auction Sales.

The provisions of this article shall not apply to auction sales which are authorized and/or approved by the Board; provided, however, that any warranty or condition of sale set forth in any sale catalog, printed offer of sale or sales agreement shall be considered as a memorandum report of warranty or condition of sale, whether or not filed with the Board.

Article 13.5. Authorized Horse Sales

1807. Authorized Horse Sales.

Upon application by a recognized breeder's association, sales organization, or any other person, the Board may authorize a horse sale or horse auction sale for the sale of race horses or breeding stock that is used in the production of race horses, to be held on the premises of a racing association, and the authorization and approval of such horse sale or horse auction sale shall be upon such conditions as may be imposed by the Board.

NOTE: Authority cited: Section 19(b) of Article IV, California Constitution and Sections 19420, 19440, 19460 and 19562, Business and Professions Code.

HISTORY:
1. New article 13.5 (rules 1807, 1808, and 1809) filed 1-9-74, as an emergency; effective 1-9-74.
2. Amendment filed 2-15-74, as an emergency; effective 2-15-74.

Medications Prior to Sale.

(a) Persons owning or having care, custody or control over a horse offered for sale at an authorized horse sale or horse auction sale under the jurisdiction of the Board shall not administer to the horse any substance which is recognized as an injectable, oral or topical medication or drug within 72 hours of the time the horse is offered for sale unless the administration of the medication or drug is reported to the official veterinarian appointed by the Board to act at the authorized horse sale or horse auction sale before the sale of the horse in a manner as the official veterinarian may direct.

(b) Upon request of a prospective purchaser of a horse offered for sale at an authorized horse sale or horse auction sale, the official veterinarian shall make available to the prospective purchaser the report of medication administered to the horse.

(c) Compliance with this rule is the responsibility of the consignor of the horse and/or the person(s) having the care, custody or control of the horse. Violation of this rule is punishable by

the Board by fine or in a manner determined by the Board.

NOTE: Authority cited: Sections 19420, 19440 and 19580, Business and Professions Code. Reference: Sections 19420, 19440 and 19580, Business and Professions Code and Section 24011, Food and Agriculture Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1809. Post-Sale Tests.

The official veterinarian at any authorized horse sale or horse auction sale may administer a blood test to any horse sold at such sale and shall make such test at the request of the purchaser of the horse, and the blood sample shall be delivered to the official laboratory approved by the Board for analysis.

Article 14. California-Bred Awards

1811. Registration of Cal-Bred.

The breeder or owner of a California-Bred horse shall register such horse with the Board recognized agencies for such registration: the California Thoroughbred Breeders Association if a Thoroughbred, the California Harness Horse Breeders Association if a Standardbred, the Pacific Coast Quarter Horse Racing Association, if a Quarter Horse, the Cal-Western Appaloosa Racing, Inc., if an Appaloosa, or the Arabian Racing Association of California if an Arabian.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440, 19565, 19566.5 and 19617.7, Business and Professions Code.

HISTORY:
1. Amendment filed 10-7-77; effective 11-6-77.
2. Amendment filed 1-18-84; effective 2-17-84.
3. Amendment filed 8-2-93; effective 9-1-93.

1812. Registration Required for Cal-Bred Eligibility.

Unless the breeder or owner of a California-bred horse has registered the same with the official registering agency for the California-bred horses and attested that the horse is a California-bred, such horse is ineligible for entry in races for California-bred horses. The breeder of such horse is not entitled to a California-bred breeder's award for such horse.

Associations to Program California-Bred Race.

The association shall provide one race on each racing day which is limited to California-bred horses. If, however, sufficient competition cannot be had among horses of that class on any day, it may be canceled with the approval of the stewards. The stewards shall report to the Board the cancellation of such race and the reasons therefore.

1814. California-Bred Breeder's Award.

(a) The association shall pay a California-bred Breeder's Award which shall amount to 10% of the winning purse of any race won by a California-bred standardbred horse, to the registered breeder of such winning horse. Such award shall be paid within 30 days of the close of the meeting from funds generated pursuant to Section 19617.5 of the Business and Professions

Code. A horse not properly registered as a California-bred at the time of his winning shall not be entitled to a California-bred award for such race. Standardbred Sires Stakes Races are exempt from the provisions of this subsection.

(b) The association shall pay a California-bred Breeder's Award which shall amount to 10% of the first and second place money of every purse won by a California-bred arabian horse pursuant to Section 19567 of the Business and Professions Code. Such funds shall be deposited by the association with the arabian official registering agency and distributed as specified in Section 19617.8 (c)-(g) of the Business and Profession Code.

(c) The association shall pay a California-bred Breeder's Award which shall amount to 10% of the winning purse of any race won by a California-bred quarter horse pursuant to Section 19567 of the Business and Professions Code. Such funds shall be deposited by the association with the quarter horse official registering agency and distributed as specified in Section 19617.7 of the Business and Professions Code.

(d) The association shall deposit with the thoroughbred official registering agency, a portion of its handle pursuant to the provisions of Section 19617.2 of the Business and Professions Code, which shall be distributed as California-bred Breeder's Awards to the registered breeder of California-bred thoroughbred horses finishing first, second or third in any race run in this state, and to the registered breeder of California-bred thoroughbred horses finishing first, second or third in all graded stakes races run in the United States.

(e) The thoroughbred official registering agency shall distribute annually, California-bred Breeder's Awards to the registered breeders of California-bred thoroughbred horses pursuant to the provisions of Section 19617 of the Business and Professions Code.

(f) The association shall deposit with the appaloosa official registering agency, a portion of its handle pursuant to the provisions of Section 19617.9 (b) of the Business and Professions Code, which shall be distributed as California-bred Breeder's Awards to the registered breeder of California-bred appaloosa horses. The Breeder's Award shall be a prorated share of first and second earnings in any race run in this state as provided in Section 19617.9 (c) and (d) of the Business and Professions Code.

NOTE: Authority cited: Sections 19567, 19617, 19617.2, 19617.5, 19617.7 and 19617.8, Business and Professions Code. Reference: Sections 19567, 19617,19617.2, 19617.5, 19617.7, 19617.8 and 19617.9, Business and Professions Code.

HISTORY:
Amendment filed 10-4-93; effective 11-3-93.
2. Amendment filed 6-21-96; effective 7-21-96.
3. Amendment filed 6-23-97; effective 6-23-97.

1815. Decision as to Eligibility of Cal-Bred.

Questions as to the registration, eligibility for registration, or breeding of a California-bred horse shall be decided by the official registering agency designated by the Board. The official registering agency may demand and inspect any registration certificate or record of a California breeder and may require affidavits in support of any claim for California-bred registration. Questions as to the eligibility for, nomination or entry to a race restricted to California-bred horses which is sponsored by the official registering agency shall be decided by the official registering agency. A decision of the official registering agency shall be subject to review by the Board which retains the right to make the final decision as to any right or liability under this article.

NOTE: Authority cited: Sections 19562 and 19565, Business and Professions Code. Reference: Sections 19562 and 19565, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

1825. Disputes with Respect to Stallion Awards.

Any dispute with respect to stallion awards must be submitted in writing to the Board in such manner and at such time as to permit the Board, in the exercise of reasonable diligence, to determine the same prior to the time at which distribution of such award would be made pursuant to this article. The Board's decision in such matter shall be final and binding upon the parties.

Article 15. Veterinary Practices

1840. Veterinary Practices and Treatments Restricted.

No person other than California-licensed veterinarians who have obtained a license from the Board shall administer to any horse within the inclosure any veterinary treatment or any medicine, medication, or other substance recognized as a medication, except for recognized feed supplements or oral tonics or substances approved by the official veterinarian, or except under the direction or prescription of a veterinarian licensed by the Board.

1841. Veterinarians Under Supervision of Official Veterinarian.

Veterinarians licensed by the Board and practicing at an authorized meeting are under the supervision of the official veterinarian and the stewards. The official veterinarian shall recommend to the stewards or the Board the discipline to be imposed upon a veterinarian who violates the rules and he may sit with the stewards in any hearing before the stewards concerning such discipline or violation.

Veterinarian Report.

Every veterinarian who treats a horse within the inclosure shall in writing on a form prescribed by the Board, report to the official veterinarian in a manner prescribed by him, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the official veterinarian. Any such report is confidential and its content shall not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction.

1843. Medication, Drugs and Other Substances.

It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs, medications and drug substances foreign to the horse. In this context:

(a) No horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided.

(b) No drug substance shall be administered to a horse which is entered to compete in a race to be run in this State except for approved and authorized drug substances as provided in these rules.

(c) No person other than a licensed veterinarian or animal health technician shall have in his/her possession any drug substance which can be administered to a horse, except such drug substance prescribed by a licensed veterinarian for a specific existing condition of a horse and which is properly labeled.

(d) A finding by an official chemist that a test sample taken from a horse contains a drug substance or its metabolites or analogues which has not been approved by the Board, or a finding of more than one approved non-steroidal, anti-inflammatory drug substance or a finding of a drug substance in excess of the limits established by the Board for its use shall be prima facie evidence that the trainer and his/her agents responsible for the care of the horse has/have been negligent in the care of the horse and is prima facie evidence that the drug substance has been administered to the horse.

NOTE: Authority cited: Sections 19440, 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19401, 19440, 19580, 19581 and 19582; Sections 337f, g and h, Penal Code.

HISTORY:
1. Repealer and new rule filed 10-29-81; effective 11-28-81.
2. Amendment of subsections (a), (c) and (d) filed 8-19-92; effective 9-18-92.

1843.1. Prohibited Drug Substances.

For purposes of this division, prohibited drug substance means:

(a) any drug, substance, medication or chemical foreign to the horse, whether natural or synthetic, or a metabolite or analog thereof, whose use is not expressly authorized in this article.

(b) any drug, substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in this article.

NOTE: Authority cited: Sections 19440, 19562, 19580 and 19581, Business and Professions Code. Reference: Sections 19440, 19562, 19580 and 19581, Business and Professions Code.

HISTORY:
1. New rule filed 10-7-94; effective 11-6-94.

1843.2. Classification of Drug Substances.

The Board, the board of stewards, the hearing officer, or the administrative law judge, when adjudicating a hearing for a violation of Business and Professions Code section 19581, shall consider the classification of the substance as referenced in the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification (Revised 02/13), hereby incorporated by reference, which is based on the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances (12/11), as modified by the Board.

NOTE: Authority cited: Sections 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19580, 19581 and 19582, Business and Professions Code.

HISTORY:
New rule filed 8-7-95; effective 9-6-95.
Amendment filed 12-6-99; effective 12-6-99.
Amendment filed 5-23-08; effective 5-23-08.

Amendment filed 8-4-08; effective 8-4-08.
Amendment filed 5-3-13; effective 7-1-13.

1843.3. Penalties for Medication Violations.

(a) In reaching a decision on a penalty for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in subsections (d) and (e) of this Rule and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors may increase the penalties beyond the minimum.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

(1) The past record of the licensee regarding violations of Business and Professions Code section 19581;
(2) The potential of the drug(s) to influence a horse's racing performance;
(3) The legal availability of the drug;
(4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
(5) The steps taken by the trainer to safeguard the horse;
(6) The steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;
(A) For the purpose of this regulation "unaffiliated trainer" means a trainer or an assistant trainer who is not related by blood, marriage or domestic partnership, or who is not or was never employed by the trainer from whose care such horse(s) were transferred.
(7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;
(8) The purse of the race;
(9) Whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined through the process described in Rule 1842 of this division;
(10) Whether there was any suspicious wagering pattern on the race;
(11) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

(c) For the purpose of this regulation, the Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing By Classification, (1/08), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:

(1) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or
(2) Any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in the article.

(d) Penalties for violation of each classification level are as follows:

CATEGORY “A” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

LICENSED TRAINER:		
1st offense	2nd LIFETIME offense	3rd LIFETIME offense
◦ Minimum one - year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. AND ◦ Minimum fine of $10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $25,000 or 25% of purse (greater of the two). AND ◦ May be referred to the Board for any further action deemed necessary by the Board.	◦ Minimum two-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. AND ◦ Minimum fine of $20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $50,000 or 50% of purse (greater of the two). AND ◦ May be referred to the Board for any further action deemed necessary by the Board.	◦ Minimum three -year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation. AND ◦ Minimum fine of $25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of $100,000 or 100% of purse (greater of the two). AND ◦ May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd LIFETIME offense in owner’s stable	3rd LIFETIME offense in owner’s stable
◦ Disqualification of horse and loss of purse. AND	◦ Disqualification of horse and loss of purse. AND	◦ Disqualification of horse, loss of purse and absent mitigating circumstances, minimum fine of $10,000. The presence of aggravating factors could be used to impose a maximum fine of $50,000. AND

◦ Horse may be placed on the veterinarian's list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered. AND ◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.	◦ Horse shall-be placed on the veterinarian's list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered. AND ◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.	◦ Horse shall be placed on the veterinarian's list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. AND ◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1. AND ◦ Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.

CATEGORY “B” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category B penalty are as follows:

LICENSED TRAINER:		
1st offense	2nd offense (two years)	3rd offense (five years)
◦ Minimum 30 -day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. AND/OR ◦ Minimum fine of $500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $10,000.	◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. AND/OR ◦ Minimum fine of $1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $20,000.	◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. AND/OR ◦ Minimum fine of $2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $50,000 or 10% of purse (greater of the two). AND ◦ May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd offense in stable (two years)	3rd offense in stable (five years)
◦ Disqualification of horse and loss of purse. AND ◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. AND ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.	◦ Disqualification of horse and loss of purse. AND ◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. AND ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.	◦ Disqualification of horse, loss of purse and absent mitigating circumstances minimum fine of $5,000. The presence of aggravating factors could be used to impose a maximum fine of $20,000. AND ◦ Horse shall be placed on the veterinarian’s list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. AND ◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule

		1843.1.

CATEGORY "B" PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO_2) TESTING

Penalties for violations due to exceeding permitted levels of TCO_2 as defined in Rule 1843.6 are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1st offense TCO_2 (> 37.0mml/l-<39mml/l)	2nd offense TCO_2 (> 37.0mml/l-<39mml/l)	3rd offense TCO_2 (> 37.0mml/l-<39mml/l)
◦ Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a-60-day suspension. AND/OR ◦ Minimum fine of $1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $5,000.	◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 120-day suspension. AND/OR ◦ Minimum fine of $2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $10,000.	◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. AND/OR ◦ Minimum fine of $5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $15,000.
LICENSED OWNER:		
1st offense TCO_2 (> 37.0mml/l-<39mml/l)	2nd offense TCO_2 (> 37.0mml/l-<39mml/l)	3rd offense TCO_2 (> 37.0mml/l-<39mml/l)
◦ Disqualification of horse and loss of purse.	◦ Disqualification of horse and loss of purse.	◦ Disqualification of horse, loss of purse and in the absence of mitigating circumstances, $2,500 fine.
LICENSED TRAINER:		
1st offense TCO_2 (≥ 39.0mml/l)	2nd offense TCO_2 (≥ 39.0mml/l)	3rd offense TCO_2 (≥ 39.0mml/l)
◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a-60-day suspension. AND/OR ◦ Minimum fine of $2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $10,000.	◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. AND/OR ◦ Minimum fine of $5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $15,000.	◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension. AND/OR ◦ Minimum fine of $10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of $25,000.
LICENSED OWNER:		
1st offense TCO_2 (≥ 39.0mml/l)	2nd offense TCO_2 (≥ 39.0mml/l)	3rd offense TCO_2 (≥ 39.0mml/l)
◦ Disqualification of horse and loss of purse.	◦ Disqualification of horse and loss of purse.	◦ Disqualification of horse, loss of purse and a fine ranging from a minimum of $5,000, up to a

		maximum of $20,000.

CATEGORY “C” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category C penalty and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844 of this division, and furosemide as defined in Rule 1845 of this division in an official test sample are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1st offense	2nd offense (365-day period)	3rd offense (365-day period)
◦ Minimum fine of $500 to a maximum fine of $1,000 absent mitigating circumstances.	◦ Minimum fine of $1,000 to a maximum fine of $2,500, and up to a 15 - day suspension absent mitigating circumstances.	◦ Minimum fine of $2,500 and up to a 30 - day suspension absent mitigating circumstances

CATEGORY "C" PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)

Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2) and (3) of this division. All concentrations are for measurements in serum or plasma.

The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). With permission of the official veterinarian the trainer may elect to pay the minimum fine in lieu of a stewards' hearing. If the trainer has not had an 1844 (c) violation within the previous three years, the official veterinarian or the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below 5.1 mcg/ml.

(e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category "D" penalty, may result in a written

LICENSED TRAINER:	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 100 ng/ml) Ketoprofen (11-49 ng/ml)	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 100 ng/ml) Ketoprofen (11-49 ng/ml)
1st offense	2nd offense (365-day period)	3rd offense (365-day period)
◦ Minimum fine of $500 to a maximum fine of $1,000.	◦ Minimum fine of $1,000 to a maximum fine of $2,500.	◦ Minimum fine of $2,500 to a maximum fine of $5,000.
LICENSED OWNER:	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 100 ng/ml) Ketoprofen (11-49 ng/ml)	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 100 ng/ml) Ketoprofen (11-49 ng/ml)
1st offense	2nd offense (365-day period)	3rd offense (365-day period)
No penalty administered.	No penalty administered.	No penalty administered.
LICENSED TRAINER:	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1st offense	2nd offense (365-day period)	3rd offense (365-day period)
◦ Minimum fine of $1,000 to a maximum fine of $2,500.	◦ Minimum fine of $2,500 to a maximum fine of $5,000.	◦ Minimum fine of $5,000 to a maximum fine of $10,000.
LICENSED OWNER:	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1st offense	2nd offense (365-day period)	3rd offense (365-day period)
◦ Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	◦ Disqualification of horse and loss of purse. If same horse, placed on veterinarian's list for up to 45-days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	◦ Disqualification of horse and loss of purse. Minimum $5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run

warning to the licensed trainer and owner. A Category "D" penalty for a first offense may result in a written warning or fine that will remain on the licensee's record for a period of two years. After the two year period, if the licensee has had no further violations of CHRB Rule 1843, the Category "D" penalty will be expunged from the licensee's record for penalty purposes.

CATEGORY "D" PENALTIES

1ST offense (365 day period)	2nd offense (365 day period)	3rd offense (365 day period)
Minimum of an official written warning to a maximum fine of $250.	Minimum of a $250 fine to a maximum fine of $500.	Minimum of a $500 fine to a maximum fine of $750.

CATEGORY "D" PENALTIES FOR RULE 1844(c)(1) VIOLATIONS

Phenylbutazone 2.1ug/ml to 5.0 ug/ml		
1st offense (365 day period)	2nd offense (365 day period)	3rd offense (365 day period)
Minimum of an official written warning to a maximum fine of $250.	Minimum of a $250 fine to a maximum fine of $500.	Minimum of a $500 fine to a maximum fine of $750.

(f) Any drug or its metabolite or analogue thereof found to be present in an official test sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category "A" penalty until classified by the Board.

(g) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the process described in Rule 1842 of this division.

(h) Any licensee found to be responsible for the administration of any drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case.

(1) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "A" shall be referred to the California Veterinary Medical Board (CVMB) for consideration of further disciplinary action.
(2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "B" or "C" may be referred to the CVMB for consideration of further disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.

(i) A licensee who is suspended, or whose license is revoked, because of a medication violation is not able to benefit financially during the period of suspension or revocation. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(j) For the purpose of this regulation "licensed family members" means any person who holds an occupational license issued by the CHRB and who is related to the suspended licensee, or the licensee whose license is revoked, by blood, or by marriage or domestic partnership, or who is related by blood to the spouse or domestic partner of such licensee.

(l) For the purpose of this regulation, licensed trainers suspended 60 days or more, or whose license is revoked, shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, during the period of suspension, or revocation, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, advertisements, training-related equipment, tack, office equipment, and any other property.

NOTE: Authority cited: Sections 19440, 19461 and 19580, Business and Professions Code. Reference: Sections 19461, 19580, 19581 and 19582, Business and Professions Code. Section 11425.50, Government Code.

HISTORY:
1. New rule filed 5-23-08; effective 5-23-08.
2. Amendment filed 2-14-12; effective 3-15-12

3. Amendment filed 6-6-12; effective 7-6-12

1843.5. Medication, Drugs and Other Substances Permitted After Entry in a Race.

(a) In this rule a horse is deemed "entered" in a race 48 hours before post time of the running of the race.

(b) Water and feed, including hay, grain, and feed supplements that do not contain prohibited drugs may be provided to the horse up until post time.

(c) Drugs, medications or any other substances shall not be administered by any means to a horse within 48 hours of the post time of the race in which the horse is entered except:

(1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs.

(d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance.

(e) Any of the following substances may be administered by injection until 24 hours before the post time of the race in which the horse is entered:

(1) Injectable Vitamins;

(2) Electrolyte Solutions;

(3) Amino Acid Solutions;

(4) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound.

(f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian.

(g) One of the following non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division:

(1) Phenylbutazone;

(2) Flunixin;

(3) Ketoprofen.

(h) In addition to the substances named in subsection (c)(1), any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered:

(1) Furosemide;

(2) Other Authorized Bleeder Medication.

(i) Drugs, medications or any other substances may not be administered to a horse by injection,

via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations.

NOTE: Authority cited: Sections 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19580, 19581 and 19582, Business and Professions Code; Section 337 f, g and h, Penal Code.

HISTORY:
1. New rule filed 8-27-92; effective 9-26-92.
2. Amendment filed 10-6-98; effective 11-5-98.
3. Amendment filed 4-28-99; effective 5-28-99.

1843.6. Total Carbon Dioxide Testing.

(a) At the direction of the Equine Medical Director, the stewards or the official veterinarian, a veterinarian licensed by the Board or a registered veterinary technician licensed by the Board may collect blood sample(s) from a horse for the purpose of testing for total carbon dioxide (TCO2) concentrations. Such blood sample(s) shall be collected under the provision of Rule 1859 of this article, and may be collected pre-race or post-race.

(1) The owner or trainer of a horse selected for testing may request that a duplicate sample be taken. Such request shall be made prior to the collection of the official sample. The costs related to obtaining, handling, shipping and analyzing the duplicate sample shall be the responsibility of the owner or trainer who requested such sample.

(2) If the Board in its discretion determines the duplicate sample cannot be analyzed within five days after the sample is collected, the findings of the official sample shall be final.

(b) Any horse on a facility under the jurisdiction of the Board may be selected by the Equine Medical Director, the stewards or the official veterinarian for TCO2 testing.

(c) Any owner, trainer, or other person responsible for a horse, who refuses or fails to permit the taking of test sample(s) from such horse shall be deemed in violation of Rule 1930 of this division and shall have the horse declared ineligible to race by the stewards.

(d) TCO2 levels in the blood serum or plasma shall not exceed:

(1) 37.0 millimoles per liter of serum or plasma.

(2) TCO2 levels in excess of 37.0 millimoles shall be considered a Class three-medication violation for administrative purposes.

(e) The provisions of Rule 1859.25 of this article shall not apply to blood sample(s) collected for TCO2 testing.

NOTE: Authority cited: Sections 19420, 19440, 19580 and 19582.5, Business and Professions Code. Reference: Sections 19581 and 19582, Business and Professions Code.

HISTORY:
1. New rule filed as an emergency 9-13-05; effective through 1-21-06.
2. Permanent regulation filed 1-20-06; effective 1-20-06.
3. Permanent regulation filed 1-27-10; effective 2-26-10.

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

(b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.

(c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances:
(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.
(2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.
(3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum.
(4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.

(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(e) Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels:

(1) Acepromazine; 10 nanograms per milliliter
(2) Mepivacaine; 10 nanograms per milliliter
(3) Albuterol; 1 nanograms per milliliter
(4) Procaine; 25 nanograms per milliliter
(5) Salicylates; 750 micrograms per milliliter
(6) Clenbuterol; 140 picograms per milliliter, except in Quarter Horses the amount of clenbuterol cannot exceed 0 picograms per milliliter
(7) Omeprazole; 1 nanogram per milliliter
(8) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.
(9) Boldenone; 15 nanograms per milliliter in males other than geldings.
(10) Testosterone; 20 nanograms per milliliter in geldings.
(A) Testosterone at any level in males other than geldings is not a violation of this regulation.
(11) Testosterone; 55 nanograms per milliliter in fillies or mares
(12) Butorphanol 300 nanograms per milliliter

(f) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels in serum or plasma:
(1) Bethamethasone; 10 picograms per milliliter
(2) Dantrolene; 100 picograms per milliliter
(3) Detomidine; 1 nanogram per milliliter
(4) Dexamethasone; 5 picograms per milliliter

(5) Diclofenac; 5 nanograms per milliliter
(6) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter
(7) Firocoxib; 20 nanograms per milliliter
(8) Lidocaine; 20 picograms per milliliter
(9) Methocarbamol; 1 nanogram per milliliter
(10) Methylprednisolone; 100 picograms per milliliter
(11) Glycopyrrolate; 3 picograms per milliliter
(12) Prednisolone; 1 nanogram per milliliter
(13) Triamcinolone Acetonide; 100 picograms per milliliter
(14) Xylazine; 10 picograms per milliliter of serum or plasma
(15) Butorphanol; 2 nanograms per milliliter
(16) Isoflupredone; 100 picograms per milliliter

(g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)(1)-(12).

(h) Procaine, following administration of procaine penicillin, is an authorized medication provided:
(1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter.
(2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division,
(3) procaine penicillin was not administered after entry to race,
(4) the horse was under surveillance for a minimum of six hours prior to racing.

(i) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code.

HISTORY:
1. Repealer and new rule filed 10-29-81; effective 11-28-81.
2. Amendment filed 2-9-84; effective 2-9-84.
3. Amendment filed 8-3-95; effective 9-2-95.
4. Amendment filed 6-16-97; effective 6-16-97.
5. Amendment filed 4-28-99; effective 5-28-99.
6. Amendment filed 1-28-02; effective 1-28-02.
7. Amendment filed 4-27-05; effective 5-27-05.
8. Amendment filed 9-20-07; effective 10-20-07.
9. Amendment filed 5-1-08; effective 5-31-08.
10. Amendment filed 10-26-10; effective 11-25-10.
11. Amendment filed 2-14-12; effective 2-14-12.
12. Amendment filed 9-15-14; effective 9-15-14
13. Amendment filed 7-31-15, as an emergency; effective through 1-28-16.
14. Amendment filed 8-31-15; effective 10-1-15.

1844.1 Suspension of Authorized Medication.

(a) After a public meeting that has been noticed in accordance with Government Code section 11125(a), the Board may for any cause temporarily suspend the authorized administration to a horse entered to race of any drug, substance or medication that is otherwise permitted under Rule 1844, Authorized Medication.

(b) The temporary suspension of the authorized administration of a drug, substance or medication may be for a race, breed, or race meeting, provided all horses in the same race compete under the same conditions.

(c) The Board shall notify in writing the racing association and the trainer's organization of any temporary suspension of authorization to administer a drug, substance or medication to a horse entered to race. The written notification shall at minimum:

(1) State the authorized medication whose use is temporarily suspended,
(2) The period of time for which the use of the authorized medication is temporarily suspended, and
(3) Whether the temporary suspension is for a specific breed or a race meeting.

(d) A suspension of authorization to administer a drug, substance or medication to a horse entered to race shall not exceed 12 months.

NOTE: Authority cited: Sections 19440, 19562, 19580 and 19581, Business and Professions Code. Reference: Section 19440, 19580 and 19581, Business and Professions Code.

HISTORY:
1. New rule filed 7-21-11; effective 7-21-11.

1845. Authorized Bleeder Medication.

Authorized bleeder medication for the control of exercised induced pulmonary hemorrhage (EIPH) may be administered to a horse on the authorized bleeder medication list.

(a) A horse is eligible to race with authorized bleeder medication if the licensed trainer and/or veterinarian determines it is in the horse's best interest. If a horse will race with authorized bleeder medication, form CHRB 194 (New 08/04), Authorized Bleeder Medication Request, which is hereby incorporated by reference, shall be used to notify the official veterinarian prior to entry.

(b) The official laboratory shall measure the specific gravity of post-race urine samples to ensure samples are sufficiently concentrated for proper chemical analysis. The specific gravity of such samples shall not be below 1.010.

(c) If the specific gravity of the post-race urine sample is determined to be below 1.010, or if a urine sample is not available for testing, quantitation of furosemide in serum or plasma shall then be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

(d) A horse qualified to race with authorized bleeder medication shall be assigned to a pre-race security stall prior to the scheduled post time for the race in which it is entered, and shall remain there until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be in the care, custody, control and constant view of the trainer, or a licensed person assigned by the trainer. The trainer shall be responsible for the condition, care and handling of the horse while it remains in the security stall. The official veterinarian may permit a horse to leave the security stall to engage in track warm-up heats prior to a race.

(e) A horse qualified for administration of authorized bleeder medication must be treated on the grounds of the racetrack where the horse will race no later than four hours prior to post time of the race for which the horse is entered. The authorized bleeder medication, furosemide, shall be

administered by a single intravenous injection only, in a dosage of not less than 150 mg. or not more than 500 mg. A horse racing with furosemide must show a detectable concentration of the drug in the post-race serum, plasma or urine sample. The veterinarian administering the bleeder medication shall notify the official veterinarian of the treatment of the horse. Such Notification shall be made using CHRB form-36 (New 08/04), Bleeder Treatment Report, which is hereby incorporated by reference, not later than two hours prior to post time of the race for which the horse is entered. Upon the request of a Board representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(f) A horse placed on the official authorized bleeder medication list must remain on the list unless the licensed trainer and/or veterinarian requests that the horse be removed. The request must be made using CHRB form 194 (New 08/04), and must be submitted to the official veterinarian prior to the time of entry. A horse removed from the authorized bleeder medication list may not be placed back on the list for a period of 60 calendar days unless the official veterinarian determines it is detrimental to the welfare of the horse. If a horse is removed from the authorized bleeder medication list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(g) If the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for the following periods:

First incident—14 days;
Second incident within 365-day period—30 days;
Third incident within 365-day period—180 days;
Fourth incident within 365-day period—barred for racing lifetime.

For the purposes of counting the number of days a horse is ineligible to run, the day after the horse bled externally is the first day of such period. The voluntary administration of authorized bleeder medication without an external bleeding incident shall not subject a horse to the initial period of ineligibility as defined under this subsection.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code.

HISTORY:
1. Amendment filed 7-11-75; effective 8-10-75.
2. Repealer and new rule filed 10-29-81; effective 11-28-81.
3. Amendment filed 2-9-84; effective 2-9-84.
4. Amendment of subsections (e) and (f) filed 8-13-91; effective 9-12-91.
5. Amendment filed 4-27-05; effective 5-27-05.

1846. Racing Soundness Examination.

Each and every horse entered to race shall be subjected to a veterinary examination for racing soundness and health on race day not later than two hours prior to official post time for the race in which the horse is to compete. Such an examination shall be referred to as the "Racing Soundness Exam".

(a) The examination shall include but not be limited to close inspection of the eyes, examination of the legs, recording of the temperature of the horse and observation of the horse at rest and while in motion.

(b) All such examinations shall be conducted in or near the stall to which the animal is assigned and shall be conducted by the Official Veterinarian or the Racing Veterinarian.

(c) The Official Veterinarian shall keep or cause to be kept a continuing health and racing soundness record of each horse so examined.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 337f, g, and h, Penal Code. Sections 19401 and 19440, Business and Professions Code.

HISTORY:
1. Repealer and new rule filed 10-29-81; effective 11-28-81.

1846.5. Postmortem Examination.

(a) Every horse which suffers a fatal injury on the racetrack in training or in competition, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination at a diagnostic laboratory which is under contract with the Board to determine the injury or sickness which resulted in euthanasia or natural death.

(b) Test samples may be obtained from the carcass upon which the postmortem examination is to be conducted and sent to the diagnostic laboratory for testing for foreign substances or their metabolites, and natural substances at abnormal levels. When practical, test samples shall be procured prior to euthanasia.

(c) The costs associated with transportation to the diagnostic laboratory of any horse which has died under the provisions of subparagraph (a) shall be the responsibility of the racing association conducting the meeting where the death occurred or the training center or racetrack where death occurred when no meeting is in progress. The services of the official veterinarian and the laboratory testing of postmortem samples for standard necropsy and special equine necropsy examinations shall be made available by the Board without charge to the owner. The cost of any additional necropsy examination(s) requested by the owner or trainer are the responsibility of the requesting individual.

(d) Requests for each postmortem shall be filed with the official veterinarian by the owner's or trainer's veterinarian within one hour of the death and shall be submitted on a Necropsy Submission Form, CHRB-72, (Rev. 6/04), hereby incorporated by reference, and which is available at all official veterinarian offices. The trainer is co-responsible to supply all information to complete CHRB-72.

(e) If the official veterinarian is not available, the owner's or trainer's veterinarian must phone the diagnostic laboratory within one hour of the death and fax CHRB-72 to the laboratory as notification that the horse is due for necropsy. On the official veterinarian's next scheduled work day, the owner's or trainer's veterinarian shall give the original CHRB-72 to the official veterinarian.

(f) The racing association, racetrack or training center will notify the transporter within one hour of death to have the horse conveyed to the designated laboratory for necropsy.

(g) Upon completion of the postmortem examination the diagnostic laboratory shall file a written report with the Executive Director, the Equine Medical Director and the official veterinarian.

(h) Each owner and trainer accepts responsibility for the postmortem examination provided herein as a requisite for maintaining an occupational license.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19444(c), Business and Professions Code.

HISTORY:
New rule filed 10-29-81; effective 11-28-81.
Amendment filed 11-10-92; effective 12-10-92.
Amendment filed 6-7-94; effective 7-7-94.
Amendment filed 8-11-95; effective 9-10-95.
Amendment filed 7-6-98; effective 8-5-98.
Amendment filed 4-25-00; effective 4-25-00.
Amendment filed 11-29-04; effective 12-29-04.

1847. Blocking of Legs.

Blocking may be defined as the administration of any local anesthetic, or other agent, to desensitize a portion of a leg either locally by infiltration of the tissues, regionally by administration directly over a nerve, or by injection directly into a joint space, tendon sheath, or bursa for the purpose of desensitization of a painful condition. These practices are prohibited after a horse is entered to race. The use of ice is not prohibited.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Sections 19420, 19440 and 19562, Business and Professions Code; Section 337h, Penal Code of California.

HISTORY:
1. Amendment filed 1-24-91; effective 2-23-91.

1848. Bandages.

Only bandages approved by the official veterinarian shall be used on a horse during a race and all other leg coverings shall be removed before the horse leaves the saddling paddock to enter the race course.

NOTE: Authority cited: Section 19562, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.

1849. Nerving.

No person shall bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as a bloodstock agent in the sale of, any horse which has been “nerved” or has had any nerve removed from the leg of such horse, except as provided in this article.

Posterior Digital Neurectomy.

(a) Notwithstanding the prohibition against "nerving," a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving" is not ineligible to race, and is not subject to the prohibitions in this article pertaining to nerving, provided:

(1) the official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider,

(2) the prior approval of the official veterinarian has been obtained if the horse is on the grounds of a racing association,

(3) the racing secretary is notified of such nerving at the time such horse is admitted to the grounds of a racing association,

(4) the posterior digital neurectomy was performed prior to October 1, 2008, and

(5) the horse's registration or eligibility certificate is marked to indicate such nerving.

NOTE: Authority cited: Sections 19420, 19440 and 19562, Business and Professions Code. Reference: Section 19420, 19440 and 19562 Business and Professions Code.

HISTORY:
1. Amendment filed 9-2-08; effective 10-1-08.

1851. List of Nerved Horses.

The racing secretary shall maintain a list of nerved horses which are on the grounds and shall make such list available for inspection by other licensees participating in the meeting.

1852. Reporting to Receiving Barn.

A horse shall not be qualified to start in a race unless his presence at the receiving barn at the time designated by the stewards is reported to the official veterinarian, and no trainer shall fail to cause a horse in his care to report to the receiving barn at the designated time.

1853. Examination Required.

(a) The official veterinarian shall examine each horse that is scheduled to race to determine its fitness to start. The horse identifier shall examine each horse to identify such horse from the Board's identification record and the photographs, record of pedigree, tattoo or brand number and such other points of identification as may be available. The horseshoe inspector shall inspect the horseshoes of each horse. No horse shall be eligible to start in a race, and shall be declared by the stewards, if it is found to be unfit to race, not properly identified, or improperly shod.

(b) A thoroughbred horse that is not shod is eligible to start in a race if the trainer declares at the time of entry that the horse will race unshod.

(1) At the time of entry a trainer shall declare if a thoroughbred horse that raced unshod in its previous start will race shod.

(2) Any declaration made under subsections (b) or (b)(1) above shall be noted in the official program, and shall state if the horse will race without horseshoes in the front or back or all around.

(3) For the purposes of this regulation "unshod" means running without horseshoes in the front or back or all around.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19420 and 19440, Business and Professions Code.

HISTORY:

1. Amendment filed 8-04-09; effective 9-03-09.

1854. Exclusion From Receiving and Detention Barn.

The official veterinarian shall exclude from the receiving and detention barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance on such horses. No person shall enter the stall in the receiving barn of a horse scheduled to race except with permission of the custodian of the barn or the official veterinarian. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him, nor refuse to leave when ordered to do so by the custodian or the official veterinarian.

1855. Medication Procedures and Related Instructions.

The Board may issue orders governing medication procedures and related instructions, which orders amplify the provision of this article.

1856. Clean and Sterile Equipment Required.

Veterinarians shall use new, single-use disposable hypodermic needles for parenteral administrations. All other instruments used for injections or skin penetration, must be cleaned and sterilized. The official veterinarian shall provide a secure place for the disposal of needles, syringes, injectable medications and their containers, and veterinarians on the grounds shall not dispose of such materials on the grounds other than in such secure place.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19580, Business and Professions Code.

HISTORY:
1. Amendment of rule and heading filed 8-16-93; effective 9-15-93.

1857. Equipment for Official Testing.

Associations shall provide the equipment, necessary supplies and services prescribed by the Board or the official veterinarian for the taking of or administration of urine, saliva or other tests.

1858. Test Sample Required.

(a) Blood and urine test samples shall be taken daily from the winner of every race, from horses finishing second and third in any stakes race with a gross purse of $75,000 or more, and from not less than six other horses designated for testing by the Equine Medical Director, the stewards or the official veterinarian.

(b) Every horse within the inclosure, every horse registered to race at an inclosure, or nominated, pre-entered or entered in any race is subject to testing and no owner, trainer or other person having the care of a horse shall refuse to submit it for testing when directed by the Equine Medical Director, the stewards or the official veterinarian.

(1) For the purposes of this regulation, a horse is “registered to race at an inclosure” when the horse’s registration papers are on file with a racing association under the jurisdiction of the Board.

NOTE: Authority cited: Sections 19440, 19562 and 19580, Business and Professions Code. Reference: Section 19580(b), Business and Professions Code; and Sections 337f, 337g and 337h,

Penal Code.

HISTORY:
1. Amendment filed 4-21-83; effective 5-21-83.
2. Amendment filed 2-9-84; effective 2-9-84.
3. Amendment filed 8-23-90; effective 9-22-90.
4. Amendment filed 1-9-96; effective 2-8-96.
5. Amendment filed 2-6-02; effective 3-8-02.
6. Amendment filed 1-27-10; effective 2-26-10.
7. Amendment filed 1-13-15; effective 4-1-15.

1859. Taking, Testing and Reporting of Samples.

(a) Urine, blood or other official test samples shall be taken under the direction of the official veterinarian, the Equine Medical Director or a person designated by the official veterinarian. All samples shall be taken in a detention area approved by the Board, unless the official veterinarian or the Equine Medical Director approves otherwise. The taking of any test sample shall be witnessed, confirmed or acknowledged by the trainer of the horse being tested or his or her agent or employee, and may be witnessed by the owner, trainer or other person designated by them. All official test samples shall be sent to the official laboratory approved and designated by the Board, in such manner as the Board may direct. All required samples shall be in the custody of the official veterinarian, his or her assistants or other persons approved by the official veterinarian, from the time they are taken until they are delivered to the custody of the official laboratory.

(b) The Executive Director and the Equine Medical Director shall immediately be notified by the official laboratory of each finding that an official test sample contains a prohibited drug substance, as defined in this article. The official laboratory shall further provide all information and data on which the finding is based to the Equine Medical Director, and shall transmit its official report of the finding to the Executive Director within five working days after the initial notification is made.

(c) The Board has the authority to direct the official laboratory to retain and preserve by freezing samples for future analysis.

(d) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no drug substance prohibited by this article has been administered, in violation of these rules, to the horse earning such purse money.

NOTE: Authority cited: Sections 19420, 19440, 19562 and 19577, Business and Professions Code. Reference: Sections 19401, 19440 and 19577, Business and Professions Code.

HISTORY:
1. Amendment filed 12-15-80; effective 1-14-81.
2. Amendment adding subsection designations and new subsections (b) and (c) filed 8-23-90; effective 9-22-90.
3. Amendment filed 6-7-94; effective 7-7-94.
4. Amendment filed 10-25-94; effective 11-6-94.
5. Amendment filed 1-27-10; effective 2-26-10.

1859.25. Split Sample Testing.

(a) In addition to the blood and urine official test samples transmitted to the official laboratory for testing as provided in Rule 1859 of this Article, the Board shall maintain a portion of the

official test sample for each horse tested if sufficient sample is available after the official test samples are taken. That portion shall be designated the split sample. The Board makes no guarantee as to the amount of sample which will be available for the split sample. All samples taken by representatives of the Board are under the jurisdiction of and shall remain the property of the Board at all times. The Board shall ensure the security and storage of the split sample.

(b) When the Executive Director or the Executive Director's designee is notified of a finding by the official laboratory that a test sample from a horse participating in any race contained a prohibited drug substance as defined in this Article, the Executive Director, after consulting with the Equine Medical Director or the Equine Medical Director's designee as to the presence of the prohibited drug substance shall notify a Supervising Investigator. The owner and the trainer shall be confidentially notified of the finding by a Supervising Investigator or his/her designee and the owner and trainer shall each have 72 hours from the date he or she is notified to request that the split sample of the official test sample that was found to contain the prohibited drug substance(s) be tested by an independent Board-approved laboratory.

(c) If the owner or trainer wishes to have the split sample tested, he or she shall comply with the following procedures:

(1) The request shall be made on CHRB-56, (Rev. 5/97), Request to Release Evidence, which is hereby incorporated by reference. CHRB-56 shall be made available at all CHRB offices.

(2) The owner or trainer requesting to have the split sample tested shall be responsible for all charges and costs incurred in transporting and testing the split sample. By signing CHRB-56, the owner or trainer certifies he or she has made arrangements for payment to the designated Board-approved laboratory for laboratory testing services.

(3) Verification of payment for costs incurred in transporting and testing the split sample must be received by the CHRB within five (5) working days from the CHRB receipt of CHRB-56. If such verification of payment is not received, the split sample will not be released or shipped to the Board-approved laboratory designated by the owner or trainer to test the split sample and the owner and trainer will have relinquished his/her right to have the split sample tested. If a complaint issues, the only test results that will be considered will be the results from the Board's official laboratory.

(d) Upon approval by the Executive Director or the Executive Director's designated representative of a valid request on CHRB-56, CHRB-29 (Rev. 5/97), Authorization to Release Split Sample Urine Evidence, or CHRB-29A (Rev. 5/97), Authorization to Release Split Sample Blood Evidence, which are hereby incorporated by reference, shall be completed and the Board shall ensure that the split sample is sent to the designated laboratory for testing.

(1) If the findings by the independent Board-approved laboratory fail to confirm the findings of the prohibited drug substance as reported by the official laboratory, it shall be presumed that the prohibited drug substance was not present in the official sample.

(2) If the findings by the independent Board-approved laboratory confirm the findings of the prohibited drug substance as reported by the official laboratory, the Executive Director shall report these findings to the Board within 24 hours after receiving confirmation of the prohibited drug substance in the split sample.

(e) If the owner or trainer fails to request the testing of the split sample in accordance with the procedures specified in this rule, they shall be deemed to have waived their rights to have the split sample tested.

(f) Results of the official test sample and the split sample shall be, and shall remain, confidential and shall be provided only to the Executive Director or the Executive Director's designee, the Board, the Equine Medical Director or the Equine Medical Director's designee, and to the owner and trainer, unless or until the Board files an official complaint or accusation.

NOTE: Authority cited: Sections 19420, 19440 and 19577, Business and Professions Code. Reference: Sections 19420, 19440 and 19577, Business and Professions Code; and Section 603, Evidence Code.

HISTORY:
1. New rule filed 4-15-91; effective 5-15-91.
2. Amendment filed 5-1-92; effective 5-1-92.
3. Amendment filed 6-7-94; effective 7-7-94.
4. Amendment filed 10-11-94; effective 11-10-94.
5. Amendment filed 10-22-96; effective 10-22-96.
6. Amendment filed 6-19-97; effective 6-19-97.
7. Amendment filed 11-17-98; effective 12-17-98.

1859.5. Disqualification Upon Positive Test Finding.

A finding by the stewards that an official test sample from a horse participating in any race contained a prohibited drug substance as defined in this article, which is determined to be in class levels 1-3 under Rule 1843.2 of this division, unless a split sample tested by the owner or trainer under Rule 1859.25 of this division fails to confirm the presence of the prohibited drug substance determined to be in class levels 1-3, shall require disqualification of the horse from the race in which it participated and forfeiture of any purse, award, prize or record for the race, and the horse shall be deemed unplaced in that race. Disqualification shall occur regardless of culpability for the condition of the horse.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19401, 19440, 19577 and 19582.5, Business and Professions Code; Sections 337f, 337g and 337 h, Penal Code.

HISTORY:
New rule filed 4-21-83; effective 5-21-83.
Amendment filed 8-10-95; effective 9-9-95.
Amendment filed 12-6-99; effective 12-6-99.

1860. Adulteration of Sample.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to do so, any sample required to be taken by this article, except for the addition of preservatives or substances necessarily added by the official laboratory for presentation of the sample or in the process of analysis.

1861. Vendors.

No vendor permitted on the grounds of an association shall sell or deliver any horse feed, feed supplement, tonic, veterinary preparation, medication, veterinary equipment or supplies, or any substance containing any prohibited drug, unless he shall have filed with the official veterinarian a list of such items he intends to sell or deliver and has received the approval of the official veterinarian. Any vendor permitted regular access to the stable area shall obtain a license from the Board. The official veterinarian may restrict the sale of, prohibit the sale or delivery of, or place conditions on the sale or delivery of any item subject to approval.

1862. Dealers in Hay.

All dealers in hay or feed who are permitted access to the stable area are required to provide at the time of delivery of any hay or feed to a consignee in the stable area a bill specifying the weight and cost of such feed or hay. Any hay dealer who delivers hay or feed which does not weigh at least the amount specified on the bills provided therefore shall be denied access to all stable areas of associations in this State.

1863. Pre-Race Testing.

The Board may require any horse entered to race to submit to any blood or other pre-race test, and no horse is eligible to start in a race until the owner or trainer complies with any required testing procedure.

1864. Labeling of Medications.

No veterinarian or vendor shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, medication, or any substance containing a prohibited drug to any person within the inclosure unless there is a label specifying the name of the dispensing veterinarian, the name of the horse or the purpose for which the said preparation or medication is dispensed, and the name of the person to which dispensed, or is otherwise labeled as required by law. Any substance containing a prohibited drug shall be labeled, "Caution. Contains Prohibited Drug. Not to be used on race day."

1865. Altering of Sex of Horse.

Any alteration to the sex of a horse from the sex as recorded on the certificate of foal registration or the eligibility certificate or other official registration certificate of the horse shall be reported to the racing secretary and the official horse identifier if the horse is entered to race at any race meeting.

(a) If a racehorse is gelded or castrated on the premises of a licensed racing association, or other facility under the jurisdiction of the Board, the trainer shall report the alteration within 72 hours.

(b) If a racehorse is gelded or castrated off the premises of a licensed racing association, or other facility under the jurisdiction of the Board, and the horse has been previously entered to race at any race meeting in this State, the owner and/or trainer shall report the alteration at the time the horse is next entered to race.

(c) A report of gelding or castration will include the name of the veterinarian performing the alteration and the date of the alteration, and shall be recorded on the official registration certificate and the official horse identification record of the horse.

(d) A trainer who enters a horse, or who causes a horse to be entered on his behalf, is responsible for ensuring that the true sex of the entered horse is listed on its certificate of registration on file in the racing office.

(1) If the true sex of a horse is not correctly identified in the official program for the race in which the horse is entered, the trainer of the horse shall be subject to a minimum fine of $1,000.

(2) Deviation from the minimum fine in subsection (d)(1) of this regulation is appropriate if the trainer can demonstrate mitigating circumstances. Mitigating circumstances may include, but are not limited to:

(A) Errors made by other parties in recording information correctly provided by the trainer.

NOTE: Authority cited: Sections 19420, 19440, 19460 and 19562, Business and Professions Code. Reference: Sections 19420, 19562 and 19661 Business and Professions Code.

HISTORY:
1. New rule filed 7-11-75; effective 8-10-75.
1. Amendment filed 3-11-09; effective 4-10-09.

1866. Veterinarian's List.

(a) The official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.
(1) When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours.

(b) A horse placed on the Veterinarian's List as:
(1) sick;
(2) having received veterinary treatment-shockwave therapy;
(3) injured;
(4) unsound; or
(5) lame,
may not workout for 72 hours after being placed on the list without the permission of the official veterinarian.

(c) The official veterinarian may require any horse placed on the Veterinarian's List to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board.

(d) A horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.
(1) A horse placed on the Veterinarian's List as lame or unsound for the first time within a 365 day period must stay on the Veterinarian's List for a minimum of 10 days before the horse is eligible to be removed from the list.
(2) A horse placed on the Veterinarian's List as lame or unsound for the second time in 365 days must stay on the Veterinarian's List for a minimum of 30 days before the horse is eligible to be removed from the list.
(3) A horse placed on the Veterinarian's List as lame or unsound for the third time in 365 days must stay on the Veterinarian's List for a minimum of 60 days before the horse is eligible to be removed from the list.
(4) A horse placed on the Veterinarian's List as lame or unsound for the fourth time in 365 days must stay on the Veterinarian's List for a minimum of 180 days before the horse is eligible to be removed from the list.

(e) 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 shall be taken from the horse and the provisions of this article shall apply to such official workout in the same manner as to a scheduled race.

(f) For the purpose of this regulation, "workout" means an exercise session near full speed, or

close to full speed.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440 and 19562, Business and Professions Code.

HISTORY:
1. New rule filed 2-9-84; effective 2-9-84.
2. Amendment filed 12-16-85; effective 1-15-86.
3. Amendment filed 1-29-10; effective 2-28-10.
4. Amendment filed 3-4-15; effective 7-1-15.

1866.1 Presence of Clenbuterol in Quarter Horses.

(a) A quarter horse prescribed clenbuterol will be placed on the Veterinarian's List for veterinary treatment until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness, pursuant to Rule 1866. Quarter horses on the Veterinarian's List for clenbuterol administration will not be allowed to start in a race until the horse is removed from the Veterinarian's List.

1) Veterinarians prescribing clenbuterol within the inclosure shall include the diagnosis justifying the prescription of clenbuterol, the dosage, and the most recent date of administration on the label. Clenbuterol shall only be prescribed to an individual quarter horse for a specific diagnosis to last for a defined period of time to ensure compliance with Rule 1864, Labeling of Medication. The quarter horse's name, diagnosis, dosage and most recent date of clenbuterol administration must be reported to the Official Veterinarian on form CHRB-24 (Veterinarian Report), which is hereby incorporated by reference.

(2) Administration of clenbuterol to a quarter horse must be reported by the trainer of the horse to the Official Veterinarian on form CHRB-60 (Trainer Medication Report), which is here by incorporated by reference.

(b) A quarter horse that, pursuant to Rules 1858 or 1859, tests positive for clenbuterol in either a blood, urine, or other official test sample will be placed on the Veterinarian's List until an investigation has been conducted to determine the circumstances of the presence of clenbuterol in the official test sample, and until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness, pursuant to Rule 1866.

(1) A "positive" test result is one in which the presence of clenbuterol is detected in an official test sample at an amount greater than 0.00%.

(c) A quarter horse shall not be removed from the Veterinarian's List and allowed to start in a race until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness pursuant to Rule 1866.

Note: Authority Cited: Sections 19440, 19562, and 19580, Business and Professions Code. Reference: Sections 19440, 19562, and 19580, Business and Professions Code

HISTORY:
1. New rule filed 7-31-15, as an emergency; effective through 1-28-16.

1867. Prohibited Veterinary Practices.

For purposes of this division, prohibited veterinary practices means:

(a) The possession and/or use on the premises of a facility under the jurisdiction of the Board of any drug, substance or medication specified below, for which a recognized analytical method has not been developed to detect and confirm its administration; or the use of which may endanger the health and welfare of the horse, or the safety of the rider or driver, or alter equine performance.

(1) Erythropoietin (EPO) and analogs
(2) Darbepoietin and analogs
(3) Snake venom
(4) Snail venom
(5) Growth hormone and analogs
(6) Ractopamine and ractopamine metabolites or analogs,
(7) Zilpaterol and zilpaterol metabolites or analogs

(b) The possession and/or use on the premises of a facility under the jurisdiction of the Board of any drug, substance or medication that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.

(c) The presence of any drug, substance or medication described in subsections (a)(1) through (a)(5), and subsection (b) of this regulation in any test sample obtained consistent with Rules 1858, 1859 and 1859.25 of this article, and the provisions of this article, shall apply to such sample in the same manner as if the horse were entered to race (See Title 4, California Code of Regulations, section 1843.3). The Board may grant an exception to this subsection if the person or persons seeking the exemption submits written documentation that demonstrates an FDA exemption has been obtained pursuant to Guide 1240.3025 of the FDA Center for Veterinary Medicine (CVM) Program Policy and Procedures Manual, which is hereby incorporated by reference. Guide 1240.3025 of the FDA CVM Program Policy and Procedures Manual may be obtained at the California Horse Racing Board's headquarters office.

NOTE: Authority cited: Sections 19440, 19562, 19580, and 19582, Business and Professions Code. Reference: Sections 19580, 19581, and 19582, Business and Professions Code.

HISTORY:
1. New rule filed 10-15-02; effective 11-14-02.
2. Amendment filed 9-16-03; effective 10-16-03.
3. Amendment filed 2-1-10; effective 3-3-10.
4. Amendment filed 10-10-12; effective 11-9-12.

Article 16. General Conduct

Conditions of Meeting Binding upon Licensees.

The Board, recognizing the necessity of an association to comply with the requirements of its license and to fulfill its obligation to the public and the State of California with the best possible uninterrupted services, in the comparatively short licensed period, herein provides that all associations, officials, horsemen, owners, trainers, jockeys, grooms, platers, association employees, and all licensees, who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said association engages and plans to conduct such race meeting, shall be bound thereby.

1871. Notice of Intention to Terminate.

Any association, officials, horsemen, owners, trainers, jockeys, grooms, platers, association

employees, and all licensees, who so accept such conditions pursuant to Rule 1870 shall, before they terminate or discontinue their employment, engagements or activities, give the Board and the association with whom they are engaged, at least 15 days notice in writing of their intentions to terminate or discontinue their employment, engagements or activities under such conditions. The Board may upon notice to all parties of interest, conduct a hearing with respect to any termination or discontinuance of employment.

1872. Failure to Fulfill Jockey Agreement.

No jockey engaged for a certain race or for a specified time may fail or refuse to abide by his agreement unless excused by the stewards.

1873. Furnishing Racing Selection.

No licensee, employee of the racing association, or employee of any concessionaire of the racing association shall furnish a handicap or selection or racing prediction to any racing prediction or selection service or to any tipster sheet required to file with the Board pursuant to section 19664 of the Business and Professions Code.

1874. Disorderly Conduct.

No licensee, shall be under the influence of any alcoholic beverage, and/or any illegal substance while performing their respective duties while within the inclosure of any racing association or fair, simulcast wagering facility, auxiliary stabling facility or Board-approved training facility. Nor shall any licensee conduct themselves in a disorderly or boisterous manner at any time while within the inclosure of any racing association or fair, simulcast wagering facility, auxiliary stabling facility or Board-approved training facility including but not limited to:

1. Fighting;

2. Threatening, abusive or aggressive behavior toward another person;

3. Any behavior that impedes others from performing their duties; and/or

4. Any other behavior that is detrimental to the public and racing.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440 and 19460, Business and Professions Code.

HISTORY:
1. Amendment filed 3-28-96; effective 4-27-96.

1875. Firearms.

No licensee, employee of the association or its concessionaires, shall possess a firearm while on the grounds of a facility within the purview or control of the Board unless such possession has been authorized by state or federal law, and unless the documentation of such authorization is on his or her person.

NOTE: Authority cited: Sections 19420, 19440 and 19460, Business and Professions Code. Reference: Sections 19420, 19440 and 19460, Business and Professions Code.

HISTORY:
1. Amendment filed 1-6-94; effective 2-5-94.

1876. Financial Responsibility.

(a) No licensee shall willfully and deliberately fail or refuse to pay any moneys when due for any service, supplies or fees directly related to his or her California horse racing operations, nor shall he or she falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying or defrauding the person to whom such indebtedness is due.

(b) Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due, or by a judgment from a civil court which has been issued within one year of the date of the complaint.

(c) The Board will not consider a financial responsibility complaint made by the complainant against the same accused within twenty-four months of the filing of the instant complaint.

(d) The Board will consider only those financial responsibility complaints which meet the following criteria:

(1) The complaint involves services, supplies or fees that are directly related to the licensee's California racetrack operations; and
(2) The debt or cause for action originated, or the civil court judgment was issued, in this State within one year of the filing of the complaint.

(e) Financial responsibility complaints submitted by equine medical hospitals, and horse auction sales authorized by the Board in accordance with Rule 1807 of this Division, will be considered provided such complaints comply with subsections (b), (c) and (d) (1) through (d) (2) of this regulation, and are directly related to the California horse racing operations of a person licensed by the Board.

(1) Financial responsibility complaints submitted by horse farms will be considered provided the complaint is for not less than one thousand dollars and is related to the horse operations of a person licensed by the Board.

(f) Financial responsibility complaints that are horse racing related wage disputes originating between persons licensed by the Board will be considered.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440, 19460 and 19461, Business and Professions Code.

HISTORY:
1. Amendment filed 10-4-93; effective 11-3-93.
2. Amendment filed 6-21-11; effective 7-21-11.

Checks.

No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is written on a closed account or a non-existent account. The fact that such a check is returned to the payee by the bank as refused is a ground for suspension pending satisfactory redemption of the returned check.

1878. Workouts.

No trainer shall permit a horse in his charge to be taken onto the track for training or a workout except during hours designated by the association, and a trainer desiring to engage a horse in a workout shall prior to such workout identify the horse by name when requested to do so by the stewards or their authorized representative.

1879. Interest in Earnings of Jockey.

No owner or trainer shall have an interest in the earnings of a jockey.

1880. Gratuity to Starter or Assistant Starter.

No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, or other compensation, gratuity or reward, in connection with the running of any race or races; except such compensation as salaries received from associations.

1881. Exclusion of Persons from Race Course.

No person shall enter upon or remain upon the race course the race is to be run over from the time the horses enter the race course from the paddock until the race has been run. This rule shall not apply to racing officials, licensees on duty which requires their presence on the course, and such persons who for good cause have been granted permission by the stewards or the Board.

1884. Unsatisfactory Rides.

No jockey shall take his horse back without reasonable cause, or intentionally ride wide on the turns, or otherwise cause his mount to lose ground when there is not reasonable cause for such loss, or otherwise ride in a manner which is inconsistent with using the best efforts of the horse he is riding.

1885. Rough Riding.

Rough riding is defined as a deliberate act in violation of any riding rule, or any willful or wanton act which is the proximate cause of any racing accident or injury to any jockey or his mount during the running of a race. The stewards shall report to the Board any rough riding.

1886. Suspended Jockey May Exercise Horses.

During the term of a suspension, a jockey may exercise horses unless denied such privileges by the stewards or the Board.

1887. Trainer or Owner to Insure Condition of Horse.

(a) The trainer is the absolute insurer of and responsible for the condition of the horses entered in a race, regardless of the acts of third parties, except as otherwise provided in this article. If the chemical or other analysis of urine or blood test samples or other tests, prove positive showing the presence of any prohibited drug substance defined in Rule 1843.1 of this division, the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off. The owner of a ship-in horse is the joint-absolute insurer of and is equally responsible for the condition of the horse entered in a race.

(b) A ship-in horse is defined as any horse entered to race that has not been in the care of a Board-licensed trainer for seven consecutive calendar days prior to the day of the race for which it is entered.

(c) Notwithstanding the above, if the Board or its agents fail to notify a trainer or the owner of a ship-in horse of a potential positive test within 21 calendar days from the date the sample was taken, the trainer or the owner of a ship-in horse shall not be deemed responsible under this rule unless it is shown by the preponderance of the evidence that the trainer or the owner of a ship-in horse administered the drug or other prohibited substance defined in Rule 1843.1 of this division, caused the administration or had knowledge of the administration.

NOTE: Authority cited: Sections 19440, 19580 and 19581, Business and Professions Code. Reference: Sections 19440, 19577, 19580 and 19581 Business and Professions Code.

HISTORY:
Amendment filed 7-9-92; effective 8-8-92.
Amendment filed 10-25-94; effective 11-24-94.
Amendment filed 12-6-99; effective 12-6-99.
Amendment filed 8-8-05; effective 9-7-05.
Amendment filed 12-29-15; effective 4-1-16.

1888. Defense to Trainer Insurer Rule.

A trainer or other person charged with a violation of Rule 1887 of this division may defend, mitigate or appeal the charge if:

(a) He was not, before the commencement of any proceeding against him, informed of the charges being brought against him;

(b) He was not permitted counsel, representation or an advisor of his choosing in any hearing before the stewards concerning the charges;

(c) He shows, by a preponderance of evidence, that he made every reasonable effort to protect the horses in his care from tampering by unauthorized persons; and

(d) He was not permitted to introduce evidence in his own behalf before any finding or ruling was made against him. Nothing herein shall require that the stewards permit cross-examination of any witness appearing before them, or issue subpoenas for the attendance of witnesses.

NOTE: Authority cited: Sections 19440 and 19580, Business and Professions Code. Reference: Sections 19440 and 19580, Business and Professions Code.

HISTORY:
Amendment filed 12-6-99; effective 12-6-99.

1889. Entry to Area Assigned to Trainer.

No person shall enter the stalls, shed row, tack rooms, feed sheds and the immediate adjacent area of the locations, unless the person has prior approval of the trainer to whom the locations are assigned by the association. This rule does not apply to racing officials, investigators of the Board, security officers, employees or agents of the association who are on duty, law enforcement or fire protection officers, and employees, agents or representatives of the trainer to whom the locations are assigned.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

Possession of Contraband.

(a) No person other than a veterinarian licensed by the Board, shall have in his possession at a facility under the jurisdiction of the Board any drug which is a narcotic, stimulant, or depressant, or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe or hypodermic needle, or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection.

(b) No person other than a veterinarian licensed by the Board, shall have in his possession at a facility under the jurisdiction of the Board any veterinary treatment or any medicine, medication, or other substance recognized as a medication, which has not been prescribed in accordance with Rule 1840 of this division and labeled in accordance with Rule 1864 of this division.

(c) No person shall have in his possession on the premises during any recognized meeting any electrical stimulating or shocking device commonly known as a battery, or any mechanical stimulating device, or any other appliance, which might affect the speed or actions of a horse.

(d) The stewards may permit the possession of drugs or appliances by a licensee for personal medical needs under such conditions as the stewards may impose.

NOTE: Authority cited: Sections 19420, 19440 and 19580, Business and Professions Code. Reference: Sections 19460, 19580 and 19581, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.
2. Amendment filed 1-27-10; effective 2-26-10.

1891. Seizure of Contraband.

Investigators of the Board, track security officers, or officials shall confiscate any contraband named in Rule 1890 of this division, and any other drug or device prohibited by federal or state law, from any person within the inclosure who is not in legal possession of the drug or device.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420, 19440 and 19581, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1891.1. Penalty for Possession of Electrical Device.

A complaint against a licensee for a violation of, or conspiring to violate, Rule 1890 (c) of this division shall be referred to the Board for hearing and adjudication.

Any licensee whom the Board finds to have violated, or conspired to violate Rule 1890 (c), shall have his or her license revoked.

A finding by the Board of a violation of Rule 1890 (c) shall be referred to the district attorney for

the county in which the violation occurred, citing California Penal Code section 337f (a) (1).

NOTE: Authority cited: Sections 19420, and 19440, Business and Professions Code. Reference: Sections 19460, and 19523, Business and Professions Code. Section 337f(a)(1), Penal Code.

HISTORY:
1. New rule filed 6-4-15; effective 10-1-15.

1892. Bribes.

No person shall give, or offer or promise to give, or attempt to give or offer, any money, bribe or thing of value to any owner, trainer, jockey, agent, or any other person participating in the conduct of a race meeting in any capacity, with the intention, understanding or agreement that such owner, trainer, jockey, agent or other person shall not use his best efforts to win a race or so conduct himself in such race that any other participant in such race shall be assisted or enabled to win such race; nor shall any trainer, jockey, owner, agent or other person participating at any race meeting accept, offer to accept, or agree to accept any money, bribe or thing of value with the intention, understanding or agreement that he will not use his best efforts to win a race or to so conduct himself that any other horse or horses entered in such race shall thereby be assisted or enabled to win such race.

1894. Duties of Trainer.

Trainers are responsible for the condition of horses in their care and are presumed to know the rules. A trainer represents the owner relative to horses which he is training in the matter of entries, declarations, and the naming of jockeys or drivers, unless the owner notifies the stewards in writing to the contrary. A trainer is responsible for the timely attendance of his horse at the receiving barn and paddock and he shall attend his horse in the paddock and be present to supervise the saddling except when relieved of such duty by the stewards. No trainer shall delegate or sublet his duties as a trainer except as provided in this article, nor shall a trainer have any interest in the earnings, winnings, or bonuses of any other trainer.

1895. Trainer's Duty to Insure Licensed Participation.

No trainer shall have in his custody within the inclosure of any race meeting any horse owned in whole or in part by any person who is not licensed as a Horse Owner by the Board unless such owner has filed an Application for License as a Horse Owner with the Board and the same is pending before the Board; nor shall any trainer have in his employ within the inclosure any groom, stable employee, stable foreman, agent, or other person required to be licensed, unless such person has a valid license. All changes of employee personnel shall be reported immediately to the Board.

Assistant or Substitute Trainer.

A trainer who has in his care a substantial number of horses, or who is actively participating in more than one race meeting at one time, may employ an assistant trainer, who shall be equally responsible with the employing trainer for the condition of the horses in their care. The name of the assistant trainer shall be shown on the official program along with that of the employing trainer. If any licensed trainer is prevented from performing his duties by illness or other good cause, and is absent from the track where he is participating, the stewards shall be immediately notified, and at the same time, a substitute trainer, acceptable to the stewards, shall be appointed and such substitute trainer's name shall be shown on the official program if possible. The stewards shall be advised immediately when the regular trainer resumes his duties. A substitute trainer shall be responsible with the regular trainer for the condition of the horses in his care.

Assistant and substitute trainers must be licensed trainers.

1897. Interference with Horses, Racing Participants or Racing Operations.

No person shall directly or indirectly interfere with the leading of horses from the stable area or to the receiving barn or to the paddock or in the parade by throwing any article at such horses, by waving hats or arms, or in any other manner frighten such horses; nor shall any person interfere with, block or impede any racing participant who is then performing his proper duties, nor fight, threaten to fight, or strike at any racing participant who is then performing his duties nor interfere with, block, impede or disrupt any racing operation in any manner.

1898. Offering False Information for Wagering.

No licensee or employee of a racing association or its concessionaires shall knowingly or designedly by false representation attempt to, or persuade, procure, or cause another person to wager on a horse in a race to be run in this State or elsewhere; nor shall any licensee or employee of a racing association or its concessionaires ask or demand compensation as a reward for any racing selection or purported racing prediction provided to any person for wagering purposes. This shall not apply to the vending of newspapers or to other publications approved by the Board.

1899. Offenses Requiring Suspension.

The stewards shall suspend and refer to the Board any licensee who is within the classes of persons prohibited from participating in pari-mutuel wagering and prohibited from being present within the racing inclosure.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19440, 19460 and 19461, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1900. Grounds for Suspension or Revocation.

Any provision of any rule which is a ground for denial of a license is also a ground for suspension or revocation of a license.

1901. Conflicts of Interest.

The stewards shall determine matters involving conflicts of interest among competing participants.

1902. Conduct Detrimental to Horse Racing.

No licensee shall engage in any conduct prohibited by this division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interests of horse racing including, but not limited to:

knowing association with any known bookmaker, known tout, or known felon,

(b) indictment or arrest for a crime involving moral turpitude or which is punishable by imprisonment in the state or federal prison, when such indictment or arrest is the subject of notorious or widespread publicity in the news media, and when there is probable cause to believe

the licensee committed the offenses charged,

(c) solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by this Division.

NOTE: Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440, 19460 and 19572, Business and Professions Code.

HISTORY:
1. Amendment filed 2-22-93; effective 3-24-93.

1902.5. Animal Welfare.

No person under the jurisdiction of the Board shall alone, or in concert with another person, permit or cause an animal under his control or care to suffer any form of cruelty, mistreatment, neglect or abuse. Nor shall such person abandon; injure; maim; kill; administer a noxious or harmful substance to; or deprive an animal of necessary care, sustenance, shelter or veterinary care.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19460 and 19580, Business and Professions Code.

HISTORY:
1. New rule filed 1-9-06; effective 2-8-06.

1903. Illegal or Improper Use of Communications Equipment or Devices.

No person shall use any telephonic, radio, semaphore or other signaling or communication equipment or device to transmit wagering information and/or the results of a race within any racing association, fair or simulcast wagering facility inclosure unless its use has been authorized by the Board. Any communication equipment or device used contrary to this rule is subject to confiscation by an investigator of the Board. This rule does not prohibit the personal use of the devices for purposes other than the transmission of racing information by any person within the inclosure when permitted by the racing association, fair or simulcast wagering facility.

NOTE: Authority cited: Sections 19440, 19590 and 19595, Business and Professions Code. Reference: Sections 19440, 19590 and 19595, Business and Professions Code.

HISTORY:
Amendment filed 9-19-94; effective 10-19-94.
Amendment filed 12-6-99; effective 12-6-99.

Article 17. Fire Prevention and Security

1920. Security Control.

Every association conducting a race meeting shall maintain security controls over its premises and such security controls are subject to the approval of the Board.

1921. Stable Records Required.

Unless granted exemption by the Board, every association shall maintain stable area records which shall show the entry and departure of non-licensed visitors to the stable area. Such records will specify the name of the visitor and the authorizing licensee for such visit, and will be made

available to the Board, its investigators, or the stewards upon demand. Such records will be retained for at least six months.

Identification Required.

Unless the Board permits otherwise, a license, visitor's pass, or other identification issued by the Board or the association shall be visibly displayed by any person within any restricted area. Persons in the stable area of fairs are exempt from this requirement when the stable area of the fair is a part of the general exhibition area for livestock and is exempted by the Board. No person shall use the license or credential issued to another, nor shall any person give or loan his license or credential to any other person.

NOTE: Authority cited: Sections 19440, 19460 and 19510, Business and Professions Code. Reference: Sections 19440, 19460 and 19510, Business and Professions Code.

HISTORY:
1. Amendment filed 4-24-92; effective 5-24-92.

1923. Association Credentials.

The racing association may establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to insure that all participants at its meeting are licensed as required by this Division; provided, however, that no such system or methods may exclude any investigator or employee of the Board or any peace officer then on duty, nor shall any person be excluded on the basis of sex, color, creed, or national origin or ancestry.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1924. Association to Prevent Unauthorized Access to Restricted Areas.

Unless granted exemption by the Board, every association shall prevent access to and shall remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

1925. Exemption for Tour Groups and Fairs.

Rules 1921, 1922 and 1924 of this division do not apply to groups of persons who are under the supervision of an authorized guide or official to tour a racing facility, and do not apply to the stable area of any fair when the fair stable area is a part of the general exhibition area for livestock and is exempted by the Board.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1926. Entrance to Jockey Room Prohibited.

Except with permission of the stewards or the Board, no person shall be permitted entrance into the jockey room or driver's room from one hour before post time for the first race until after the last race other than jockeys, drivers, their attendants and valets, racing officials and security officers on duty, and association employees performing required duties.

1927. Fire Prevention.

Associations shall make adequate provision for fire prevention, protection against fire, and fire suppression within the inclosure. Before any license is granted to any association, each applicant therefor must inform the Board, in detail, of the fire prevention facilities at or available to its inclosure, and particularly its stable area.

When a licensee is unable to stable all the horses participating at its meeting on its grounds, such licensee must advise the Board of the facilities for fire prevention at the additional location where such excess number of horses will be stabled.

A written clearance from the fire authority having jurisdiction, stating that an inspection has been made of the inclosure and any additional location where any excess number of horses will be stalled and that the facilities conform with a reasonable standard of fire safety, shall be filed with the Board prior to the commencement of a race meeting. Such inspection shall have been made within 45 days prior to the commencement of the meeting.

For the purposes of this regulation, a reasonable standard of fire safety shall require that each building, barn or structure which is used by an association for the stabling of horses or human habitation, be equipped with an automatic sprinkler system and an automatic fire alarm system, and that the stable area grounds, including any additional location where any excess number of horses will be stabled, be patrolled by a watchman during the hours of darkness. The type and installation of automatic sprinkler and automatic fire alarm systems shall be of such quality as to afford the protection required by this regulation as determined and approved by the fire authority having jurisdiction. Portable structures or sheds fully open on at least one side, with the approval of the fire authority having jurisdiction, and trailer coaches, campers and unroofed stalls are exempted from the automatic sprinkler and fire alarm requirement, so long as they are located within the effective operating distance of exterior wet standpipe fire hose streams and within 150 feet of a manual fire alarm box.

Any association whose stable area, including any additional location where any excess number of horses will be stabled, does not conform with a reasonable standard of fire safety as defined in this regulation may petition the Board for an extension of time within which to comply with this regulation or exemption from such requirements. In reviewing any such petition, the Board shall take into consideration any written recommendations from the fire authority having jurisdiction as well as all other matters pertinent to the petition, including the fact that the Board recognizes that the physical structure of each racing inclosure is unique and, as such, inherent with its own particular problems. Any extension of time or exemption granted by the Board shall be in writing and may be on such conditions as the Board may deem appropriate.

. Tampering With Smoke Detectors Prohibited.

(a) In accordance with section 901.8 of title 24, part 9 of the California Code of Regulations (California Fire Code), no licensee shall willfully tamper with, dismantle, or disable any automatic fire alarm system or smoke detector that is located on the grounds of a facility under the jurisdiction of the Board.

(1) A violation of 1927.1(a) shall result in a hearing before the stewards who will impose a fine of:

(A) $25.00 for the first offense within a 365 day period;

(B) $50.00 for the second offense within a 365 day period;

(C) $75.00 for the third offense within a 365 day period;

(D) $100.00 for the fourth or more offense within a 365 day period.

(b) A trainer will be found culpable, after a hearing before the stewards, if two or more violations of 1927.1(a) are committed by any one of the trainer's assigned employees in the trainer's assigned area within a 365 day period.

(1) A trainer found culpable under 1927.1(b) will be fined:

(A) $100 for the second offense within a 365 day period;

(B) $200 for the third offense within a 365 day period;

(C) $300 for the fourth offense within a 365 day period;

(D) $500 for the fifth or more offense within a 365 day period.

NOTE Authority cited: Sections 19420, 19440, 19460 and 19661, Business and Professions Code. Reference: Sections 19440 and 19481, Business and Professions Code.

HISTORY:
1. Amendment filed 3-11-14; effective 7-1-14.

1928. Fire Regulations.

(a) Every association shall post in its stable and backstretch worker housing areas the fire regulations applicable on its grounds. The association shall also post:

(1) its emergency evacuation plan, which shall state the nearest exit in case of fire or other emergency,

(2) the location of the nearest fire alarm box, and

(3) the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area.

(b) The notices shall be in English and Spanish, and posted no more than 100 feet apart or as approved by the local fire authority.

(c) No person shall violate the posted fire regulations.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19481(a) and 19481.5(b)(1), Business and Profession Code.

HISTORY:
1. Amendment filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.

1929. Examination of Personal Effects.

The Board, its investigators, or racing officials may enter the stables, rooms, or other places within the premises of a recognized meeting to inspect and examine the personal effects and property of any licensee or other person in or about or permitted access to any restricted area; and each licensee in accepting his license, and each person entering such restricted area does thereby consent thereto.

Obedience to Security Officers and Public Safety Officers.

No licensee shall willfully ignore or refuse to obey any lawful order issued by the stewards, the Board, or any security officer of the association, or any public safety officer of any police, fire or law enforcement agency, when such order is issued or given in the performance of duty.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code; Section 337.9 and 830.3(d), Penal Code of California.

HISTORY:
1. Amendment filed 1-11-94; effective 2-10-94.

Article 18. Pari-mutuel Wagering

1950. Pari-mutuel Wagering.

All forms of wagering, including the daily double, quinella, special quinella or exacta, and similar or other pool systems may only be used with permission of the Board and under the provisions of the Horse Racing Law.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19420, 19440 and 19590, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1951. Pari-mutuel Tickets.

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the licensee association and of the obligation of the association to pay to the holder thereof the portion of the distributable amount of the pari-mutuel pool represented by the valid pari-mutuel ticket. The association shall cash all valid unmutilated winning tickets when the tickets are presented for payment during the course of the meeting where sold, and until May 15 of the year following the year in which the meeting ends.

(a) To be deemed valid, a pari-mutuel ticket shall have been issued by a pari-mutuel ticket machine operated by the association, recorded as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as to:

(1) The name of the association operating the meeting.

(2) The date of the wagering transaction.

(3) A unique identifying number or code word.

(4) The race number for which the pool is conducted.

(5) The type(s) of wagers represented.

(6) The number(s) representing the wagering interests for which the wager is recorded.

(7) The amount(s) of the contributions to the pari-mutuel pools for which the ticket is evidence.

(b) Pari-mutuel tickets recorded or reported as previously paid, canceled, or non-existent shall not be deemed valid by the association.

(c) The association may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid or which is presented for payment by a person believed to be other than the person who contributed to the pari-mutuel pool as represented by the pari-mutuel ticket.

NOTE: Authority cited: Section 19590, Business and Professions Code. Reference: Sections 19592 and 19598, Business and Professions Code.

HISTORY:
Repealer and new rule filed 5-12-82; effective 6-11-82.
Amendment filed 1-27-93; effective 2-26-93.
Amendment filed 11-14-95; effective 12-14-95.
Amendment filed 12-6-99; effective 12-6-99.

1951.1. Totalizator Systems.

For the purposes of compatibility for totalizator systems operating in California, totalizator companies shall provide:

(a) Systems that electronically transfer wagering information to all other totalizator systems merging parimutuel pools with California racing associations, both intrastate and interstate.

(b) Systems that include a daily electronic download of parimutuel data directly to the horse racing data base, as designated by the Board.

(c) A daily history of individual totalizator transactions in a computer readable medium for each race meeting for a minimum of one year after the conclusion of the meet.

NOTE: Authority cited: Sections 19590, 19592.5 and 19642, Business and Professions Code. Reference: Sections 19592.5 and 19593, Business and Professions Code.

HISTORY:
1. New rule filed 6-22-95; effective 7-22-95.

1952. Claim for Payment from Parimutuel Pool.

A written, verified claim for payment from a parimutuel pool shall be accepted by the licensee association in any case where the association has withheld payment or has refused to cash a parimutuel ticket presented for payment. The claim shall be made on such form as approved by the Board and the claimant shall make such claim under penalty of perjury. The original of such claim shall be promptly forwarded to the Board.

(a) In the case of a claim made for payment of a mutilated parimutuel ticket which does not contain the total imprinted elements required in Rule 1951, the association shall make a

recommendation to accompany the claim forwarded to the Board as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

(b) In the case of a claim made for payment of a parimutuel ticket, the Board shall adjudicate the claim and may order payment thereon from the parimutuel pool or by the association or may deny the claim or may make such other Order as it may deem proper.

NOTE: Authority cited: Section 19590, Business and Professions Code. Reference: Sections 19592 and 19598, Business and Professions Code.

HISTORY:

1. Repealer and new rule filed 5-12-82; effective 6-11-82.

1953. Lost or Destroyed Tickets.

No claim for a lost or destroyed parimutuel ticket shall be accepted by the association or the Board.

1954. Parimutuel Pools.

The association shall provide, win, place and show pools in any race in which there are five or more separate wagering interests which are obligated to start. The association shall provide win and place pools where there are four separate wagering interests which are obligated to start. The association shall provide a win pool only in any race where less than four separate wagering interests are obligated to start. Upon a showing of good cause, the Board may waive the requirement for a place or show pool in any race.

1954.1. Parlay Wagering on Win, Place or Show.

(a) The parlay is not a separate pari-mutuel 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.

(b) 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.

(c) A parlay wager may only be on one pool and one wagering interest per leg and cannot combine wagers on races on other days.

(d) 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.

(e) 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.

(f) 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.

(g) If a wagering interest in a parlay is scratched, which includes being declared a non-starter for wagering purposes, or if a wagering interest is designated to run for purse only in accordance with Rule 1974 of this article, or a race or pool is scratched or cancelled, the parlay shall consist of the remaining legs. The parlay terminates if there are no remaining legs.

NOTE: Authority cited: Section 19590, Business and Professions Code. Reference: Sections 19594, 19597 and 19598, Business and Professions Code.

HISTORY:
1. New rule filed 2-8-95; effective 2-8-95.
2. Amendment filed 12-23-96; effective 1-22-97.
3. Amendment filed 7-12-11; effective 8-11-11.

1955. Distribution of Pools.

After the results of the race have been declared official by the Stewards, the parimutuel pools are subject to distribution to the holders of parimutuel tickets entitled to share in the respective pools in accordance with the provisions of the Horse Racing Law and this Division. When only two horses finish in a race, the show pool, if any, shall be distributed the same as in a place pool. When only one horse finishes in a race the place pool and show pool, if any, shall be distributed the same as in a win pool. In any race in which no horse finishes, or which is declared as no contest by the Stewards, all money wagered on the race shall be refunded to the respective ticket holders.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section
19590, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1956. Race Declared Official.

The decision of the Stewards regarding the order of finish is final at the time the Stewards order the official sign displayed on the totalizator board. No rulings of the Stewards or the Board regarding the order of finish or any award of purse money made after the result of the race has been declared official shall affect the parimutuel payout or the distribution of any parimutuel pool.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1957. Daily Double.

(a) The Daily Double is a separate pari-mutuel pool established on two (2) races. The pool consists of amounts wagered on the selection of the winning horse of both races. It is not a parlay and has no connection with or relation to other pools conducted by the association or to rules governing the distribution of other pools.

(b) A valid Daily Double ticket shall be evidence of a binding contract between the holder of the ticket and the association and shall constitute an acceptance of Daily Double provisions and rules contained in this Article.

(c) The association shall distribute the net pool to holders of valid tickets that correctly selected the winner of both races. If no ticket selected the winner of both races, the net pool shall be distributed as a place pool among tickets that included the winner of the first race and tickets that included the winner of the second race.

(d) If no ticket included the winner of the first race the net pool shall be distributed equally among tickets that included the winner of the second race; and, if no ticket included the winner of the second race the net pool shall be distributed equally among tickets that included the winner of the first race.

(e) If no ticket included the winner of either race, the net pool shall be distributed equally among tickets selecting the second place finishers of both races.

(f) The association shall refund the entire pool if no ticket requires a payout or if the first race is cancelled.

(g) If the second race is cancelled after the first race has been completed, the net pool shall be distributed as a single price pool among tickets selecting the winner of the first race.

(h) Before the first race is run, any money wagered on a horse in either race that is scratched, excused by the stewards prevented from racing or is designated to run for purse only in accordance with Rule 1974 of this article shall be deducted from the pool and refunded.

(i) If, after the first race is completed, any horse is scratched, excused by the stewards or prevented from racing because of the failure of the stall doors of the starting gate to open in the second race, or designated to run in the second race for purse only in accordance with Rule 1974 of this article, all tickets including such horse(s) shall be deducted from the pool, and the pool(s), thus formed shall be distributed as a straight pool(s) among tickets combining the winner of the first race with such horse(s).

(j) If a dead heat occurs in either race the net pool is figured as a place pool. Example: Number eight (8) and five (5) dead heat in the first race, and number three (3) wins the second race, the pool would be divided and apportioned to tickets bearing eight (8) and three (3), and five (5) and three (3).

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. Amendment filed 5-30-96; effective 6-29-96.
2. Amendment filed 7-12-11; effective 8-11-11.

1958. Quinella.

(a) The Quinella is not a parlay and has no connection with or relation to the win, place and show pools shown on the totalizator board. All tickets on the Quinella will be calculated in a separate pool.

(b) All Quinella tickets will be for the win and place combination only. 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.

(c) Entries or field horses in a race comprising the Quinella shall race as single wagering interests for the purposes of mutuel pool calculations and payouts to the public. If, in the event that any part of the entry or the field is a starter, there shall be no refund to persons wagering on such entry or field. In the event any part of an entry or the field finishes first, the order of finish of all other horses making up such entry or field will be disregarded in determining which horse finished second for the purpose of this rule.

(d) Should any horse or horses entered in a Quinella race be scratched or excused by the Stewards after wagering has commenced or should any horse or horses be prevented from racing because of the failure to stall doors of the starting gate to open, all tickets including such horse or horses shall be deducted from the Quinella Pool and money refunded to the purchasers of tickets on the horse or horses so excused or prevented from racing.

(e) Should there be no tickets sold on the winning combination in a Quinella race, any and all Quinella tickets bearing the number of the individual win horse and any and all Quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payout shall be calculated as a place pool.

(f) Should there be no tickets sold on the winning combination in a Quinella race and should there be no Quinella tickets sold bearing the number of the individual win horse, any and all Quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payout shall be calculated as a win pool.

(g) Should there be no tickets on the winning combination in a Quinella race, and should there be no Quinella tickets sold bearing the number of the individual place horse, any and all Quinella tickets bearing the number of the individual win horse shall be deemed winning tickets and the payout shall be calculated as a win pool.

(h) Should there be no tickets on the winning combination in a Quinella race, and should there be no Quinella tickets sold bearing the number of the individual win horse, and should there be no Quinella tickets sold bearing the number of the individual place horse, the Quinella shall be deemed "No Contest" and all money in the Quinella shall be promptly refunded.

(i) Should, after an official start is effected, only one horse finish the Quinella race, the total money is figured as a win pool, with those who have picked that one horse in the race participating in the pool.

(j) Should a two horse dead-heat for win result in a Quinella race, the two horses involved in the dead-heat shall be winners of the Quinella race.

(k) Should a multiple dead-heat for win result in a Quinella race, all horses involved in the dead-heat shall be winners of the Quinella race and payouts figured accordingly.
Example: Should numbers 1, 3 and 5 dead-heat for win, the winning Quinella combinations would be 1-3, 1-5, 3-1, 3-5, 5-1 and 5-3. The net pool after deducting the amounts wagered on the winning combinations will be equally distributed in payout calculations on the winning combinations.

(l) Should a two-horse dead-heat for place result in a Quinella race, the total pool is calculated as a place pool.

(m) Should a multiple dead-heat for place result in a Quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the Quinella race and payouts

calculated accordingly.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section
19590, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1959. Special Quinella (Exacta).

(a) The Special Quinella is not a parlay and has no connection with or relation to the win, place and show pools shown on the totalizator board. All tickets on the Special Quinella will be calculated in a separate pari-mutuel pool.

(b) A Special Quinella race shall be given a distinctive name to be selected by the association conducting such race, such as "Perfecta" or "Exacta," subject to the approval of the Board.

(c) All Special Quinella tickets will be for the win and place combination only. Each person purchasing a Special Quinella ticket shall designate the exact order in which the first two horses will finish in a Special Quinella race. For example, if number 3 is selected to finish first and number 6 is selected to finish second, they must come in number 3, first and number 6 second in order to win.

(d) Should any horse or horses entered in a Special Quinella race be scratched or excused by the stewards after wagering has commenced or should any horse or horses be prevented from racing because of the failure of the stall doors of the starting gate to open, or if a horse is designated to run for purse only in accordance with Rule 1974 of this article, all tickets including such horse or horses shall be deducted from the Special Quinella Pool and money refunded to the purchasers of tickets on the horse or horses so designated, excused or prevented from racing.

(e) In the event that no ticket is sold on the winning combination of a Special Quinella Pool, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

(f) In the event of a dead-heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of the winning combinations.

(g) 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 other winning combinations. If no tickets combine the winning horse with either of the place horses in the dead-heat the Special Quinella Pool shall be calculated and distributed to holders of tickets designating the winning horse or either of the place horses according to their respective interest in the net pool.

(h) In the event of a dead-heat among three or more horses for first place, the net pool shall be calculated and distributed to holders of tickets designating any two of the horses participating in the dead-heat according to their respective interest in the net pool.

(i) In the event that no ticket is sold that would require distribution to any winner as above defined the Special Quinella shall be deemed "No Contest" and all money in the Special Quinella shall be promptly refunded.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference:

Section 19590, Business and Professions Code.

HISTORY:
Amendment filed 12-23-96; effective 1-22-97.
Amendment filed 7-12-11; effective 8-11-11.

1960. Payout on Minus Pools.

The association must pay to the holder of any ticket or tickets entitling him to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of 5% thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said 5% to all persons holding such tickets.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1961. Errors in Posted Payout.

If an error is discovered in the payout amounts posted on the public board it shall be corrected promptly and an announcement thereof shall be made over the public address system. After the error is discovered the correct amounts shall be used in the payout.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1962. Payment for Errors.

If an error occurs in the payment amounts for parimutuel tickets which are cashed or entitled to be cashed and as a result of such error the parimutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(a) In the event the error results in an over-payment to ticket holders the association shall be responsible for such payment.

(b) In the event the error results in an under-payment to ticket holders:

(1) The association shall accept timely claims for such under-payment, shall investigate such claims and shall pay each claim, or a part thereof, which it determines to be valid, and shall notify the claimant if his claim is rejected as invalid.

(2) Any person whose claim is rejected by the association may, within 15 days from the date he received the notice of rejection, request the Board to determine the validity of the claim. The failure to file such request with the Board within the said time shall constitute a waiver of the claim.

(3) A hearing shall be held on each such rejected claim timely filed with the Board. The Board shall give notice of such hearing to the claimant and the association. The Board may determine a claim to be valid, in whole or in part, and thereafter order the association to pay to the claimant

the amount of the claim determined to be valid, or may deny the claim in whole or in part. Any such determination shall be final and binding on all parties.

(4) If no valid claims are presented for the amount of the under-payment or any part thereof, the amount of the under-payment shall be paid to the Board.

(c) Any claim not filed with the association within 30 days inclusive of the date on which the under-payment was discovered shall be deemed waived and the association shall have no further liability therefor.

1963. Emergency in Parimutuel Department.

Should any emergency arise in connection with the operation of the parimutuel department of the association, not covered by this Division, and an immediate decision is necessary, the manager of the parimutuel department shall make the decision and shall make an explanation in detail in a written report to the Board.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19440, Business and Professions Code.

HISTORY:
1. Amendment filed 12-23-96; effective 1-22-97.

1964. Cooperation of Parimutuel Department.

The parimutuel manager and the representatives of any totalizator company or service providing parimutuel equipment or service at any race meeting, shall cooperate fully in any investigation of the Board or in any proceedings before the Board relating to any parimutuel operation.

1965. Acceptance of Wagers from Outside Inclosure.

No association shall accept mailed or telephoned wagers nor knowingly accept any wager made by or for a person who is prohibited from participating in parimutuel wagering.

1966. Probable Odds or Morning Line.

The association shall calculate and print on the official program the probable win odds for each wagering interest in each race. Probable odds are subject to the approval of the stewards.

1967. Closing of Wagering in a Race.

Coincident with the start of a race, the stewards shall lock the parimutuel machines and shall close the wagering in the race, after which time no parimutuel tickets shall be sold for the race. The association shall maintain in good order an electrical or other system approved by the Board for locking the parimutuel machines.

HISTORY:
1. Amendment filed 4-11-78 effective 5-11-78.

1968. Wagering by Minors Prohibited.

No minor shall purchase or cash any parimutuel ticket. No employee of the association shall knowingly sell to or cash for a minor any parimutuel ticket.

1969. Wagering Prohibited.

No racing official or assistant racing official, pari-mutuel employee, totalizator employee, simulcast facility supervisor or assistant simulcast facility supervisor, official camera operator, assistant starter, receiving or detention barn staff member, or employee of the Board, while on duty at a race meeting or simulcast wagering facility, shall wager on the result of a race.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 10-4-90; effective 11-3-90.
2. Amendment filed 4-4-94; effective 5-5-94.
3. Amendment filed 12-10-01; effective 1-9-02.

1970. Wagering on Competing Horse.

No owner, authorized agent or trainer having a horse entered in a race shall wager on, or include in any wager, any other horse competing in such races to finish first regardless of whether such wager is "exotic" or "conventional." No employee or representative of an owner, authorized agent or trainer having a horse entered in a race shall wager on, or include in any wager, any other horse competing in such races to finish first regardless of whether such wager is "exotic" or "conventional."

(a) When an owner, authorized agent, trainer, jockey, or driver submits a winning parimutuel ticket for cash redemption it shall be prima facie evidence that the person submitting the ticket made the wager shown on the winning ticket.

NOTE: Authority cited: Section 19590, Business and Professions Code. Reference: Sections 19590 and 19593, Business and Professions Code.

HISTORY:
1. Amendment filed 1-27-92; effective 2-26-92.
2. Amendment filed 11-21-94; effective 12-21-94.

1971. Wagering by Jockey or Driver.

No jockeys or drivers shall make any wagers, or have any wagers made in their behalf, in any race in which they participate, except through the owners or trainers on the horses which they ride or drive. Any owners or trainers wagering for such jockeys or drivers shall maintain records of all such wagers and all other presents or other gratuities given any jockeys or drivers. Such records will be furnished to the stewards or the Board or its investigators upon demand.

NOTE: Authority cited: Section 19590, Business and Professions Code. Reference: Sections 19590 and 19593, Business and Professions Code.

HISTORY:
1. Amendment filed 10-26-94; effective 11-25-94.
2. Amendment filed 11-26-97; effective 12-26-97.

1972. Dead Heat.

When a race results in a dead heat, the dead heat shall not be run off. When two horses run a dead heat for first place, both win and place pools shall be distributed as place pools; when two

horses run a dead heat for second, one-half the place pool shall be distributed among the holders of place tickets on the winning horse, and one-quarter of the place pool shall be distributed among the holders of place tickets on each of the two horses finishing second. In each such case, the show pool shall be distributed among the holders of tickets for show on the first three horses which finish. In the event of a dead heat for show, one-third of the show pool will be distributed among holders of tickets on the horses which dead heat for third.

1973. Purses for Dead Heats.

Purses, prizes or awards for a race in which a dead heat has occurred shall be divided equitably by determination of the stewards.

1974. Wagering Interest.

(a) A wagering interest is any one horse in a race.

(b) If a horse is removed from the wagering pool due to a totalizator error, or due to any other error, and neither the trainer nor the owner is at fault, the horse shall start in the race as a non-wagering interest for the purse only and shall be disregarded for pari-mutuel purposes.

(c) If a horse is removed from the wagering pool to start in a race as a non-wagering interest for purse only and is disregarded for pari-mutuel purposes, the circumstances shall be announced over the public address system at the time the action is taken and thereafter to adequately inform the public. The racing association shall also inform off-track wagering outlets at the time such action is taken.

NOTE: Authority cited: Sections 19420, 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

HISTORY:
1. Amendment filed 7-12-11; effective 8-11-11.

1975. Evidence of Pool Distribution.

In the event of loss by the association, its agent or employees, of any evidence of proper distribution of parimutuel pools, including, but not limited to, parimutuel tickets which have been cashed, outs ledgers, parimutuel machine recording registers, or cashier out-slips, the association shall file with the Board within 72 hours of the discovery of the loss a report and supporting affidavits. The Board may approve the report of loss without hearing or may hear the matter in its discretion.

1976. Unlimited Sweepstakes.

(a) The Unlimited Sweepstakes 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) An Unlimited Sweepstakes 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 Unlimited Sweepstakes provisions and rules contained in article 18.

(c) An Unlimited Sweepstakes may be given a distinctive name by the association conducting the meeting, subject to approval of the Board.

(d) The Unlimited Sweepstakes pari-mutuel pool consists of amounts contributed for a selection for win only in each of nine races designated by the association with the approval of the Board. Each person purchasing an Unlimited Sweepstakes ticket shall designate the winning horse in each of the nine races comprising the Unlimited Sweepstakes.

(e) The Unlimited Sweepstakes pari-mutuel pool shall be calculated as follows:

(1) One hundred percent (100%) 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 nine races comprising the Unlimited Sweepstakes.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the nine races comprising the Unlimited Sweepstakes, twenty-five percent (25%) of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners, but less than nine, in each of the nine races comprising the Unlimited Sweepstakes, and the remaining seventy-five percent (75%) of the net amount in the pari-mutuel pool shall not be distributed as provided above but shall be retained by the association as distributable amounts and shall be carried over and included in the Unlimited Sweepstakes pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed as provided in subsection (e)(1).

(f)(1) Except as provided in subsection (j) and subsection (l), should no distribution be made pursuant to subsections (e)(1), then the distributable pool and all monies accumulated therein shall be carried over until that amount equals or exceeds five million dollars ($5,000,000) or such lesser amount as the racing association designates to the Board at the time it files its license application with the Board.

(2) Once the pool and all monies accumulated therein equals or exceeds five million dollars, or such lesser amount designated by the racing association pursuant to subsection (f)(1), that amount shall be distributed on the next racing day as provided in subsection (e)(1); but if no holder of pari-mutuel tickets correctly designates the official winner in each of the nine races comprising the Unlimited Sweepstakes, then seventy-five percent (75%) of the pool shall be distributed among the holders of pari-mutuel tickets which correctly designate the most official winners, but less than nine, in each of the nine races comprising the Unlimited Sweepstakes. The remaining twenty-five percent (25%) of the pool shall be distributed to those holders of pari-mutuel tickets which correctly designate the next greatest number of official winners.

(g) In the event an Unlimited Sweepstakes ticket includes a selection in any one or more of the races comprising the Unlimited Sweepstakes that is scratched, excused or determined by the stewards to be a nonstarter in the race, or if in a race comprising the Unlimited Sweepstakes any selection is designated to run for purse only in accordance with Rule 1974 of this article, 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 or the designated selection for all purposes, including pool calculations and payouts.

(h) In the event of a dead heat for win between two or more horses in any Unlimited Sweepstakes race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(i)(1) In the event that all nine races comprising the Unlimited Sweepstakes are cancelled or declared as no contest, all pari-mutuel tickets held on the Unlimited Sweepstakes for that day or night shall be refunded and the Unlimited Sweepstakes shall be cancelled in its entirety for that

day or night and any retained distributable amounts carried over from any prior Unlimited Sweepstakes pool pursuant to subsection (e)(2) shall be carried over to the next succeeding racing date of that meeting.

(2) In the event that fewer than nine, but no more than three, races comprising the Unlimited Sweepstakes are completed due to the cancellation of one or more races or the stewards declaring one or more races as no contest, the pool for that racing day shall be refunded and the Unlimited Sweepstakes shall be cancelled in its entirety as provided in subsection (i)(1).

(3) In the event that fewer than nine, but no fewer than four, races comprising the Unlimited Sweepstakes are completed due to the cancellation of one or more races or the stewards declaring one or more races as no contest, one hundred percent (100%) of the net amount in the pari-mutuel pool for that day or night, exclusive of any retained distributable amounts carried over from any prior Unlimited Sweepstakes pool pursuant to subsection (e)(2), shall be subject to distribution among holders of pari-mutuel tickets which correctly designate the most winners in the completed races of the Unlimited Sweepstakes. The retained distributable amounts carried over from any prior Unlimited Sweepstakes pool pursuant to subsection (e)(2) shall be carried over to the next succeeding racing date of that meeting.

(j)(1) Should no distribution be made pursuant to subsection (e)(1) on the last day of the association's race meeting, then the distributable pool and all monies accumulated therein shall be distributed on that day. Seventy-five percent (75%) of the pool shall be distributed among holders of pari-mutuel tickets which correctly designate the most official winners, but less than nine, in each of the nine races comprising the Unlimited Sweepstakes. The remaining twenty-five percent (25%) of the pool shall be distributed to those holders of pari-mutuel tickets which correctly designate the next greatest number of official winners.

(2) In the event that an association is unable to distribute the retained distributable amount carried over from any prior Unlimited Sweepstakes pool established pursuant to subsection (e)(2) by the end of its race meeting due to cancellation of the final day(s) or night(s) of racing or any other reason, the retained distributable amount shall be carried forward to the next race meeting having an Unlimited Sweepstakes at the same location and of the same breed of horse as the racing association that generated the retained distributable amount. The retained distributable amount shall be included in the Unlimited Sweepstakes pool for the first day or night of racing at the subsequent race meeting.

(k) No pari-mutuel ticket for the Unlimited Sweepstakes pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the nine races comprising the Unlimited Sweepstakes, except for such refunds on Unlimited Sweepstakes tickets as required by this regulation, and no person shall disclose the number of tickets sold in the Unlimited Sweepstakes pool or the number or amount of tickets selecting winners of Unlimited Sweepstakes races until such time as the stewards have determined the last race comprising the Unlimited Sweepstakes each day to be official.

(l) The racing association may, at its election, designate to the Board, at the time it files its license application with the Board, one or more racing days (nights) during its racing meeting on which the retained distributable amount carried over from any prior Unlimited Sweepstakes pool established pursuant to subsection (e)(2), shall be distributed as provided in subsection (f)(2), even though the retained amount is less than the amount specified in or designated by the racing association pursuant to subsection (f)(1).

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. New rule filed 10-2-85; effective 10-2-85.
2. Amendment filed 5-16-88; effective 6-15-88.
3. Amendment filed 12-23-96; effective 1-22-97.
4. Amendment filed 7-12-11; effective 8-11-11.

1976.8. Place Pick (n).

(a) The Place Pick (n) is a separate pari-mutuel pool established by the association on a designated number of races. The pool consists of amounts wagered on a horse to finish first or second in each of the races. It is not a parlay and has no connection with or relation to other pools conducted by the association, except for the provisions in subsection (e), or to rules governing the distribution of other pools.

(b) A valid Place Pick (n) ticket shall be evidence of a binding contract between the holder of the ticket and the association and shall constitute an acceptance of Place Pick (n) provisions and rules contained in this Article.

(c) A Place Pick (n) may be given a distinctive name by the association conducting the meeting, subject to Board approval.

(d) If a ticket in any Place Pick (n) race designates a selection that is scratched, excused or determined by the stewards to be a nonstarter in the race, or designates a selection that runs for purse only in accordance with Rule 1974 of this article, the association may substitute the actual favorite, which is determined by the amounts wagered in the win pool at the time of the start of the race, or may allow patrons the option of selecting an alternate wagering interest. The actual favorite or the alternate wagering interest will be substituted for the non-starting selection or the selection designated to run for purse only for all purposes.

(e) In a dead heat for win between two or more horses, only the horses in such dead heat shall be considered winning horses.

(2) Except as provided in subsection (e), a dead heat for second between two or more horses, all such horses together with the horse which finished first shall be considered winning horses.

(f) The association shall distribute the net pool to holders of valid tickets that correctly selected the most first or second place finishers.

(g) All tickets shall be refunded if all races comprising the Place Pick (n) are cancelled or declared as no contest. The entire pool shall be refunded if less than four races are completed and if four or more races are completed the net pool shall be distributed pursuant to subsection (f).

(h) After wagering closes on the first race comprising the Place Pick (n) no ticket shall be sold, exchanged or cancelled. No person shall disclose the number of tickets sold in the Place Pick (n) or the number or amount of tickets that selected winners of Place Pick (n) races until the stewards declare the last race official.

(i) If the racing surface changes from turf to dirt or dirt to turf in any race of a Place Pick (n), and such change is not announced to the public before the close of wagering on the Place Pick (n) pool, all wagers on such race shall be considered winning wagers for the purposes of the Place Pick (n).

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code.
Reference: Sections 19593 and 19594, Business and Professions Code.

HISTORY:
1. New rule filed 6-4-92; effective 7-4-92.
2. Amendment filed 6-7-94; effective 7-7-94.
3. Amendment filed 7-19-96; effective 8-18-96.
4. Amendment filed 9-26-06; effective 10-25-06
5. Amendment filed 7-12-11; effective 8-11-11

1976.9. Pick (n) Pool.

(a) The Pick (n) requires selection of the first-place finisher in each of a number of races designated by the association. The association shall designate the percentage of the net pool considered the major share, and the percentage of the net pool considered the minor share, if any. The number of races comprising a Pick (n) must be at least four but no more than ten. Subsequent changes to the Pick (n) shall be requested in writing by the association. The Board or its designated representative shall respond in writing to such requests within five working days of their receipt at Board headquarters.

(b) The major share of the net Pick (n) pool, along with the Pick (n) carryover, shall be distributed to ticket holders that selected the first-place finisher in each of the Pick (n) races, based upon the official order of finish, and the minor share of the net Pick (n) pool shall be distributed as a win pool to ticket holders whose selection finished first in the second greatest number of Pick (n) races; if there are no wagers selecting the first place finisher in each of the Pick (n) races, then:

(1) The minor share of the net pool shall be distributed as a win pool to ticket holders whose selection finished first in the greatest number of Pick (n) races, and

(2) The major share of the net Pick (n) pool shall be retained by the association and added to the corresponding Pick (n) pool of the next performance. The additional Pick (n) pool resulting from such a carryover shall be termed the “Pick (n) carryover.”

(c) In a dead heat for first in any of the Pick (n) races, all horses in the dead heat for win shall be considered winning horses to calculate the pool.

(d) If a wagering interest in any of the Pick (n) races is scratched, or is designated to run for purse only in accordance with Rule 1974 of this article, the association may substitute the favorite for the scratched or designated wagering interest, determined by total amounts wagered in the win pool at the close of wagering on that race, or allow patrons the option of selecting an alternate wagering interest. The favorite or alternate wagering interest shall be substituted for the scratched wagering interest, or horse designated to run for purse only, for all purposes. If the association elects to substitute the favorite and the win pool total is identical for two or more horses, the horse with the lowest program number is used. The totalizator shall produce written reports showing each of the wagering combinations with substituted wagering interests that became winners as a result of the substitution, in addition to the normal winning combination, at the end of each race where substitutions occur.

(e) The Pick (n) pool shall be canceled and all Pick (n) wagers for the individual performance shall be refunded if:

(1) Three or more races included as part of a Pick 4, Pick 5 or Pick 6 are canceled or declared no contest; or

(2) Four or more races included as part of a Pick 7, Pick 8 or Pick 9 are canceled or declared no

contest; or

(3) Five or more races included as part of a Pick 10 are canceled or declared no contest.

(f) If at least one race included as part of a Pick (n) is canceled or declared no contest, but fewer than the number specified in subsection (e), the net pool shall be distributed as a win pool to ticket holders whose selection finished first in the greatest number of Pick (n) races for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.

(g) The Pick (n) carryover may be capped at an amount designated by the association, with Board approval. If, at the close of any performance, the carryover equals or exceeds the designated cap, it will be frozen until it is won or distributed under other provisions of this rule. After the carryover is frozen, 100% of the net pool shall be distributed to ticket holders whose selection finished first in the greatest number of Pick (n) races for that performance.

(h) Permission to distribute the Pick (n) carryover on a specific date and performance shall be obtained from the Board. The mandatory payout request must contain the intended date and performance for the distribution.

(i) If the Pick (n) carryover is designated for distribution on a specified date and performance in which no wager selects the first-place finisher in each of the Pick (n) races, the entire pool including the carryover shall be distributed as a win pool to ticket holders whose selection finished first in the greatest number of Pick (n) races. The Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) With written approval from the Board as provided in subsection (h); or

(2) With written approval from the Board when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued; or

(3) On the closing performance of the meet or split meet.

(j) If the Pick (n) carryover must be carried over to the corresponding Pick (n) pool of a subsequent meet, it shall be deposited in an interest-bearing account approved by the Board. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance designated by the association, with Board approval.

(k) With Board approval, the association may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.

(l) No ticket for the Pick (n) pool shall be sold, exchanged or canceled after the close of wagering in the first race comprising the Pick (n), except for refunds required by this rule.

(m) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is prohibited. The totalizator will be programmed to suppress all information related to Pick (n) wagering activity until the conclusion of the final race except for the following:

(l) Total amount of the net pool at the close of Pick (n) wagering.

(2) Information regarding possible Pick (n) payouts for each of the runners when the last race of the Pick (n) pool is the only race remaining to be run.

(n) If the racing surface changes from turf to dirt or dirt to turf in any race of a Pick (n) pool, and such change was not announced to the public before the close of wagering on the Pick (n) pool, all wagers on such race shall be considered winning wagers for the purposes of the Pick (n) pool.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Sections 19440, 19590 and 19593, Business and Professions Code.

HISTORY:
1. New rule filed 10-10-91; effective 10-10-91.
2. Amendment filed 9-21-94; effective 10-21-94.
3. Amendment filed 10-18-99; effective 11-17-99.
4. Amendment filed 8-17-05; effective 8-17-05.
5. Amendment filed 7-12-11; effective 8-11-11.

1977. Pick Three.

(a) The Pick Three is a separate pari-mutuel pool established on three consecutive races. The pool consists of amounts wagered on the winning horse in each of the races. It is not a parlay and has no connection with or relation to other pools conducted by the association, or to rules governing the distribution of other pools.

(b) A valid Pick Three ticket shall be evidence of a binding contract between the holder of the ticket and the association and shall constitute an acceptance of Pick Three provisions and rules contained in this article.

(c) The association shall distribute the net pool to holders of valid tickets that correctly selected the winners in all three races.

(d) In a dead heat for win between two or more horses in any of the Pick Three races, all such horses shall be considered winning horses in that race for calculating the pool. The payout shall reflect the proportionate amount of money wagered on each winning combination.

(e) If no ticket selected the winner in all three races, the net pool shall be paid for tickets that selected the winner in any two races; and if no ticket selected two winners the net pool shall be paid for tickets that selected the winner of any one race. The association shall refund the entire pool if no ticket selected the winner of any one race.

(f) If one of the races is cancelled, the net pool shall be distributed as provided in subsection (e). If more than one race is cancelled the association shall refund the entire pool.

(g) If a wagering interest is scratched (which hereinafter includes being declared a non-starter) from any leg of the Pick Three prior to the running of the first leg, or if a wagering interest is designated to run for purse only in accordance with rule 1974 of this article, all wagers containing such scratched or designated wagering interests shall be refunded.

(h) If a wagering interest is scratched or designated to run for purse only from the second leg after the start of the first leg, a consolation payout shall be computed for those wagers combining the winners of the first and third legs with such scratched or designated horse(s) as follows: The amount represented by wagers on combinations involving horse(s) scratched or designated to run for purse only from the second leg shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among tickets combining the winners of the first and third legs with horse(s) designated to run for purse only or scratched from the second leg.

(i) If a wagering interest is designated to run for purse only or scratched from the third leg after

the start of the second leg, a consolation payout shall be computed for those wagers combining the winners of the first and second legs with such designated or scratched horse(s) as follows: The amount represented by wagers on combinations involving horse(s) designated to run for purse only or scratched from the third leg shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among tickets combining the winners of the first and second legs with horse(s) designated to run for purse only or scratched from the third leg.

(j) If wagering interests are designated to run for purse only or scratched from both the second and third legs after the start of the first leg, a consolation payout shall be computed for those wagers combining the winner of the first leg with horse(s) designated to run for purse only or scratched from both the second and third legs as follows: The amount wagered on the winner of the first leg combined with all other horse(s) designated or scratched from the second and third legs shall be deducted from the gross pool. The resulting pool, net of takeout, shall be distributed as a win pool among tickets combining the winner of the first leg with horse(s) designated to run for purse only or scratched from both the second and third legs.

(k) After wagering closes on the first race of the Pick Three no ticket shall be sold, exchanged or cancelled. No person shall disclose the number of tickets sold in the Pick Three races or the number or amount of tickets that selected winners of Pick Three races until the stewards declare the last race official. After the second of the three races, the association may display potential distributions dependent upon the outcome of the third race.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. New rule filed 10-29-86; effective 10-29-86.
2. Amendment filed 11-1-95; effective 11-1-95.
3. Amendment filed 6-3-96; effective 7-3-96.
4. Amendment filed 12-05-05; effective 1-4-06.
5. Amendment filed 7-12-11; effective 8-11-11.

1978. Select Four.

(a) The Select Four 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.

(b) A valid Select Four ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of Select Four provisions and rules contained in article 18.

(c) A Select Four may be given a distinctive name to be selected by the association conducting such races, such as "PICK 4", subject to the approval of the Board.

(d) The Select Four pari-mutuel pool consists of amounts contributed for a selection for win only in each of four races designated by the association with the approval of the Board. Each person purchasing a Select Four ticket shall designate the winning horse in each of the four races comprising the Select Four.

(e) The net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all four races comprising the Select Four.

(f) If no ticket is sold combining the four winners of the Select Four, the net amount in the pari-mutuel pool shall be distributed among the holders of tickets which include the winners of any three of the four races comprising the Select Four.

(g) If no ticket is sold combining at least three winners of the Select Four, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winner of any two races comprising the Select Four.

(h) If no ticket is sold combining at least two winners of the Select Four, the net amount in the pari-mutuel pool shall be distributed among holders of tickets which include the winner of any one race comprising the Select Four.

(i) If no ticket is sold that would require distribution of the Select Four pool to a winner under this rule, the association shall make a complete and full refund of the Select Four pool.

(j) If for any reason one of the races comprising the Select Four is cancelled, the net amount of the pari-mutuel pool shall be distributed as provided above in subsections (f), (g), (h) and (i).

(k) If for any reason two or more of the races comprising the Select Four are cancelled, a full and complete refund will be made of the Select Four pool.

(l) In the event a Select Four ticket includes a selection in any one or more of the races comprising the Select Four that is scratched, excused or determined by the stewards to be a non-starter in the race, or if the Select Four ticket includes a selection that is designated to run for purse only in accordance with Rule 1974 of this article, 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 non-starting or designated selection for all purposes, including pool calculations and payouts.

(m) In the event of a dead heat for win between two or more horses in any Select Four race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(n) No pari-mutuel ticket for the Select 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 Select Four, except for such refunds on Select Four tickets as required by this regulation, and no person shall disclose the number of tickets sold in the Select Four pool or the number or amount of tickets selecting winners of Select Four races until such time as the stewards have determined the last race comprising the Select Four to be official. Notwithstanding the above, at the conclusion of the third of the four races comprising the Select Four, an association may with the approval of the Board display potential distribution to ticket holders depending upon the outcome of the fourth race of the Select Four.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. New rule filed 9-7-88; effective 9-12-88.
2. Amendment filed 12-23-96; effective 1-22-97.
3. Amendment filed 7-12-11; effective 8-11-11.

1979. Trifecta.

(a) The Trifecta is a separate pari-mutuel pool established on a single race. The pool consists of

amounts wagered on horses to finish first, second and third in that exact order. It is not a parlay and has no connection with or relation to other pools conducted by the association or to rules governing the distribution of other pools.

(b) A valid Trifecta ticket is evidence of a binding contract between the holder of the ticket and the association and constitutes acceptance of Trifecta provisions and rules contained in this article.

(c) No Trifecta pool shall be established for a race with less than four wagering interests scheduled to start when the Trifecta pool opens for wagering in California.

(d) After the stewards' official order of finish is posted, the association shall distribute the net pool to holders of valid tickets that correctly selected the first, second and third finishers.

(e) In a dead heat for first or second position, only tickets selecting the correct order of finish for the first three finishers shall be winning tickets; that is, two horses in a dead heat for first shall be first and second, in either position; and two horses in a dead heat for second shall be second and third, in either position. In a triple dead heat for first, the three horses shall be the winning combination regardless of the order of selection. In a triple dead heat for second, tickets with the correct first selection and two of the three horses shall be winning tickets. In a triple dead heat for third, tickets with the correct first and second selection and one of the three horses shall be winning tickets.

(f) If no ticket correctly selected the first, second and third position, the net pool shall be paid for tickets that selected first and second. If no ticket selected first and second the net pool shall be paid for tickets that selected first. The association shall refund the entire pool if no ticket selected first.

(g) If the stewards scratch a horse or designate a horse to run for purse only in accordance with Rule 1974 of this article before wagering is closed, the association may exchange any ticket that includes the scratched or designated horse. After wagering is closed, tickets selecting a scratched or designated horse, or a horse the stewards declared a nonstarter, shall be eliminated from the pool and the purchase price refunded.

NOTE: Authority cited: Sections 19440, and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. New rule filed 3-15-91; effective 3-15-91.
2. Repealer of subsections (l) and (m) filed 1-27-92; effective 1-27-92.
3. Amendment of subsection (e) and repealer of subsection (k) filed 6-9-92; effective 7-8-92.
4. Amendment filed 6-5-96; effective 6-5-96.
5. Amendment filed 9-30-99; effective 9-30-99.
6. Amendment filed 12-11-01; effective 1-10-02.
7. Amendment filed 7-21-09; effective 8-20-09.
8. Amendment filed 7-12-11; effective 8-11-11.

1979.1. Superfecta.

(a) The Superfecta is a separate pari-mutuel pool established on a single race. The pool consists of amounts wagered on horses to finish first, second, third, and fourth in that exact order. It is not a parlay and has no connection with other pools conducted by the association or to rules governing the distribution of other pools.

(b) A valid Superfecta ticket is evidence of a binding contract between the holder of the ticket and the association and constitutes acceptance of Superfecta provisions and rules contained in this article.

(c) No Superfecta pool shall be established for a race with less than six wagering interests scheduled to start when the Superfecta pool opens for wagering in California.

(d) After the stewards' official order of finish is posted, the association shall distribute the net pool to holders of valid tickets that select the first, second, third, and fourth finishers.

(e) In a dead heat for first, second, or third position, only tickets selecting the correct order of finish for the first four finishers shall be winning tickets; that is, two horses in a dead heat for first shall be first and second, in either position; two horses in a dead heat for second shall be second and third, in either position; and two horses in a dead heat for third shall be third and fourth, in either position. In a dead heat for fourth, tickets with the correct first, second, and third selection and one of the two horses in the dead heat for fourth shall be winning tickets. In a triple dead heat for first, tickets selecting the three horses in the dead heat, regardless of the order of selection, and the horse finishing fourth shall be winning tickets. In a triple dead heat for second, tickets with the correct first selection and all three horses in the dead heat shall be winning tickets. In a triple dead heat for third, tickets with the correct first and second selection and two of the three horses in the dead heat shall be winning tickets. In a triple dead heat for fourth, tickets with the correct first, second, and third selection and one of the horses in the dead heat shall be winning tickets.

(f) If no ticket selects the first, second, third, and fourth position, the net pool shall be paid for tickets that select first, second, and third. If no ticket selects first, second, and third position, the net pool shall be paid for tickets that select first and second. If no ticket selects first and second, the net pool shall be paid for tickets that select first. The association shall refund the entire pool if no ticket selects first.

(g) If the stewards scratch a horse or designate a horse to run for purse only in accordance with Rule 1974 of this article before wagering is closed, the association may exchange any ticket that includes the scratched or designated horse. After wagering is closed, tickets selecting a scratched or designated horse, or a horse the stewards declared a nonstarter, shall be eliminated from the pool and the purchase price refunded.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19590, Business and Professions Code.

HISTORY:
1. New rule filed 9-16-99; effective 10-16-99.
2. Amendment filed 9-18-03; effective 10-18-03.
3. Amendment filed 7-21-09; effective 8-20-09.
4. Amendment filed 7-12-11; effective 8-11-11.

Article 19. Policing the Public Inclosure

1980. Persons Prohibited from Wagering.

(a) The following classes of persons are prohibited from participating in pari-mutuel wagering and from being present within any inclosure during a recognized race meeting:

(1) Persons who have engaged in any acts of or who have been convicted of bookmaking or illegal wagering.

(2) Persons who have engaged in any act of or who have been convicted of touting.

(3) Persons who have engaged in or who have been convicted of an illegal, corrupt or fraudulent act in connection with horse racing or pari-mutuel wagering.

(4) Persons who have engaged in any act of or who have been convicted of theft from the person (pickpockets).

(5) Persons who have submitted to be cashed any altered, raised, forged or counterfeit pari-mutuel ticket.

(6) Persons whose license has been revoked by the Board or by any State Horse Racing Commission.

(b) For the purposes of this rule:

(1) Bookmaking includes, but is not limited to, any act prohibited by Section 337a of the Penal Code or by Section 19595 of the Business and Professions Code.

(2) Illegal wagering includes, but is not limited to, any act prohibited by Sections 319 through 336, inclusive, of the Penal Code.

(3) Touting includes any act prohibited by Section 337.1 of the Penal Code; and further includes offering to furnish information concerning a selection of a horse for wagering purposes, or predicting the outcome of a race for wagering purposes, in exchange for a pari-mutuel ticket or other consideration which is contingent on the outcome of the race; or soliciting compensations or a gratuity either before or after a race for any racing information, racing selection or racing prediction for wagering purposes, except in the manner permitted by law.

(4) Corrupt or fraudulent acts include, but are not limited to, any act prohibited by Sections 337b through 337i, inclusive, 337.3, 337.6, 337.7 or 337.8 of the Penal Code.

NOTE: Authority cited: Section 19572, Business and Professions Code. Reference: Sections 19410, 19572, 19574 and 19595, Business and Professions Code; and Sections 319-336, 337a, 337.1, 337.3, 337.6, 337.7 and 337.8, Penal Code.

HISTORY:
Amendment filed 4-11-94; effective 5-11-94.
Amendment filed 1-24-97; effective 2-23-97.
Amendment filed 12-6-99; effective 12-6-99.

1981. Duty to Exclude Prohibited Persons.

Racing associations, fairs and simulcast wagering facilities shall exclude and eject from their inclosures persons who are prohibited from participating in pari-mutuel wagering and from being present within any inclosure. No racing association, fair or simulcast wagering facility shall knowingly issue any credential to or admit such persons and any admission ticket or credential is void if held by such persons.

NOTE: Authority cited: Sections 19572 and 19574, Business and Professions Code. Reference: Sections 19410, 19572 and 19574, Business and Professions Code.

HISTORY:

Amendment filed 3-29-94; effective 4-28-94.
Amendment filed 12-6-99; effective 12-6-99.

1982. Notice of Exclusion or Ejection.

The Association shall inform any person excluded or ejected from its inclosure of the reason for the ejection or exclusion, and shall notify such person of the provisions of this article. Notification may be made by the delivery to the person excluded or ejected of a copy of this article. The Association shall immediately notify the Board on the form prescribed by the Board, the name of any person ejected or excluded, the reason for the ejection or exclusion, and such other information as the Board may require.

1983. Application for Hearing.

Any person ejected or excluded from any racing inclosure may file a written application with the Board for a hearing on the question of whether he is within any of the classes of persons who are prohibited from participating in pari-mutuel wagering and from being present within any racing inclosure. Applications must be on the form prescribed by the Board, briefly state the circumstances of the ejection or exclusion, and clearly identify and be signed by the applicant.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19440 and 19573, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

1984. Place and Notice of Hearing.

The application for hearing on exclusion or ejection shall be set for hearing before the Board, a referee designated by the Board, or before a Hearing Officer of the Office of Administrative Hearings. The Board shall mail to the applicant and any other interested party notice of the time and place of the hearing.

1985. Waiver of Hearing.

If an applicant fails to appear at the time and place set for hearing, the Board may take whatever action it deems appropriate.

1986. Determination of Rehabilitation.

(a) If the Board finds that the applicant is within one of the classes of persons who are prohibited from participating in pari-mutuel wagering and from being present within any racing inclosure, the Board may, in its discretion, make a further finding that the applicant's presence within the public inclosure would not be against the best interests of horse racing, and an exception should be made authorizing him or her to participate in pari-mutuel wagering in the future.

(b) If the applicant holds a current CHRB occupational license, the Board shall make a separate determination regarding the applicant's fitness for continued licensing. The determination shall be made at the same time as any findings made under subsection (a) of this rule.

NOTE: Authority cited: Sections 19440, 19572 and 19573, Business and Professions Code. Reference: Sections 19420, 19440, 19572, 19573 and 19574, Business and Professions Code.

HISTORY:

Amendment filed 8-10-93; effective 8-10-93.
Amendment filed 12-6-99; effective 12-6-99.

1987. Notice of Findings and Determinations After Hearing.

Upon the conclusion of the hearing, the referee or Hearing Officer shall make findings and determinations on the issues and submit recommendations to the Board. The Board shall consider such findings, determinations and recommendations and shall render its decision. The Board shall notify the applicant in writing of each determination and the decision made by it, and shall enter its decision in its minutes.

1988. Appearance and Evidence at Hearing.

At the hearing before the Board, its referee or Hearing Officer, the applicant is entitled to appear in person and/or by counsel, and such evidence as is necessary and proper to resolve the issues presented shall be received. The applicant may file a written answer or statement in which he may controvert any point at issue, and may present any argument or evidence for consideration. Any association may appear as a party of interest in the matter and at the hearing if it so desires.

1989. Removal or Denial of Access.

(a) An association, fair or simulcast facility may remove from its premises any person who:

(1) Is disorderly as defined in section 647 of the Penal Code.

(2) Interferes with any racing operation.

(3) Solicits or engages in any act of prostitution.

(4) Begs, is boisterous, or is otherwise offensive to other persons.

(5) Commits any public offense.

(6) Is intoxicated.

(b) Any person may be removed or denied access for any reason deemed appropriate by the association, fair or simulcast facility notwithstanding the fact that such reason is not specified in the rules.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19440, Business and Professions Code. Section 647, Penal Code.

HISTORY:
1. Amendment filed 1-24-97; effective 2-23-97.

Article 20. Conflict of Interest

2000. General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the FPPC to conform to amendments

in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the FPPC along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Horse Racing Board.

Designated employees shall file statements of economic interests with the agency. Upon receipt of the statements of the Commissioners and the Executive Director, the agency shall make and retain a copy and forward the original of these statements to the FPPC. Statements for all other designated employees will be retained by the agency.

NOTE: Authority cited: Section 87306, Government Code. Reference: Sections 87300-87302 and 87306, Government Code.

HISTORY:
1. New Article 20, rules 2000-2012, consecutive, filed 5-26-77; effective 6-25-77.
2. Repealer of Article 20 and new Article 20, rule 2000 and appendix, filed 2-26-81; effective 3-28-81.
3. Amendment of rule and appendix filed 6-23-93; effective 7-23-93.
4. Amendment of appendix filed 8-19-94; effective 9-18-94.
5. Amendment of appendix filed 6-2-97; effective 7-2-97.
6. Amendment of appendix filed 5-17-99; effective 6-16-99.
7. Amendment of appendix filed 5-22-01; effective 6-21-01.
8. Amendment of appendix filed 9-2-03; effective 10-2-03.
9. Amendment of appendix filed 11-17-15; effective 12-17-15.

Appendix

Designated Positions	Assigned Disclosure Categories
Commissioners (members)	1,2
Executive Director	1,2
Career Executive Assignment (Assistant Executive Director)	1,2
Equine Medical Director	1,2
Attorney (All Levels)	1,2
Chief of Licensing & Enforcement	1,2
Staff Services Manager I/II	1,2
Senior Management Auditor	1,2
Senior Programmer Analyst (Chief Information Officer)	1,2
Business Services Assistant/Business Services Officer	1d
Stewards	1,2
Hearing Officers	1,2

Supervising Special Investigator I/II, Investigator 1,2

Associate Governmental Program Analyst (Public Relations Officer) 1,2

Racing Officials - Official Veterinarian 1a,b,2

Consultants / New Positions……*

* The Executive Director may determine, in writing, that a particular consultant/new position, hired to perform a range of duties limited in scope, is not required to fully comply with the disclosure requirements in this rule. The written determination shall include a description of the consultant's/new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories

Category 1

All designated employees shall report:

Any investments, business positions and sources of income, including receipt of gifts, loans and travel payments in a source which:
(a) Is a racing association or entity, which has a financial interest in a racing association or racetrack or any management company which participates in or earns any income from pari-mutuel wagering.
(b) Is a business or person "attendant upon horses" and is subject to licensing and/or regulation by the California Horse Racing Board (Board);
(c) Is a concessionaire of a racing association subject to approval by the Board;
(d) Is a business that has, within the previous two years, leased space, or provided goods, services, equipment, materials or supplies of the type used by the Board;
(e) The designated employee knows, or has reason to know, has contracted with, or plans to contract with, any concessionaire of a racing association to provide products for use by that concessionaire in connection with the concession;
(f) Is any person against whom the Board is contemplating legal or administrative action or has intervened in such action;
(g) Is a manufacturer, wholesaler, or distributor of products required or approved by the Board for use at racing association meetings.

Category 2

All designated employees shall report:

Any investments in or sources of income, including receipt of gifts, loans and travel payments derived from racehorses or from persons or entities that own or breed racehorses.

Article 21. The Standardbred Sires Stakes Program.

2022. Delegation of Authority and Administration.

The organization recognized by the Board as the registry of California-bred standardbred horses and the organization recognized by the Board as representing standardbred horse owners and trainers are delegated jointly the authority to administer the California Standardbred Sires Stakes Program and the recognized organizations are mutually responsible to the Board for

administration of the program. The recognized organizations shall elect or appoint jointly a person who shall administer the Sires Stakes Program. The administrator shall be authorized to file claims for administrative expenses from funds appropriated for such purposes, shall file with the Board the official results of Sires Stakes races for payment of purses and awards, shall file on December 31 of each year an annual report of operations of the California Standardbred Sires Stakes Program, and is authorized to accept nomination and other fees for deposit in the State Treasury.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19401 and 19440, Business and Professions Code.

HISTORY:
1. Repealer and new rule filed 1-9-81; effective 2-8-81.

2024. Standardbred Stallion Registry.

A standardbred Stallion Registry shall be maintained by the Board or its designee and no standardbred stallion nor the offspring of such stallion shall be eligible for participation in the California Standardbred Sires Stakes Program unless registered with the said official Stallion Registry.

2025. Nomination of Stallions.

Standardbred stallions shall be nominated annually to the official registry by application in such form prescribed by the Board accompanied by a nomination fee determined by the Board and by a true and correct copy of the Registration Certificate issued to the nominated stallion by the United States Trotting Association.

(a) The eligibility and nomination of a previously registered stallion may be renewed upon the submission of a nomination application form and the nomination fee determined by the Board.

(b) No person shall be authorized to nominate a standardbred stallion unless the nominator is duly licensed by the Board as a horse owner.

(c) A stallion shall be nominated to the official registry prior to the time he is first used for breeding purposes in California.

(d) On or after November 30, 1977, the closing date each year for nominations of stallions for the succeeding breeding season shall be November 30th of each calendar year.

2026. Grounds for Refusal of Nomination.

In addition to any other valid ground or reason, the Board or its designee may refuse to accept a nomination of a standardbred stallion for the California Sires Stakes Program when:

(a) The stallion is used for breeding purposes outside the State of California at any time during the season for which he is to be or has been nominated.

(b) The stallion does not meet the requirements for nomination or is nominated after the published closing date for such nominations.

(c) The nominator of a stallion is not licensed as a Horse Owner.

(d) The nominator of a stallion is not the owner in fact of the said stallion and is not authorized

by power of attorney to act on behalf of the true owner or owners of the said stallion.

(e) The nominator of a stallion has broken or violated any rule or condition regarding participation in the California Standardbred Sires Stakes Program as provided in this article.

2027. Grounds for Termination of Eligibility.

In addition to any other valid ground or reason, the Board or its designee may terminate the eligibility of a nominated standardbred stallion after having given notice of such termination to the nominator of the stallion and after giving such nominator the opportunity to be heard, when:

(a) The stallion is used for breeding purposes at any place outside the State of California during the breeding season for which he is nominated and registered.

(b) The nominator or true owner or owners of the stallion fail to comply with any rule or condition of the nomination or registry requirements.

(c) The nominator, true owner or owners, engage in any acts in connection with the breeding of horses which are of themselves fraudulent or grossly negligent or misrepresentative, or otherwise inimical to the conduct of the California Standardbred Sires Stakes Program.

2028. Publication of Registered Stallions.

The Board or its designee shall publish a complete list of standardbred stallions as registered with the Board or its designee on or before the 15th of December of the calendar year preceding each breeding season in such form as the Board shall determine. The fact that the name or identity of a standardbred stallion is not published shall not affect the nomination or eligibility of such stallion nor shall it impose any liability on the Board or its designee in the absence of malice or intent to deprive a nominated stallion its eligibility.

2029. Ownership of Stallion for Award Purposes.

An award made to any stallion pursuant to the California Standardbred Sires Stakes Program shall be paid to the person designated on the application for nomination filed with the Board or its designee and payment to such designated person shall relieve the Board or its designee of any further liability for payment. Any required notice or any service of process shall be made to such designated person and shall be considered as service or notice to all partners, shareholders in interest, or others holding any financial interest in such stallion. The Board or its designee may withhold any award pending a determination of eligibility and shall give notice of the withholding of award and the reasons therefor.

2030. Breeding Contracts.

All breeding contracts with registered standardbred stallions shall contain therein a statement as a condition of the contract that the stallion has not left and will not leave the State of California for breeding purposes during the breeding season of the contract. The Board or its designee may demand a true and correct copy of any breeding contract to assure that any such contract complies with the conditions and rules of this article.

2032. California Residency Requirement.

For the purpose of this article, the term California resident shall mean a person who meets one or more of the following requirements:

(a) A person registered to vote in California.

(b) A person whose principal place of residence has been within the State of California for the preceding six consecutive months.

(c) A person who has been physically present in California for ninety days or more and who intends to remain in California and to establish a principal place of residence in this State.

2033. California-Owned Horse.

A "California-Owned" horse shall mean a horse which is owned by a California resident as defined in this article, or is owned by a partnership, corporation, limited liability company (Corporations Code section 17000 et seq.) or syndicate when all persons having any financial interest in such partnership, corporation, limited liability company or syndicate are California residents, on the first day of January of the year the horse is two-years old and remains in such ownership up to and including the day such horse competes in a California-Owned race.

NOTE: Authority cited: Sections 19420 and 19619, Business and Professions Code. Reference:Sections 19440 and 19619, Business and Professions Code.

HISTORY:
1. Amendment filed 8-14-98; effective 9-13-98.

2034. Official Registry.

The California Harness Horse Breeders Association is recognized as the Official Stallion Registry under Rule 2024 of this division. All funds coming into the control of the official registry for nominating, sustaining or entry fees shall be transmitted to the Board on the first day of each month for deposit into the "California Standardbred Sires Stakes Fund" of the General Fund.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19440, 19562 and 19566.6, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

2035. California Standardbred Sires Stakes Guide.

The Board shall cause to be published an Annual Stakes Guide summarizing the conditions for the California Standardbred Sires Stakes races. Any such race under the conditions thereof as published shall be conducted by the specified harness racing association.

Article 22. Horsemen's Organizations and Agreements

2040. Horsemen's Organizations for Owners or Trainers.

The Board recognizes the need for horse owners and trainers to negotiate and to covenant with racing associations regarding the conditions for each race meeting, the distribution of commissions and purses not governed by statutory distribution formulas, and other matters relating to welfare, benefits and prerogatives of the parties to the agreement. To fulfill its duties to the public in authorizing the conduct of an uninterrupted, orderly race meeting during the licensed term of such meetings, the Board shall acknowledge one respective horsemen's organization that represents horse owners and trainers of each separate breed of racehorse that

competes in such meetings except Thoroughbreds. The Board shall acknowledge separate horsemen's organizations for owners and trainers of Thoroughbred racehorses as defined in Section 19613 of the Business and Professions Code.

(a) The Board shall acknowledge only one horsemen's organization for each breed of racehorse, except Thoroughbreds, as the organization empowered exclusively to contract with racing associations for the conduct of a race meeting. No person shall serve as an officer or director of an acknowledged horsemen's organization other than in an honorary capacity, at the same time such person serves as an officer or director of a licensed racing association or as an officer or director of any entity which is principal shareholder of any licensed racing association.

(b) Upon the filing with the Board of a notice of intent by an alternate horsemen's organization to decertify an existing horsemen's organization whose membership is 1500 members or more, the alternate horsemen's organization shall have not more than six (6) months from the date of filing to acquire, on a petition, signatures of ten percent (10%) of the existing organization's licensed members. The alternate horsemen's organization petitioning to decertify an existing horsemen's organization whose membership is fewer than 1500 shall have not more than six (6) months from the date of filing to acquire, on a petition, signatures of thirty percent (30%) of the existing organization's licensed members.

(1) The notice of intent shall contain the name of the horsemen's organization, the names of the principals of the horsemen's organization, the date of filing, the articles of incorporation and a copy of the petition as it will be circulated.

(2) No more than one (1) petition by any alternate horsemen's organization to decertify an existing horsemen's organization shall be circulated at any given time.

(c) Upon receipt of a petition that meets the criteria in subsection (b) of this Rule, the Board shall consider the petition, and shall validate the signatures found on said petition. Validation includes, but is not limited to, verification of current CHRB license numbers and signature verification.

(1) If the validated signatures are found to meet the requirements of subsection (b) in this Rule, the Board shall thereupon establish a date and conduct an election among the existing organization's licensed members.

(2) If the validated signatures do not meet the requirements of subsection (b) in this Rule, the Board shall notify the alternate and the existing horsemen's organization that no further action shall be taken on the petition.

(d) A deciding vote of fifty percent (50%) plus one (1) of the ballots returned shall be used to determine the one organization to be acknowledged as representing the organization's licensed members.

(e) Except for good cause, the Board shall not conduct an election within eighteen (18) months of a prior election among the organization's licensed members.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19401(a) and (e), 19613, 19613.1, 19613.2 and 19613.3 Business and Professions Code.

HISTORY:
1. New article 22 (rules 2040-2045) filed 4-12-79; effective 7-1-79.
2. Amendment filed 6-2-94; effective 7-2-94.
3. Amendment filed 9-22-95; effective 10-22-95.

2041. Agreements to Be Binding on Members.

Any agreement, covenant, or contract entered into by the acknowledged horsemen's organization with any licensed racing association is binding upon each horse owner or trainer or participant who accepts the conditions of the meeting by accepting stall space at such meeting. No such owner or trainer or participant nor any member, employee, agent, director, or representative of a horsemen's organization shall counsel, urge, advocate, aid or abet the violation of any provision of any horsemen's agreement, covenant or contract during its term.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

2042. Agreements to Be Binding on Associations.

Any agreement, covenant, or contract entered into by the acknowledged horsemen's organization with any licensed racing association is binding upon the racing association and its employees, agents, representatives and officials. No employee, agents, representative or official of the association shall counsel, urge, advocate, aid or abet the violation of any provision of any horsemen's agreement, covenant or contract during its term.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

2043. Adjudication of Controversies Relating to Agreements.

A complaint alleging a violation of any provision of an agreement between a horsemen's organization and a racing association may be filed with the Board by either of the contracting entities. The Board shall immediately investigate the allegations and may refer the complaint to the Board of Stewards appointed for the meeting where the violation is alleged to have occurred, or refer the matter for hearing under the provisions of Rule 1414 of this division. The stewards or a referee may, after hearing the matters alleged, order compliance with the terms of the contract if within their authority to do so, or propose to the Board a decision or other course of action including therein their recommendations to the Board.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

2044. Agreements to Be Filed.

Each racing association shall file a copy of its agreement with the horsemen's organization, or in the case of fairs the horsemen's organizations, representing the horse owners and trainers at its meeting at the same time the association files its application for license. In the event the association is unable to obtain and file such agreement with its application, the Board may upon notice to the prospective parties to the agreement conduct a hearing with regard to the conditions for the meeting and take such action as it may deem appropriate to insure continuity of the racing program. The horsemen's organization shall provide a copy of the agreement for the conduct of the meeting to any person requesting the same and shall cause to be posted on the bulletin board of the association a notice of the location where a copy of the agreement may be obtained.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

2045. Prohibited Provisions of Horsemen's Agreements.

No agreement between the association and the horsemen shall include provisions which are in conflict with the Horse Racing Law, the rules of the Board, or usurp the authority of the Board, including but not limited to:

(1) Provisions which limit or specify the number of races to be programmed on any day or night of the meeting;

(2) Provisions which specify the number of days per week during which racing will be conducted at the meeting;

(3) Provisions which specify the type of pari-mutuel wagering to be conducted by the association or the number of multiple-wager (exotic) pari-mutuel pools to be conducted; or

(4) Provisions which may serve to exclude participation at the meeting by any individual holding a valid license issued by the Board. Nothing herein is deemed an abridgment of Rules 1485 and 1989 of this division.

NOTE: Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Section 19401(a) and (e), Business and Professions Code.

HISTORY:
Amendment filed 12-23-96; effective 1-22-97.
Amendment filed 1-24-97; effective 2-23-97.
Amendment filed 12-6-99; effective 12-6-99.

Article 23. Charity Foundations and Welfare Funds

2046. Filing of Annual Financial Report.

Every distributing agent selected and qualified pursuant to sections 19553 and 19554 of the Business and Professions Code shall file with the Board within 135 days after the close of its fiscal year a financial report prepared by a certified public accountant. The required annual report shall be prepared in accordance with generally accepted auditing standards including verification of the eligibility of charitable organizations to which distributions were made.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19554, 19555, 19556 and 19557, Business and Professions Code.

HISTORY:
1. New article 23 (rules 2046-2048) filed 12-10-82; effective 1-9-83.

2047. Requests for Approval of Charity Fund Distribution.

A request by a distributing agent filed with the Board for approval of a distribution of charity days' net proceeds to one or more beneficiaries shall include therein the total amount of charity days' net proceeds held by the distributing agent, the name of each beneficiary selected for a distribution, a brief statement as to the purpose of each beneficiary, the amount to be distributed to each beneficiary, a representation by the distributing agent as to the eligibility of all beneficiaries, the total amount of the net proceeds to be approved by the Board for the requested distributions, and the amount of net proceeds to be held by the distributing agent after the approved distributions are made.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19555, 19556 and 19557, Business and Professions Code.

2048. Horsemen's Organization Welfare Fund.

Every horsemen's organization which maintains a welfare fund entitled to any moneys or payment from unclaimed pari-mutuel pool distributions under provisions of Section 19641 of the Business and Professions Code shall file with the Board within 90 days after the close of its fiscal year a financial report prepared by a certified public accountant. The annual report shall be prepared under generally accepted auditing standards and include a description of each activity or program funded by unclaimed pari-mutuel pool distributions. The administrator of the welfare fund or the horsemen's organization shall file an accompanying report concerning the programs or activities implemented or proposed at the time the report is submitted, a five-year estimate of the annual total cost of the programs or activities, and the statutory basis for the programs or activities.

NOTE: Authority cited: Section 19440, Business and Professions Code; and the Supplemental Report of the 1981 Budget Act. Reference: Section 19641, Business and Professions Code.

HISTORY:
1. Amendment filed 12-6-99; effective 12-6-99.

2049. Designation and Approval of Horsemen's Welfare Fund.

The horsemen's organization acknowledged by the Board under Rule 2040 of this division shall establish a charitable corporation to administer its welfare fund for the benefit of horsemen. The charitable corporation shall register with the Registry of Charitable Trusts and be in compliance with the provisions of the Uniform Supervision of Trustees for Charitable Purposes Act (Government Code Sections 12580 et seq.). The Board shall designate the charitable corporation as the "welfare fund" for the purposes intended under Section 19641(b) of the Business and Professions Code (B&P Code); if:

(a) The charitable corporation shall have a minimum of five and a maximum of nine directors or trustees who are subject to Board approval. The charitable corporation may not be a subsidiary or division of the horsemen's organization. The directors or trustees of the charitable corporation may be common directors of the horsemen's organization if at least forty percent of the directors or trustees of the charitable corporation have no financial interest in horse racing as a licensed horse owner, trainer, or assistant trainer and are not a current member of the horsemen's organization. The charitable corporation shall select at least one director or trustee without financial interest in horse racing pursuant to B&P Code Section 19641.2(c). The term of a director or trustee is two years. A director or trustee may serve succeeding terms.

(b) The charitable corporation shall establish its fiscal year to be July 1 through June 30 and shall establish a principal office for the conduct of its activities and as the repository for its records. Its records shall be open to inspection by the Board during normal business hours. The corporation shall publish a report of its activities biennially.

(c) The directors or trustees shall appoint an administrator of the welfare fund who shall procure a license from the Board and perform the duties directed by the directors or trustees.

(d) The directors or trustees shall establish a constitution or bylaws setting forth criteria for eligibility of the beneficiaries of the various programs and activities to be funded under Section 19641(b) of the B&P Code and submit to the Board on or before October 31 of each year a

proposed schedule of expenditures from the fund for the next fiscal year specifying therein the categories, programs or activities for which funds will be expended.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Sections 19641 and 19641.2, Business and Professions Code; and Section 9.00, Chapter 324, Statutes of 1983 (Budget Act of 1983).

HISTORY:
New rule filed 1-30-85; effective 3-1-85.
Amendment filed 12-6-99; effective 12-6-99.
Amendment filed 7-8-02; effective 8-7-02.

2050. Beneficiaries, Welfare Programs and Activities.

These regulations establish the appropriate uses for funds paid to the designated charitable corporations under the provisions of Section 19641(b) of the Business and Professions Code. The directors or trustees of the welfare fund shall limit the eligibility for benefits to natural persons who engage in occupations directly relating to the physical care of horses at California racetracks or approved auxiliary stable areas and to the spouse or dependent children of such persons. Natural persons who have engaged in occupations directly relating to the physical care of horses at California racetracks or approved auxiliary stable areas, and their spouse or dependent children, may be eligible for benefits for not more than one year after the termination of such employment. Welfare funds may be expended for:

(1) Health care services including costs associated with the contracting for physicians' or dentists' professional services, hospitalization of an eligible beneficiary or dependent, outpatient, rehabilitative or preventative medical programs, restorative dental services, alcohol and drug abuse treatments, and capital outlay for medical or dental clinics and necessary equipment.

(2) Extended medical and health assurance including supplemental medical and hospitalization insurance coverage premiums, support or residential board and care facilities including capital outlay expenditures and reimbursements for beneficiaries confined to convalescent facilities or to facilities or institutions providing geriatric care.

(3) Emergency financial assistance including temporary family assistance financial aid, food or subsidized meal tickets or food vouchers, temporary housing expenses, emergency transportation expenses, burial expenses for an eligible beneficiary or immediate family member, and legal expenses of an eligible beneficiary.

(4) Educational and recreational activities including counseling and chaplaincy programs, Alcoholics Anonymous or similar programs, intra-mural sports activities and sports equipment, tickets and transportation to sports events, health and hygiene education classes, legal/immigration clinics, classes in spoken English, and expenditures for counselors, chaplains, and instructors for such activities.

(5) Administration costs necessary to administer, supervise and audit the operations of the charitable corporation provided that the expenditures for such administration purposes not exceed 15% of the total expenditures for any fiscal year.

NOTE: Authority cited: Section 19440, Business and Professions Code. Reference: Section 19641, Business and Professions Code; and Section 9.00, Chapter 324, Statutes of 1983 (Budget Act of 1983).

HISTORY:

1. New rule filed 1-30-85; effective 3-1-85.
2. Amendment filed 7-30-02; effective 8-29-02.

Article 24. Intrastate Simulcast Wagering

2056. Definitions.

As used in this article:

(a) "Assistant Simulcast facility supervisor" means a person licensed by the Board to perform the duties described in Rule 2061 of this article.

(b) "Authorized user" means an entity which includes any individual, partnership, corporation or other association or organization authorized by the Board as defined in Rule 2057 of this article to receive, decode and use for legal purposes the encrypted simulcast signal of California horse racing events.

(c) "Common pools", "common pooling" means the pari-mutuel wagers at one or more guest associations contributed into the pari-mutuel pools of a host association; the act of contributing pari-mutuel wagers into the pari-mutuel pools of a host association.

(d) "Decoder" means a device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

(e) "Distributable Amounts" means the amount withheld from the wagering dollar that is not returned to the public, and is distributed under Articles 9.2 and 9.5, Chapter 4, Division 8 of the Business and Professions (B&P) Code.

(f) "Downlink" means a receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or pari-mutuel data emanating from a host association, and includes the electronic transfer of received signals from the receiving antenna to TV monitors or pari-mutuel equipment within the simulcast facility.

(g) "Encryption," "encrypted," "encoded" means the scrambling or other manipulation of the audio-visual signals to mask the original video content of the signal causing the signals to be indecipherable and unrecognizable to entities receiving the signals who are not authorized users.

(h) "Guest," "guest association" means an entity licensed by the Board as defined in Rule 2057(a) of this article to receive a host association's simulcast or signal to operate a facility where simulcast wagering is offered on the host association's racing card.

(i) "Host," "host association" means the racing association or fair conducting a licensed horse racing meeting under Sections 19608 and 19608.1 of the B&P Code which simulcasts its racing program.

(j) "Inclosure," "inclosure-public" includes areas of the simulcast facility as defined by Sections 19410 and 19410.5 of the B&P Code.

(k) "Intrastate simulcast wagering" means pari-mutuel wagering at a California guest association on California horse racing events being run at a California racing meeting.

(l) "Satellite transponder," "transponder" means a specific channel on a communication satellite.

(m) "Simulcast," "simulcasting" means live audio-visual electronic signals emanating from a licensed horse racing meeting and transmitted via satellite or other medium simultaneously with the running of the horse racing events at that meeting, and includes the transmission of pari-mutuel wagering odds, amounts wagered and payout on the events, and other horse racing programming relating to the racehorses or participants.

(n) "Simulcast Facility Supervisor" means a person licensed by the Board to perform the duties described in Rule 2061 of this article.

(o) "Simulcast organization," "organization" means an entity formed under Section 19608.2 of the B&P Code.

(p) "Simulcast service supplier" means a person engaged in providing service, supplies or equipment necessary to the operation of intrastate simulcast wagering for use by a host association, guest association, simulcast organization or authorized user, including pari-mutuel wagering terminals, uplink, downlink, television receivers and related equipment; but does not include persons authorized by the Federal Communications Commission to provide telephone service or space segment time on satellite transponders.

(q) "Simulcast wagering facility," "intrastate wagering facility" means the physical premises, structure and equipment utilized by a guest association for the conduct of pari-mutuel wagering on horse racing events being run elsewhere.

(r) "Totalizator equipment" means computerized pari-mutuel wagering system.

(s) "Uplink" means an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals and/or data.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19410.5, 19601, 19605, 19605.1, 19605.2, 19605.3, 19605.6, 19608, 19608.1, 19608.2 and 19619.6, Business and Professions Code.

HISTORY:
1. New rule filed 3-23-88; effective 4-22-88. Governor overruled OAL's disapproval on the basis the Notice of Proposed Rulemaking was invalidated by intervening statutory amendments.
2. Amendment of article heading and rule filed 10-4-93; effective 11-3-93.
3. Amendment filed 12-23-96; effective 1-22-97.
Amendment filed 12-6-99; effective 12-6-99.
Amendment filed 10-14-04; effective 11-13-04.

2057. Initial Application and Approval of a Simulcast Facility.

No person, which includes any individual, partnership, corporation, or other association or organization, shall conduct or attempt to conduct wagering on the results of races simulcast from a race meeting held in this State unless authorized and permitted to do so by the Board as follows:

(a) A racing association, fair or other entity proposing to act as a guest association shall complete an Application for Authorization to Operate a Simulcast Wagering Facility (Form CHRB-25, Rev. 4/92) which is hereby incorporated by reference. Form CHRB-25 shall be available at the Board's administrative office. The application shall be filed with the Board at least ninety (90) days prior to the first day of racing for review, investigation and approval based on the following conditions:

(1) In order to allow an evaluation of the competence, integrity, and character of the applicant to operate a simulcast wagering facility, any person, corporation, trust association, partnership or joint venture shall submit with the application, a Personal History Record (Form CHRB-25A, Rev 7/93), which is hereby incorporated by reference, for the following:

(A) If the applicant is a corporation, the officers, directors, and each owner, directly or indirectly, of any equity, security or other ownership interest in the corporation. However, in the case of owners of publicly held equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to beneficially own five (5) percent or more of the publicly held securities need be disclosed.

(B) If the applicant is a trust, the trustee and all persons entitled to receive income or benefit from the trust.

(C) If the applicant is an association, the members, officers and directors.

(D) If the applicant is a subsidiary, the officers, directors, and stockholders of the parent company thereof. However, in the case of owners of a publicly held equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to beneficially own five (5) percent or more of the publicly held securities need be disclosed.

(E) If the applicant is a partnership or joint venture, all of the general partners, limited partners or joint venturers.

(F) If the parent company, general partner, limited partner, or joint venturer of any applicant is itself a corporation, trust, association, subsidiary, partnership, or joint venture, then the disclosure of such information, shall be made, as necessary, to determine ultimate ownership. However, in the case of owners of publicly held equity securities of a publicly traded corporation, only the names and addresses of those known to the corporation to beneficially own five (5) percent or more of the publicly held securities need be disclosed.

(G) If the applicant employs a management company, disclosure shall apply to the management as set forth in subsections A through F as appropriate.

(2) The applicant has executed an agreement with a simulcast organization for the conduct of simulcast wagering at its facility; or may act on its own behalf by contracting with simulcast service suppliers and each individual racing association or fair to act as a guest association. A copy of each signed contract must accompany the application (Form CHRB-25, Rev. 4/92).

(3) Every licensed simulcast facility shall be inspected by the fire authority having jurisdiction as dictated by that authority's inspection schedule. After each inspection, a fire clearance by the fire authority must be obtained by the simulcast facility and filed with the Board within ten (10) calendar days of its receipt. This clearance must indicate that the facility meets the standard of fire safety set by the fire authority and that said facility is in compliance with fire safety codes as are applicable in that jurisdiction.

(4) Every simulcast facility shall be equipped with a downlink system consisting of a network broadcast quality satellite receiving antenna coupled with a broadcast specification Ku and/or C band receiver compatible with the encryption system used, with motorized directional control, electrical service, coaxial cabling, or equivalent or industry-accepted cabling, closed-circuit TV monitors and audio system, and a public address system.

(5) The guest association shall provide a patron area for parimutuel wagering and the observation of the satellite signal as received from the host association. The patron area shall be designated

on the application by the applicant. Such area shall be the inclosure-public, as defined in Rule 2056 (j) in this Article, of the simulcast facility. No form of horse racing wagering, either in person, or by the use of runners, messengers, or otherwise shall be permitted outside the inclosure. All odds data made available to the guest association by the host association shall be displayed at all times. Effective January 1, 1994 for new facilities, the only offices permitted in restricted parimutuel access areas will be those required for operation of the parimutuel system.

(6) The guest association shall appoint and have on duty while racing is being conducted, a simulcast facility supervisor or an assistant simulcast facility supervisor as defined in Rule 2056 (a) and (n) in this Article.

(7) Every person employed by a guest association within the restricted area of the inclosure, as defined in Rule 1420 (v) in this Division and Rule 2056 (j) in this Article, of the simulcast facility is required to be licensed pursuant to Rules 1440 and 1481 in this Division.

(8) Every guest association shall provide security personnel to protect the public and maintain the peace within the simulcast wagering facility. Additionally, the guest association shall maintain such security controls over its inclosure and premises, as defined in Rule 1420 (q) in this Division, the areas where uplink and downlink equipment is located, fencing, access gates, cables, wires and power lines and warning notifications where uplink and exterior equipment is located and the equipment room where inside downlink receiving components are located as the Board's Executive Director or his/her designee shall direct. Guest associations shall also remove, deny access to, eject or exclude persons as provided by Rules 1980 and 1989 in this Division.

Guest associations shall have the right to request, in writing, that the Chairman of the Board grant a stay from such security controls directed by the Executive Director within seventy-two (72) hours of the directive. If granted, such a stay shall remain in force until an appeal can be considered at the next regularly scheduled public meeting of the Board. An appeal must be submitted, in writing, at least two (2) weeks prior to the meeting date. The directive will be in force until a stay is issued or the Board renders its decision on the appeal. Decisions by the Board shall be final.

(9) No guest association shall conduct wagering on any race or races other than those approved by the Board or simulcast by its host association.

(10) No guest association, except as provided for in Business and Professions Code Section 19605.3, may discontinue its operation nor conduct any activity which would cause interruption of the signal without giving the Board and the host association prior written notice within fifteen (15) calendar days of such discontinuance or other change.

(11) Plans for new, proposed simulcast facility sites or for the remodeling or alteration of existing sites shall be submitted to the Board for review prior to the preparation of construction drawings. The Board shall review and approve said plans relative to security for the parimutuel operations, placement of data lines and overall compatibility with Board policy and regulation within thirty (30) working days from the date the plans were received. If applicable, the simulcast organization named in the agreement described in (a)(2) of this Rule shall be notified by the guest association of the availability of the plans and shall have the right to review them relative to security for the parimutuel operations and placement of data lines and comment to the Board prior to Board approval or denial of the plans.

(12) In the case of a fair, the Department of Food and Agriculture must approve the application pursuant to the provisions of Sections 19605.1, 19605.2 and 19605.6 of the Business and Professions Code. Such approval is not required for the California Exposition and State Fair and the Los Angeles County Fair.

(b) The Board will notify an applicant in writing within fourteen (14) calendar days from the receipt date by the Board's Administrative office if its application is incomplete. This notice will include:

(1) Instructions as to what is required of the applicant to complete the application.

(2) Instructions for requesting additional time to satisfy the requirements listed in the notification, if needed.

(c) The Board shall approve or deny a completed application within sixty (60) calendar days from the receipt date by the Board unless the applicant requests and is granted additional time to supply information.

(d) If the Board denies approval of the application, the applicant has thirty (30) calendar days, from the receipt date of the Board's denial notification, to request a reconsideration of the Board's decision. This request must be in writing and sent to the Board's Administrative office. If reconsideration is denied, the applicant has thirty (30) days to file for Superior Court review in accordance with Section 19463 of the Business and Professions Code.

(e) The approval of the application by the Board shall constitute a license to operate as a simulcast wagering facility subject to the compliance provisions of Section 19433 of the Business and Professions Code.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19410, 19410.5, 19460, 19433, 19463, 19601, 19605, 19605.1, 19605.2, 19605.6, 19608,19608.1 and 19608.2, Business and Professions Code and Sections 15376 and 15378 Government Code.

HISTORY:
1. New rule filed 3-23-88; effective 4-22-88. Governor overruled OAL's disapproval on the basis the Notice of Proposed Rulemaking was invalidated by intervening statutory amendments.
2. Amendment filed 10-4-93; effective 11-3-93.
3. Amendment filed 7-21-95; effective 8-20-95.

2058. Duties of a Racing Association or Fair Offering Simulcast Wagering.

(a) A racing association or fair may simulcast its racing program as the host association and/or any other association or fair racing programs as an authorized user either by forming its own simulcast organization as defined in Rule 2059 of this division or by acting on its own behalf by contracting with each individual fair or racing association simulcast facility or by contracting with an existing simulcast organization. If the association or fair acts on its own behalf, it is responsible for all of the provisions outlined in Rule 2060 of this division.

(b) A host association is responsible for the content and broadcast quality of its simulcast and shall use all reasonable effort to present a simulcast which offers viewers an exemplary depiction of its racing program, e.g., pre-race activities such as the paddock area, pony riders and racehorses on the track, the starting gate, the actual race in its entirety and post race activities such as the replay of the race, the finish line showing the horses crossing in slow motion, any replay where there is an inquiry by the stewards, the winner's circle and excerpts of the race. A periodic display of wagering information shall be shown, e.g., the odds information, win, place and show pools and the probable payouts on different types of wagers on the screen and scanning of the tote board on an intermittent basis. The simulcast shall contain continuity programming between horse racing events, e.g., display of the paddock and walking ring, replays of the

previous race, the horses and outriders, odds information and overall activity at the track.

(c) Simulcasts must be encrypted using a time displacement decoding algorithm encryption system. If new technology is available, approval by the Board's Pari-mutuel Operations Committee must be obtained before its use by a simulcast facility. Approval shall be requested in writing to the Board. The Board shall act to approve the request at its next regularly scheduled Pari-mutuel Operations Committee meeting if the request is received two weeks before the meeting date.

(d) The content of every simulcast video will contain a digital display of the calendar date, time of day, name of the racetrack from where it emanates and the number of the race being displayed. All replays of races will be so designated on the video image.

(e) Every host association shall make its totalizator system available for common pooling of pari-mutuel amounts from guest associations with pari-mutuel pools. All wagers made available by a host association shall be made available to all simulcast facilities.

(f) If the host association is authorized by the Board to simulcast a feature race for wagering use by any California racing association, fair or simulcast facility, and is authorized, under Section 19601(a)(3) of the Business and Professions Code, not to combine the wagers made at the other association, fair or facility with its own pari-mutuel pools, the association shall nevertheless pay the license fee on all amounts wagered on the feature race based on the license fee schedule applicable to its race meeting.

(g) A facsimile (FAX) machine must be available at all times in the totalizator room for ease of administration when pools are merged with other simulcasting facilities.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19460, 19480, 19601, 19602, 19605, 19605.1, 19605.2, 19605.3, 19605.4, 19605.6, 19608, 19608.1, 19608.2 and 19619.6, Business and Professions Code.

HISTORY:
1. New rule filed 3-23-88; effective 4-22-88. Governor overruled OAL's disapproval on the basis the Notice of Proposed Rulemaking was invalidated by intervening statutory amendments.
2. Amendment filed 10-4-93; effective 11-3-93.
3. Amendment filed 12-23-96; effective 1-22-97.
4. Amendment filed 12-6-99; effective 12-6-99.

2059. Initial Application and Approval of a Simulcast Organization.

(a) Any association, fair, entity or person proposing to act as a simulcast organization shall file an Application for Approval to Operate a Simulcast Organization, (Form CHRB-34, Rev. 1/91) which is hereby incorporated by reference, with the Board for approval based on the following conditions:

(1) The applicant is an entity authorized by law to conduct business in this state.

(2) The applicant establishes its banking accounts with an insured institution, has a principal office in California for the conduct of its business, retains a certified public accountant to conduct an annual audit of its financial statements or operations, agrees to submit an annual financial statement of its operations to the board, and agrees to the inspection of its accounts and financial records by the board or its agents.

(3) The applicant demonstrates, by including a copy of the organization's charter, articles or

bylaws with the application (Form CHRB-34, Rev. 1/91), that it offers meaningful representation on its governing board to any non-racing fair or any horsemen's organization as provided in Section 19608.2 of the Business and Professions Code.

(4) The governing board of the applicant organization must hold one public meeting during each calendar year. At least fifteen (15) calendar days prior notice must be given in the Daily Racing Form or other newspaper of general circulation for the purpose of reporting the organization's activities and for receiving public comments as to its simulcasting operations. The simulcast organization shall give fifteen (15) calendar days prior notice, in writing, to its associations, fairs and the horsemen's organizations eligible to vote at the simulcast organization's governing board meetings and the Board of any simulcast organization meeting. The organization shall maintain a minute record of the proceedings of its governing board.

(b) The Board will notify an applicant in writing within fourteen (14) calendar days from the receipt date by the Board's Administrative office if its application is incomplete. This notice will include:

(1) Instructions as to what is required of the applicant to complete the application.

(2) Instructions for requesting additional time to satisfy the requirements listed in the notification, if needed.

(c) The Board will approve or deny a completed application within sixty (60) calendar days from the receipt date by the Board. The Board may withdraw, suspend or revoke its approval on grounds or reasons which include, but are not limited to, the following determinations:

(1) The simulcast organization is ineligible to conduct business in this state pursuant to any federal or state statute.

(2) The simulcast organization or any of its officers, directors, partners or principal management employees have engaged in any activity which is a grounds for denial, suspension or revocation of a license pursuant to this Division, or has failed, refused or neglected to comply with any Board order, rule, regulation, or order by the Board's stewards reasonably related to its operations as a simulcast organization. The approval shall remain denied, suspended or revoked until all parties of the organization comply with Board conditions. The remaining parties of the organization shall not be prohibited from applying for a new approval if compliance cannot be obtained from the offending party.

(3) The simulcast organization has failed, refused or neglected to perform any duty imposed by this Division or by the provisions of Sections 19608.2, 19605.7, 19605.71, or 19608.4 of the Business and Professions Code.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19608.2 and 19608.4, Business and Professions Code and Sections 15376 and 15378 Government Code.

HISTORY:
1. New rule filed 3-23-88; effective 4-22-88. Governor overruled OAL's disapproval on the basis the Notice of Proposed Rulemaking was invalidated by intervening statutory amendments.
2. Amendment filed 10-4-93; effective 11-3-93.

2060. Duties of a Simulcast Organization.

A simulcast organization, under the supervision of the Board, conducts pari-mutuel wagering at

one or more simulcast facilities on the results of horse races run at one or more host racing associations.

(a) The organization shall provide a copy of its operational agreement with each host or guest association and/or authorized user to the Board for approval within 10 calendar days following the execution date of the agreement. The Board shall act to approve or disapprove the agreement within 45 calendar days of the date of its receipt by collective action at a noticed public meeting. The Board shall act to approve the agreement when:

(1) The agreement with each host association specifies the terms and conditions under which the simulcast organization will administer the audio-visual transmission of the host association's racing program for simulcast wagering purposes, for a period of less than the entire term of the host association's race meeting and on the conditions agreed upon by the parties.

(b) A simulcast organization shall provide the following to its guest locations:

(1) Pari-mutuel personnel/supervisor, pari-mutuel terminals and telecommunication equipment for the transmission and reception of pari-mutuel data to and from the totalizator utilized by the host association, pari-mutuel odds display data, and courier or armored transport services for the delivery of pari-mutuel funds and receipts for which the simulcast organization is responsible. Any pari-mutuel wagering odds display data available at the host association shall be available at all guest associations participating in that host's pari-mutuel pools.

(2) A communication system consisting of data and voice lines for operations when providing its audio-visual signals.

(3) A simulcast audiovisual signal of horse races being held or conducted at its contracting host associations. Every simulcast shall be encrypted using a time displacement decoding algorithm encryption method.

(4) Access to the totalizator equipment operated by the host association conducting its meeting to combine the pari-mutuel wagers from the guest associations with the pari-mutuel pools formed by the wagers accepted at the host association.

(c) A simulcast organization is strictly responsible to the Board to transmit the same high quality audio-visual signal as transmitted by the host association and for the conduct of pari-mutuel wagering at each contracting simulcast facility under this division, and as required by Business and Professions Code Section 19608.2.

(d) Audiovisual signals must be of broadcast quality and the simulcast organization shall initiate a test program of its transmitter, encryption and decoding system, and data and voice communication systems not later than 20 minutes before post time of the first race of the simulcast racing program to ensure proper operation of its system.

(e) The simulcast organization must insure that system failures which cause any public complaint, discontinuance of pari-mutuel wagering or facility closure are responded to by qualified technicians within 24 hours of the failures.

(f) The simulcast organization shall, at the written request of any representative of the Board, display a listing of all locations where the organization or its simulcast service supplier has placed a decoder unit. The listing shall include the serial number of each decoder, and whether or not the decoder is electronically enabled to decode the encrypted simulcast.

(g) The simulcast organization shall maintain security controls over its uplink and

communication systems and its pari-mutuel operations as directed by the Board's Executive Director or his/her designee. The simulcast organization shall prevent unauthorized access to its pari-mutuel and totalizator areas and tampering with its audio-visual and communication equipment. Simulcast organizations have the right to request, in writing, that the Chairman of the Board grant a stay from the security controls directed by the Executive Director within 72 hours of the directive. If granted, the stay remains in force until an appeal can be considered at the next regularly scheduled public meeting of the Board. Appeals must be submitted, in writing, at least two weeks before the meeting date. The directive will be in force until a stay is issued or the Board renders its decision on the appeal. Decisions by the Board are final.

(h) A simulcast organization shall file with the Board an annual audited financial statement of its operations within 120 days after the end of its fiscal year of operation and permit the Board to examine its business records upon written request.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19608.2 and 19608.4, Business and Professions Code.

HISTORY:
1. New rule filed 3-23-88; effective 4-22-88. Governor overruled OAL's disapproval on the basis the Notice of Proposed Rulemaking was invalidated by intervening statutory amendments.
2. Amendment filed 10-4-93; effective 11-3-93.
3. Amendment filed 6-7-94; effective 7-7-94.
4. Amendment filed 12-6-99; effective 12-6-99.

2061. Duties of the Simulcast Facility Supervisor or Assistant Simulcast Facility Supervisor.

The simulcast facility supervisor or assistant simulcast facility supervisor is responsible for the oversight of the facility to ensure compliance with the Board's laws, rules and regulations. The duties of a simulcast facility supervisor or assistant simulcast facility supervisor, in addition to any duties and responsibilities required by his/her employer, include, but are not limited to, immediately reporting to the Board or its stewards, in writing or by telephone, any violation of the Board's rules or regulations which come to their attention or of which they have knowledge. This includes referrals of matters involving misconduct of licensees to the host track stewards and ordering the exclusion or ejection of persons who are prohibited from participating in pari-mutuel wagering and from being present within any racing inclosure during a recognized race meeting. Additional duties include maintaining minutes of the conduct of each day's events at the simulcast location where assigned, supervising all phases of the facility which are directly related to the requirements of the Board's laws and regulations at the simulcast location. The supervisor does not hire or fire pari-mutuel employees nor does he/she oversee the performance of the pari-mutuel employees with regard to personnel matters. The supervisor does, however, have a responsibility to report to the Board any non-compliance with the Board's laws and regulations as they pertain to pari-mutuel matters.

NOTE: Authority cited: Sections 19420, 19440 and 19460, Business and Professions Code. Reference: Sections 19520, 19521 and 19522, Business and Professions Code.

HISTORY:
1. New rule filed 10-4-93; effective 11-3-93.
2. Amendment filed 12-6-99; effective 12-6-99.

2063. Out-of-State and Interstate Wagering.

(a) The Board shall authorize a racing association or a guest association to conduct simulcast wagering on the results of one or more races conducted by an out-of-state racing association,

provided:

(1) The association intending to conduct wagering on an out-of-state race files with the Board a copy of the agreement with the out-of-state association and the written approvals required by Chapter 57, commencing with Section 3001, of Title 15 of the United States Code, and a statement setting forth the date and time it intends to commence accepting wagers on the out-of-state race(s).

(2) The Board approves the methods by which the out-of-state association intends to transmit the simulcast of its race(s) and the restrictions, if any, placed on the use of the simulcast, and the methods to be used to assure a separate voice communication system between its stewards and the stewards at the track where the race(s) are held.

(3) The out-of-state race(s) are qualified feature events and the fee to be paid for use of the out-of-state race(s) does not exceed 50% of the retained amount from pari-mutuel wagers after deduction for license fees, local government fee, and any mandated guest association fee.

(4) The Board determines that the conduct of wagering on the race(s) best serves the interest of the public and the sport of horse racing.

(b) The Board shall authorize a racing association to use its simulcast for interstate wagering by out-of-state betting systems provided:

(1) The association files with the Board a copy of the agreement with the out-of-state betting system which sets forth the payment to the association for use of its simulcast, and of any agreements required by Chapter 57, commencing with Section 3001, of Title 15 of the United States Code.

(2) Payment of the license fee required by Section 19602(b) of the Business and Professions Code be made weekly, on the day specified by the Board, accompanied by a transmittal statement setting forth the gross amount received by the association from the interstate wagering use of its simulcast and the distribution of that gross amount.

(3) The simulcast complies with Rule 2057(d), (e) and (f) of this division.

(4) The Board determines that use of the simulcast by the out-of-state wagering systems best serves the interests of the public and sport of horse racing.

NOTE: Authority cited: Sections 19420, 19440 and 19590, Business and Professions Code. Reference: Sections 19596, 19596.5, 19601, 19602, 19615 and 19616, Business and Professions Code.

HISTORY:
1. Rule 2061 of article 24 was renumbered 2063 of article 25. Filed 3-25-93; effective 3-25-93.
2. Amendment filed 12-6-99; effective 12-6-99.

2066. Application for License to Operate a Minisatellite Wagering Facility.

(a) An applicant for license to operate a minisatellite wagering facility shall complete an Application for License to Operate a Minisatellite Wagering Facility CHRB-228 (New 11/08), hereby incorporated by reference, which is available at the Board's headquarters office. Note: CHRB-228 incorporates by reference the Personal History Record form CHRB-25A (Rev. 9/08). The application must be filed not later than 90 days in advance of the scheduled start date of operation. The application must include a certified check in the amount of $500.00 payable to

the Treasurer of the State of California for a nonrefundable application fee. The term of the license shall be five years from the date the license is issued.

(b) The Board may conduct investigations, inspections or request additional information from the applicant, as it deems appropriate in determining whether to approve the license.

(1) Upon the written request of the applicant the Board may waive the requirement for submission of a Full Disclosure Statement and CHRB-25A for persons who have a current valid state gambling license and/or finding of suitability issued by the California Gambling Control Commission.

(c) The Board, or its designee, shall be given access for review and audit of all records. The applicant shall, at its location during hours of operation, make such information available. The Board may require the applicant to annually submit audited financial statements.

(d) All advertisements shall contain a statement that persons under 21 are not allowed access to the minisatellite wagering site. All advertisements shall contain contact information for a recognized problem-gambling support organization.

(e) The Board shall notify the applicant in writing within 30 calendar days from the date the application is received by the Board’s administrative office if the application is complete or deficient. If the application is deficient, the notice shall include:

(1) Instructions as to what is required of the applicant to complete the application.

(2) Instructions for requesting additional time to satisfy the requirements listed in the notification, if needed.

(f) The Board shall approve or deny an application within 90 calendar days from the date it is received by the Board unless the applicant requests and is granted additional time to supply information.

(g) If the Board denies an application, the applicant has 30 calendar days from the date of receipt of the Board's denial notification to request a reconsideration of the Board's decision. The request must be in writing and sent to the Board's headquarters office. The Board shall respond in writing to the reconsideration request within 30 working days from the date of receipt of the request. If reconsideration is denied, the applicant may file for judicial review in accordance with Business and Professions Code section 19463.

(h) After a license to operate a minisatellite wagering facility is issued under this article, changes or amendments to information or operating procedures contained in the application for the license will be permitted by order of the Board or by Board approval of a request submitted in writing by the applicant.

NOTE: Authority cited: Sections 19420, 19440 and 19605.25, Business and Professions Code. Reference: Sections 19410.7, 19460 and 19605.25, Business and Professions Code.

HISTORY:
New rule filed 3-5-09; effective 4-4-09.
Amendment filed 4-26-12; effective 4-26-12
Amendment filed 4-1-14; effective 7-1-14

Article 26. Advance Deposit Wagering

2070. Definitions.

As used in this article:

(a) “Account” means an Advance Deposit Wagering Account used to record credits, debits, deposits and withdrawals.

(b) “Account Holder” means a natural person that has established an Account.

(c) “Account Number” means a unique identification number designated by the Licensee, Betting System, CA Hub or out-of-state Hub.

(d) “Advance Deposit Wagering” means a form of pari-mutuel wagering in which an Account Holder residing within or outside California establishes an Account and then authorizes a Board approved Licensee, Betting System, CA Hub or out-of-state Hub by telephone or Other Electronic Media to place wagers on horse racing on the Account Holder’s behalf. Only the Licensee, Betting System, CA Hub or out-of-state Hub that holds the Account can make an advance deposit wager for the Account Holder. Wagering instructions that concern funds held in an Account shall be deemed issued within the inclosure of the Licensee.

(e) “Applicant” means any entity including, but not limited to, corporations, partnerships, limited liability companies, limited partnerships, or individuals that file an Application to conduct Advance Deposit Wagering.

(f) “Application” means the CHRB-132 application that must be Board-approved prior to a Licensee, Betting System or CA Hub being licensed or the CHRB-133 application that must be Board-approved prior to an out-of-state Hub being approved.

(g) “Betting System” means a business conducted exclusively in California that facilitates pari-mutuel wagering on races it simulcasts and other races it offers in its wagering menu.

(h) “Board” means the California Horse Racing Board.

(i) “Confidential Information” means the following:

(1) The amount of money credited to, debited from, or present in any particular Account Holder’s Account;

(2) The amount of money wagered by a particular Account Holder on any races or series of races;

(3) The Account Number and secure Means of Personal Identification of an Account Holder;

(4) The identities of particular entries on which the Account Holder is wagering or has wagered;

(5) Unless otherwise authorized by the Account Holder, the name, address, and other information in possession of the Licensee, Betting System, CA Hub or out-of-state Hub that would identify the Account Holder to anyone other than the Board, Licensee, Betting System, CA Hub or out-of-state Hub.

(j) “Credits” means all positive inflow of money to an Account.

(k) “Debits” means all negative outflow of money when placing a wager from an Account or for the purchase of horse racing related merchandise and services.

(l) “Deposit” means a credit of money to an Account from an Account Holder.

(m) “Licensee” means an association or fair licensed to conduct a horse racing meeting only within the inclosure and on the dates the Board authorized horse racing.

(n) “Market Access Fee” means the contractual fee paid by a Betting System, CA Hub or out-of-state Hub to the California Licensee for access to the California market for wagering purposes. The fee shall be distributed in accordance with Section 19604 (g) of the Business and Professions Code.

(o) “Means of Personal Identification” means the unique number, code or other secure technology designated by an Account Holder to assure that only the Account Holder has access to his or her Account.

(p) “Multi-jurisdictional Wagering Hub” means a business conducted in more than one jurisdiction that facilitates pari-mutuel wagering on races it simulcasts and other races it offers in its wagering menu. The term “CA Hub” will be used for locations in California and “out-of-state Hub” for locations outside California.

(q) “Natural Person” means any person at least 18 years of age.

(r) “Other Electronic Media” means any electronic communication device or combination of devices including, but not limited to, personal computers, the Internet, private networks, interactive television and wireless communication technologies or other technologies approved by the Board.

(s) “Proper Identification” means a form of identification that establishes the person making a transaction is the Account Holder.

(t) “Withdrawal” means a payment from an Account by the Licensee, Betting System, CA Hub or out-of-state Hub to the Account Holder.

(u) “Withdrawal Slip” means the form provided by the Licensee, Betting System, CA Hub or out-of-state Hub to an Account Holder to withdraw funds.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
Amendment filed 1-3-02; effective 1-3-02.

2071. License to Conduct Advance Deposit Wagering by a California Applicant.

(a) Prior to an Account being established or wagering being conducted the Applicant located in California must be licensed by the Board. All licenses granted shall be subject to the provisions of Business and Professions (B&P) Code Section 19460 et. seq.

(b) An Applicant for license shall complete an Application for License to Conduct Advance Deposit Wagering, CHRB-132 (New 9/01), hereby incorporated by reference, which is available at the Board’s administrative office. The Application must be filed not later than 90 days in advance of the scheduled start date of operation. A bond from a surety company admitted in the state of California or other form of financial security in the amount of $500,000 must accompany the Application. The term of the license shall be two years from the date the license is issued.

(c) Applicants shall establish security access policies and safeguards pursuant to B&P Section 19604.

(d) Applicants that accept wagers from California residents shall provide a full accounting and verification of the source of the wagers, and a detailed wagering information file that includes, but is not limited to, dollar amount wagered, pool on which the wager was placed, race number and racing venue, zone, breed, zip code of the Account Holder, time wagering stopped, and time of the wager in the form of a daily download of pari-mutuel data to the Board designated database, California Horse Racing Information Management System, that is compatible with a Comma Delimited Text File.

(e) Applicants shall provide financial information that demonstrates the financial resources to operate Advance Deposit Wagering and provide a detailed budget that shows anticipated revenue, expenditures and cash flows by month projected for the term of the license.

(f) The Board may conduct investigations, inspections or request additional information from the Applicant as it deems appropriate in determining whether to approve the license.

(g) The Board, or its designee, shall be given access for review and audit of all records. The Applicant shall, at their location during hours of operation, make such information available. The Board may require the Applicant to annually submit audited financial statements.

(h) All advertisements shall contain a statement that persons under 18 are not allowed to open or have access to Accounts. All advertisements shall contain contact information for a recognized problem-gambling support organization.

(i) Applicants shall enter into a written contractual agreement with the bona fide labor organization that has historically represented the same or similar classifications of employees at the nearest horse racing meeting.

(j) The Board shall notify the Applicant in writing within 30 calendar days from the receipt date by the Board’s administrative office if the Application is complete or deficient. If the Application is deficient, the notice shall include:

(1) Instructions as to what is required of the Applicant to complete the Application.

(2) Instructions for requesting additional time to satisfy the requirements listed in the notification, if needed.

(k) The Board shall approve or deny an Application within 90 calendar days from the receipt date by the Board unless the Applicant requests and is granted additional time to supply information.

(l) If the Board denies an Application, the Applicant has 30 calendar days, from the receipt date of the Board's denial notification, to request a reconsideration of the Board's decision. The request must be in writing and sent to the Board's administrative office. The Board shall respond in writing to the reconsideration request within 30 working days from the receipt date of the request. If reconsideration is denied, the Applicant may file for judicial review in accordance with Section 11523 of the Government Code.

(m) Subsequent to the issuance of a license to conduct Advance Deposit Wagering under this article, changes or amendments to information or operating procedures contained in an Application will be permitted by order of the Board or by Board approval of a request submitted

in writing by the Applicant.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Sections 19460 and 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-7-02; effective 1-7-02.

2072. Approval to Conduct Advance Deposit Wagering by an out-of-state Applicant.

(a) Prior to an Account being established or wagering being conducted the Applicant located out-of-state must be Board-approved. All approvals granted shall be subject to the provisions of Business and Professions (B&P) Code Section 19460 et. seq.

(b) An out-of-state Applicant shall complete an Application For Approval to Conduct Advance Deposit Wagering, CHRB-133 (New 9/01), hereby incorporated by reference, which is available at the Board's administrative office. The Application must be filed not later than 90 days in advance of the scheduled start date of operation. A bond from a surety company admitted in the state of California or other form of financial security in the amount of $500,000 must accompany the Application. The term of approval is two years from the date the approval is issued.

(c) Out-of-state Applicants shall establish security access policies and safeguards pursuant to B&P Section 19604.

(d) Out-of-state Applicants that accept wagers from California residents shall provide a full accounting and verification of the source of the wagers, and a detailed wagering information file that includes, but is not limited to dollar amount wagered, pool on which the wager was placed, race number and racing venue, zone, breed, zip code of the Account Holder, time wagering stopped, and time of the wager in the form of a daily download of pari-mutuel data to the Board designated database, California Horse Racing Information Management System, that is compatible with a Comma Delimited Text File.

(e) Out-of-state Applicants shall provide financial information that demonstrates the financial resources to operate Advance Deposit Wagering and provide a detailed budget that shows anticipated revenue, expenditures and cash flows by month projected for the term of the approval.

(f) The Board may conduct investigations, inspections or request additional information from the out-of-state Applicant as it deems appropriate in determining whether to approve the Application.

(g) The Board, or its designee, shall be given access for review and audit of all records. The out-of-state Applicant shall, at their location during hours of operation, make such information available. The Board may require the out-of-state Applicant to annually submit audited financial statements.

(h) All advertisements shall contain a statement that persons under 18 are not allowed to open or have access to Accounts. All advertisements shall contain contact information for a recognized problem-gambling support organization.

(i) The Board shall notify the out-of-state Applicant in writing within 30 calendar days from the receipt date by the Board's administrative office if the Application is complete or deficient. If the Application is deficient, the notice shall include:

(1) Instructions as to what are required of the out-of-state Applicant to complete the Application.

(2) Instructions for requesting additional time to satisfy the requirements listed in the notification, if needed.

(j) The Board shall approve or deny an Application within 90 calendar days from the receipt date by the Board unless the out-of-state Applicant requests and is granted additional time to supply information.

(k) If the Board denies an Application, the out-of-state Applicant has 30 calendar days, from the receipt date of the Board's denial notification, to request a reconsideration of the Board's decision. This request must be in writing and sent to the Board's administrative office. The Board shall respond in writing to the reconsideration request within 30 working days from the receipt date of the request. If reconsideration is denied, the out-of-state Applicant may file for judicial review in accordance with Section 11523 of the Government Code.

(l) Subsequent to the issuance of an approval to conduct Advance Deposit Wagering under this article, changes or amendments to information or operating procedures contained in an Application will be permitted by order of the Board or by Board approval of a request submitted in writing by the Applicant.

(m) As a condition of approval the out-of-state Applicant shall designate a California agent for receipt of service of process.

(n) By submitting the Application the out-of-state Applicant consents to the jurisdiction of California courts and the application of California law as to all California wagers and operations.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Sections 19460 and 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-7-02; effective 1-7-02.

Operation of an Advance Deposit Wagering Account for all Entities.

(a) The entity may suspend or close an Account. Any Account with no activity for at least six months may be closed. When an Account is closed the entity shall return any funds within five business days to the Account Holder at the address of record.

(b) Funds shall be in an interest bearing Account.

(c) Funds in an Account shall not bear interest to the Account Holder.

(d) Residents of California shall not be charged a surcharge on any winning wager.

(e) Wagers shall be accepted during the days and times designated as operating on the CHRB-132 for California entities and the CHRB-133 for entities outside California. The entity may close for receiving wagers on any pari-mutuel pool, race(s), or close for all wagering. Anytime the entity closes during the times designated as operating on the CHRB-132 and CHRB-133 a written report shall be filed with the Board within two business days.

(f) All wagering conversations, transactions or other wagering communications through the Advance Deposit Wagering system, verbal or electronic, shall be recorded by means of electronic media, and the tapes or other records of such communications shall be kept by the

entity for 180 days. The tapes and other records shall be made available to the Board upon request or order by the Executive Director.

(g) 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 directly into the corresponding pools of the host track.

(h) Accounts are for personal use only and the Account Holder is responsible to maintain the secrecy of the Account Number and Means of Personal Identification. The Account Holder must immediately notify the entity of any breach of the Account's security.

(i) Upon request of the Account Holder the entity shall provide a statement detailing Account activity for the immediate 30 days prior to the request. Unless the entity receives written notice disputing the statement within 14 days of the date a statement is forwarded, it shall be deemed to be correct.

(j) The address provided on the application to establish an Account is deemed the address of record for mailing checks, statements of Account, Account withdrawals, notices, or other correspondence. It is the responsibility of the Account Holder to notify the entity of any address change.

(k) No employee or agent of the entity shall divulge any Confidential Information related to the placing of any wager or any Confidential Information related to the operation of the Advance Deposit Wagering system without the consent of the Account Holder, except to the Account Holder as required by this article, the Board, and as otherwise required by state or federal law.

(l) Account Holders shall designate if they want to use a credit card to make deposits to their Account. Changes to the designation shall require 24 hours' notice to the entity.

NOTE: Authority cited: Sections 19440, 19590 and 19604, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-7-02; effective 1-7-02.
2. Amendment filed 3-4-09; effective 4-3-09.

2074. Requirements to Establish an Advance Deposit Wagering Account with a California Entity.

(a) Accounts shall be established in person, by mail, telephone or Other Electronic Media before any wagering shall be conducted. An Account shall only be established in the name of a natural person and is non-transferable.

(b) Any individual prohibited from wagering under Rule 1980 shall be prohibited from establishing an Account or placing a wager.

(c) The information required to establish an Account shall include:
(1) Account Holder's full legal name.
(2) Principal residence address.
(3) Telephone number.
(4) Social Security number.
(5) Identification or certification to prove the Account Holder is at least 18 years of age.
(6) Whether the Account Holder wants to use a credit card to make deposits to their Account.

(d) The entity shall employ electronic verification with respect to each Account Holder's name, principal residence address, date of birth and Social Security number at the time of Account establishment by a Board-approved national, independent, individual reference company or another independent technology approved by the Board which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies.

(e) The entity may refuse to establish an Account if it is found that any of the information supplied is untrue or incomplete.

(f) When an Account is established the entity shall designate an Account Number for each Account. The number can be changed provided the Account Holder is informed prior to any change.

(g) The Account Holder shall designate a Means of Personal Identification to use to access their Account.

(h) The entity shall inform the Account Holder of the assigned Account Number and provide a copy of its Advance Deposit Wagering procedures, terms and conditions as well as any information that pertains to the operation of the Account.

(i) Each entity shall, at all times, comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from Advance Deposit Wagers by Account Holders and shall send to Account Holders subject to IRS reporting or withholding a Form W2-G summarizing the information for tax purposes following a winning wager being deposited into an Account. Upon written request, the entity shall provide Account Holders with summarized tax information on Advance Deposit Wagering activities.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-3-02; effective 1-3-02.

2075. Requirements to Establish an Advance Deposit Wagering Account with an out-of-state Hub.

(a) Accounts shall be established in person, by mail, telephone or Other Electronic Media before any wagering shall be conducted. An Account shall only be established in the name of a natural person and is non-transferable.

(b) Any individual prohibited from wagering under Rule 1980 shall be prohibited from establishing an Account or placing a wager.

(c) The information required to establish an Account shall include:
(1) Account Holder's full legal name.
(2) Principal residence address.
(3) Telephone number.
(4) Social Security number.
(5) Identification or certification to prove the Account Holder is at least 18 years of age.
(6) Whether the Account Holder wants to use a credit card to make deposits to their Account.

(d) The Hub shall employ electronic verification with respect to each Account Holder's name, principal residence address, date of birth and Social Security number at the time of Account establishment by a Board-approved national, independent, individual reference company or

another independent technology approved by the Board which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies.

(e) The Hub may refuse to establish an Account if it is found that any of the information supplied is untrue or incomplete.

(f) When an Account is established the Hub shall designate an Account Number for each Account. The number can be changed provided the Account Holder is informed prior to any change.

(g) The Account Holder shall designate a Means of Personal Identification to use to access their Account.

(h) The Hub shall inform the Account Holder of the assigned Account Number and provide a copy of its Advance Deposit Wagering procedures, terms and conditions as well as any information that pertains to the operation of the Account.

(i) Each Hub shall, at all times, comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from Advance Deposit Wagers by Account Holders and shall send to Account Holders subject to IRS reporting or withholding a Form W2-G summarizing the information for tax purposes following a winning wager being deposited into an Account. Upon written request, the Hub shall provide Account Holders with summarized tax information on Advance Deposit Wagering activities.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
Amendment filed 1-3-02; effective 1-3-02.

Deposits to an Advance Deposit Wagering Account with all Entities.

(a) Deposits to an Account shall be made in the following form:

(1) Cash deposits made directly.

(2) Personal checks, cashier’s checks and money orders made directly or mailed.

(3) Debits to an Account Holder's credit card or debit card, upon direct instructions of the Account Holder, providing the use of such card has been pre-approved by the entity and designated by the Account Holder.

(4) Debits by electronic fund transfer (EFT) from a monetary account controlled by an Account Holder. The Account Holder may be liable for any charges imposed by the transmitting or receiving entity and the charges may be deducted from the Account Holder’s Account.

(b) Cashier’s checks, money orders and EFTs shall be given immediate credit upon presentation. Credit cards or debit cards shall be given immediate credit upon authorization from the issuer.

(c) Entities shall disclose their policy regarding the acceptance of personal checks to the Account Holder.

NOTE: Authority cited: Sections 19440, 19590 and 19604, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-7-02; effective 1-7-02.

2077. Placing an Advance Deposit Wager with all Entities.

(a) Debits to an Account shall be made in the following form:
(1) The entity shall debit the amount wagered by an Account Holder.
(2) Wagers shall not be accepted in an amount in excess of an Account balance.
(3) The entity may debit the Account for service or other transaction-related charges.
(4) The entity may debit the Account for purchases of horse racing related merchandise and services requested by an Account Holder.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-3-02; effective 1-3-02.

2078. Withdrawals from an Advance Deposit Wagering Account with all Entities.

(a) Withdrawals shall be completed within five business days after the entity receives a request from an Account Holder by mail, by telephone, or Other Electronic Media accompanied by the valid Account Number and a Means of Personal Identification or, if by mail, a signed completed Withdrawal Slip.

(1) If sufficient funds are available, the entity shall send a check payable to the Account Holder in the amount of the requested withdrawal to the address of record.

(2) If sufficient funds are not available, the entity shall, within five business days of receipt, provide notification to the Account Holder of insufficient funds and send a check payable to the Account Holder in the amount of the funds available to the address of record.

(b) An EFT may be used in lieu of a check at the discretion of the Account Holder and the entity subject to the same conditions set forth in Rule 2076.

(c) Account Holders may make withdrawals in person with such identification as required by the entity, the valid Account Number, and a Means of Personal Identification.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-10-02; effective 1-10-02.

2079. Credit for Winning Wagers and Scratched Entries.

The Licensee, Betting System, CA Hub or out-of-state Hub shall post credits for winnings from advance deposit wagers and any credit for wagers on a scratched entry to the Account after the race is declared official.

NOTE: Authority cited: Sections 19440, 19590 and 19604, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-3-02; effective 1-3-02.

2080. Proceeds from a Deceased Account Holder.

If an Account Holder is deceased the Licensee, Betting System, CA Hub or out-of-state Hub shall release the funds in the Account to the decedent's legal representative upon receipt of a copy of a probate court authorization or other documents as required by applicable California or other state laws.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
1. Amendment filed 1-3-02; effective 1-3-02.

2081. Market Access Fee for Wagers Placed by a California Resident.

(a) The entity taking the wager shall pay to the appropriate California Licensee a market access fee based upon the amount of the handle generated by a resident of California as stipulated in the contractual agreement between the entity and the California Licensee and as specified and approved by the Board.

(b) The market access fee shall be equal to the amount of the wagers less payment of the winning wagers and the contractual compensation and host fee, if any.

(c) Such wagers are to be included in the appropriate pools of the host racing association and daily downloads of the details of the wager(s) will be made to the pari-mutuel database designated by the Board.

NOTE: Authority cited: Sections 19440 and 19590, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
Amendment filed 1-18-02; effective 1-18-02.

2082. Interest Bearing Accounts.

The first $250,000 in interest earned on California resident’s Accounts shall be transferred annually, split between the corresponding horsemen’s welfare fund and the backstretch pension plan for the benefit of backstretch employees. Interest in excess of $250,000 shall be transferred annually, split between the corresponding horsemen’s organizations for purses as designated in Business and Professions Code Section 19613.

NOTE: Authority cited: Sections 19440, 19590 and 19604, Business and Professions Code. Reference: Section 19604 and 19613, Business and Professions Code.

HISTORY:
1. Amendment filed 1-7-02; effective 1-7-02.

Advance Deposit Wagering Prohibited.

(a) Individuals prohibited from wagering under Rule 1969 shall be prohibited from placing an

advance deposit wager while on duty at a race meeting, simulcast wagering facility or an advance deposit wagering facility located in California.

(b) Individuals working at an out-of-state Hub shall be prohibited from placing an advance deposit wager while on duty.

NOTE: Authority cited: Sections 19440, 19590 and 19604, Business and Professions Code. Reference: Section 19604, Business and Professions Code.

HISTORY:
Amendment filed 1-4-02; effective 1-4-02.

Article 27. Exchange Wagering

2086. Definitions

As used in this article:

(a) “Back” means to wager on a selected outcome occurring in a given market.

(b) “Confidential information” means the following:

(1) the amount of money credited to, debited from, or present in any particular account holder's exchange wagering account;

(2) the amount of money wagered by a particular account holder on any races or series of races;

(3) the exchange wagering account number and personal identification number of an account holder;

(4) the identities of particular entries on which the account holder is wagering or has wagered; and

(5) unless otherwise authorized by the account holder, the name, address, and all other information in possession of the exchange provider that would identify the account holder to anyone other than the Board or the exchange provider.

(c) “Credits” means all positive inflow of money to an exchange wagering account.

(d) “Debits” means all negative outflow of money from an exchange wagering account related to a wager placed from such account.

(e) “Declared Entry” means a horse withdrawn from a race in which its entry has been accepted.

(f) “Deposit” means a credit of money to an exchange wagering account from an account holder.

(g) “Exchange” means a system operated by an exchange provider in which the provider maintains one or more markets in which account holders may back or lay a selected outcome.

(h) “Exchange wagering” means a form of pari-mutuel wagering in which two or more natural persons place identically opposing wagers in a given market, as provided under Business and

Professions Code section 19604.5.

(i) “Exchange wagering account,” “account” means the account established with an exchange provider by a natural person participating in exchange wagering. An account may only be established or maintained with an exchange provider by a natural person.

(j) “Exchange wagering license applicant,” “applicant” means any entity including, but not limited to, corporations, partnerships, limited liability companies, limited partnerships, or individuals that file an application with the Board to conduct exchange wagering.

(k) “Exchange wagering license application” means the application form CHRB 229 (New 5/13), Application for License to Operate Exchange Wagering, hereby incorporated by reference, which shall be available at the Board’s headquarters office.

(l) “Exchange wagering licensee,” “exchange provider” means a person located within or outside of California that is authorized to offer exchange wagering to residents of California pursuant to Business and Professions Code section 19604.5 and this article.

(m) “Identically opposing wagers” means wagers in which one or more natural persons offer to lay a selected outcome at the same price at which one or more natural persons offer to back that same outcome, with the amount subject to the lay being proportionately commensurate to the amount subject to the back.

(n) “Lay” means to wager on a selected outcome not occurring in a given market.

(o) “Market” means, in relation to a given horse race or a given set of horse races, a particular outcome that is subject to exchange wagering as determined by an exchange provider.

(p) “Matched wager” means the wager that is formed when two or more natural persons, none of whom are the exchange provider or agents, are confirmed by the exchange provider as having placed identically opposing wagers in a given market on the exchange.

(q) “Means of personal identification” means the unique number, code, or other secure technology designated by an exchange wagering account holder to assure that only that account holder has access to his account.

(r) “Natural person” means a living, breathing human being, as opposed to a legal entity.

(s) “Net winnings” means the aggregate amounts payable to a natural person as a result of that person’s winning matched wagers in a pool less the aggregate amount paid by that natural person as a result of that natural person’s losing matched wagers in that pool.

(t) “Operating plan” means the plan submitted to the Board by an exchange provider detailing the proposed method of operation of the exchange.

(u) “Other electronic media” means any electronic communication device or combination of devices including, but not limited to, personal computers, the Internet, private networks, interactive television and wireless communication technologies, or other technologies approved by the Board.

(v) “Person” means any individual, partnership, corporation, limited liability company, or other association or organization.

(w) “Pool” means the total of all matched wagers in a given market.

(x) “Price” means the odds for a given exchange wager.

(y) “Unmatched wager” means a wager or portion of a wager placed in a given market within an exchange that does not become part of a matched wager because there are not one or more available exchange wagers in that market with which to form one or more identically opposing wagers.

(z) “Withdrawal” means a payment from an exchange wagering account by the exchange provider to the account holder.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2086.1. Authorization for Exchange Wagering.

(a) Exchange Wagering may be conducted upon the approval of the Board as provided for in this article and under the provisions of Business and Professions Code sections 19604.5(b)(2) to (7), inclusive.

(b) Despite subsection (a) of this regulation, a licensee may conduct exchange wagering on any horse race conducted outside of California where the licensee does not offer exchange wagering to residents of California on that race.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2086.5. Application for License to Operate Exchange Wagering.

(a) Prior to any exchange wagers being accepted, the applicant for license to operate exchange wagering must obtain a license from the Board.

(b) An applicant must complete form CHRB - 229 Application for License to Operate Exchange Wagering (New 05/13), which shall be available at the Board’s headquarters office. The application must be filed not later than 90 calendar days in advance of the scheduled start of operation. A detailed operating plan as described under Rule 2086.6, Operating Plan Required, and proof of the applicant’s compliance with labor provisions of Business and Professions Code section 19604.5(f), must accompany the application.

(c) The term of the exchange wagering license is a maximum of 12 months, commencing the first day of the month following approval of the exchange wagering license.

(1) Every original exchange wagering license granted by the Board shall expire on the last day of the State of California’s fiscal year in which it is issued. Subsequent approvals of the exchange wagering license shall be for a period of 12 months beginning July 1 and ending June 30 to coincide with the State’s fiscal year.

(d) To fulfill Business and Professions Code section 19604.5(e)(6), the total amount per fiscal

year to be assessed to operate exchange wagering is $500,000. The assessment fee for license to operate exchange wagering shall be equally apportioned amongst the approved applicants, and paid on a per month basis for the duration of the license.

(1) Within 14 business days of notification of the assessment fee apportioned by the Board, the approved applicant shall submit its first month's assessment fee in the form of a certified check payable to the California Horse Racing Board. Subsequent payments shall be submitted at the first of each month for the term of the license.

(2) The monthly apportioned amount of the assessment is dependent on the number of approved applicants:

Approved Applicant(s)	Monthly Assessment Fee
One	$41,667
Two	$20,834
Three	$13,889
Four	$10,417
Five	$8,334

(3) Within seven business days of an increase or decrease in the number of approved exchange wagering applicants, the Board shall notify existing exchange operators of adjustments to their subsequent monthly assessment fees.

(e) The Board shall notify the applicant in writing within 30 calendar days from the receipt date if the application is deficient. No later than 90 calendar days following the receipt of the application, the Board shall make a final determination on the application. The Board shall approve the application if, after reasonable investigation and inspection, as it deems appropriate, it determines that the applicant has demonstrated that exchange wagers placed through the exchange will be accurately processed and that there will be sufficient safeguards to protect the public and to maintain the integrity of the horse racing industry in this state. If the Board denies an application, the applicant has 30 calendar days, from the receipt of the Board's denial notification, to request a reconsideration of the Board's decision. The request must be in writing and sent to the Board's headquarters office. The Board shall respond in writing to the reconsideration request within 30 working days from the receipt date of the request. If reconsideration is denied, the applicant may file for judicial review in accordance with Government Code section 11523.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code. Section 11523, Government Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2086.6. Operating Plan Required.

As part of the exchange wagering license application, and any renewal application, the applicant shall submit a detailed operating plan. The operating plan shall address the following:

(a) A detailed report of the daily operation of the exchange.

(b) Management of customer accounts including deposits, withdrawals, debits and credits. This shall include:

(1) A policy to prevent commingling of funds; and

(2) Evidence of an established account with a Federal Deposit Insurance Corporation (FDIC) insured bank in which all funds of the account holders will be deposited. This shall include evidence that account holder's funds are segregated and held in a separate FDIC insured bank account of the exchange provider, and that the funds shall not be used for any purpose other than those required by the account holder's exchange wagering transactions.

(c) Technology and hardware and software systems information, which shall include a data security policy as provided under Business and Professions Code section 19604.5(d), as well as a policy for the notification of the Board and account holders of any unauthorized access that may compromise account holders' personal information.

(d) Financial information that demonstrates the financial resources to operate an exchange and a detailed budget that shows anticipated revenue, expenditures and cash flows by month projected for the term of the license.

(e) Document retention policies including those related to account holder personal information and wagering information.

(f) A customer complaint and conflict resolution process.

(g) Programs for responsible wagering.

(h) The requirements for exchange wagering accounts established and operated for natural persons whose principal residence is outside of the state, which for the purposes of these rules, shall apply only to wagering on California races.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(4), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2086.7. Exchange Wagering Data.

(a) For the purposes of pari-mutuel accounting and settlement of exchange revenues according to contract, as well as reporting and analysis of data related to exchange wagering, the exchange provider shall furnish the nonprofit horse racing data base, CHRIMS Inc., with a data interface and the following listed data in a format agreed upon by the exchange provider and CHRIMS Inc.:

(1) A daily reconciliation of the amounts settled by the exchange provider and its account holders, including but not limited to:

(A) Race date, event, race number, wagering interests, breed type;

(B) Post time of race, start time of race, finish time of race;

(C) Winning, losing and net wagers;

(D) Wagers by type before race; by winning, losing, and net wagers, odds, amounts, backer,

layer;

(E) Wagers by type during race; by winning, losing and net wagers, odds, amounts, backer, layer;

(F) Cancellations of wagers made by customers on betting interest or interests during one event, if any;

(G) Zip code of each account holder;

(H) Percentage or flat fee paid to source of event;

(I) Percentage or flat fee rebated to each account holder, if any.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2086.8. Monitoring Systems and Notification.

(a) Pursuant to an agreement between the exchange provider and the Board, or its designee, the exchange provider shall:

(1) Furnish the Board and its designee full access to the provider's real-time monitoring system that displays all wagers made over a set amount approved by the Board in the operating plan, including online documentation and training;

(2) Provide immediate notification by email to the Board and its designee of any unusual wagering patterns;

(3) Provide immediate notification by email to the Board and its designee of when certain predetermined and agreed upon events occur as set out in the operating plan;

(4) Establish and distribute criteria for anti money laundering procedures which include risk based systems for customer due diligence.

(5) Establish and distribute criteria for monitoring telephone records of account holders.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

Rule 2086.9. Financial and Security Integrity Audits Required.

(a) One hundred twenty days after the end of each calendar year the exchange provider shall submit to the Board an annual audited financial statement for its California operations.

(b) On a calendar year basis the provider shall undergo the Statement on Standards for Attestation Engagements 16 (SSAE 16) audits:

(1) Service Organization Controls I (SOC I) and;

(2) Service Organization Controls II (SOCII) reports.

(c) The SOC I and SOC II reports shall be submitted to the Board ninety days after the end of the calendar year.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2087. Suspending Markets.

(a) An exchange provider may suspend a market at any time, including after the race is declared official but before winning wagers are credited, if the provider has reason to suspect that fraud or any other action or inaction by any natural person connected with the race raises questions about the integrity and fairness of the market.

(b) The provider shall immediately notify the Board by means of electronic mail any time a market is so suspended. Upon settlement of the market the provider shall submit to the Board a written account of the suspension that at a minimum provides the following information:

(1) The market suspended;

(2) The date and time of the suspension;

(3) The reason for suspending the market;

(4) The results of the investigation;

(5) How the market was settled.

(c) Upon the completion of an investigation, the exchange provider shall settle the market as appropriate.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(k), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2087.5. Antepost Market.

(a) Antepost market wagers are authorized on Grade 1/Group 1 or Grade 2/Group 2 stakes races and are exchange wagers placed in advance of the closing of entries on an outcome that includes both:

(1) that the selected horse will run the race; and

(2) that the selected horse will finish the race in the selected position of win, place, or show.

(b) Antepost markets close for wagering at the close of entries.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2087.6. Cancellation of Matched Wagers.

(a) An exchange provider may cancel or void a matched wager or part of a matched wager if required by law or where, in its sole discretion, it determines:

(1) there is a technological failure and the market must be voided; or

(2) there is good cause to suspect that a natural person placing a wager through the exchange has breached any term of the natural person's agreement with the exchange provider;

(3) it is in the interest of maintaining integrity and fairness in a particular market; or

(4) human error by the exchange wagering provider in recording an exchange wager.

(b) If a matched wager is canceled or voided due to situations described in subparagraphs (a)(1), (a)(2) and (a)(3) of this section, the exchange provider shall notify the Board in writing of its actions and the circumstances that resulted in such action.

(c) An account holder who believes a payout was not made due to the cancellation of a matched wager may submit a claim to the exchange provider in accordance with Rule 2089 of this article.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(k), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2088. Non-Starters and Declared or Scratched Entries.

(a) Except for in an antepost market, matched wagers on non-starters and declared or scratched entries shall be voided by the exchange provider.

(b) In the event of a non-starter, declared or scratched entry, the price of all other matched wagers existing at the time the declared or scratched entry occurred, or the non-starter declared, may/may not be reduced proportionally by the exchange provider in accordance with the terms set forth in its operating plan to reflect the increased probability that those outcomes will become winning outcomes.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(k), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2088.6. Cancellation of Unmatched Wagers.

(a) The exchange provider may cancel an unmatched wager at any time without cause before it is

matched to form one or more identically opposing wagers.

(b) The account holder who offers an unmatched wager may cancel that unmatched wager at any time without cause before it is matched to form one or more identically opposing wagers.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(j), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2089. Errors in Payments of Exchange Wagers.

If an error occurs in the payment of amounts for exchange wagers, the following shall apply:

(a) In the event the error results in an over-payment to the account holder, the exchange provider may prohibit the withdrawal of funds equal to the overpayment. The exchange provider shall within one business day notify the account holder of the overpayment and shall be entitled to recover from such account holder the amount of the overpayment.

(1) An account holder who disputes an overpayment may, within 90 calendar days of the date of the overpayment, request in writing that the Board determine the validity of such overpayment.

(b) In the event the error results in an under-payment:

(1) Within one business day the exchange provider shall notify the account holder of such underpayment.

(2) An account holder must submit a claim for the underpayment within 90 calendar days inclusive of the date on which the alleged underpayment occurred. The exchange provider shall investigate such claims and shall pay each claim, or a part thereof, which it determines to be valid, and shall notify the claimant in writing if his claim is rejected as invalid.

(3) Any claim not filed with the exchange provider within 90 calendar days inclusive of the date on which the alleged under-payment occurred shall be deemed waived and the exchange provider shall have no further liability therefore.

(4) Any natural person whose claim is rejected by the exchange provider may, within 45 calendar days from the date he received the notice of rejection, request in writing that the Board determine the validity of the claim. Failure to file such request with the Board within the said time shall constitute a waiver of the claim.

(5) A hearing shall be held on each such rejected claim timely filed with the Board. The Board shall give notice of such hearing to the claimant and the exchange provider. The Board may determine a claim to be valid, in whole or in part, and thereafter order the exchange provider to pay to the claimant the amount of the claim determined to be valid, or may deny the claim in whole or in part. Any such determination shall be final and binding on all parties.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2089.5. Requirements to Establish an Exchange Wagering Account.

(a) An exchange wagering account is necessary to place exchange wagers. Exchange wagering accounts may be established by residents of California. Residents of another state may establish exchange wagering accounts provided it is not unlawful under United States federal law or the law of that state to place an exchange wager provided, however, that these rules shall apply only to wagering on California races. An account may be established in person, by mail, telephone, or other electronic media including but not limited to the Internet. Only natural persons may open an account. An account shall not be assignable or otherwise transferable.

(b) The information required to establish an account shall include:

(1) The prospective account holder's full legal name.

(2) The principal residence address of the prospective account holder. Such address shall be deemed the address of record for mailing checks, withdrawals, statements, if any, of the account, notices, or other correspondence or materials. It is the responsibility of the account holder to notify the exchange provider of any address change.

(3) Telephone number.

(4) Social Security Number or Individual Tax Identification Number.

(5) Certification or other proof that the applicant is at least 18 years of age.

(c) An exchange provider shall employ electronic verification with respect to each prospective account holder's name, principal residence address, date of birth and social security number at the time of the account establishment by a Board-approved national, independent, individual reference company or another independent technology approved by the Board which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies.

(d) An exchange provider may refuse to establish an account, or may cancel or suspend a previously established account, without notice, if it finds that any information supplied by the prospective account holder is untrue or incomplete, or for any other reason as determined by the exchange provider.

(1) If the exchange provider cancels a previously established account, within five business days it shall return to the account holder at the address of record any funds held in the account.

(e) If an exchange provider or an affiliate of such provider is also licensed by the Board to conduct advance deposit wagering, the exchange provider may offer holders of existing advance deposit wagering accounts held with such exchange provider or such affiliate a convenient method of establishing an exchange wagering account by verifying information on file for the existing advance deposit wagering account.

(f) The exchange provider shall have the right to suspend or close any account at its discretion.

(g) The account applicant shall supply the exchange provider with a means of personal identification to be used by the account holder to access his account. Exchange wagering accounts are for the use only of the account holder and the account holder is responsible to maintain the secrecy of the account number and means of personal identification. The account holder must immediately notify the exchange provider of any breach of security for the account.

(h) Each account shall have a unique identifying account number. The exchange provider shall inform the account holder of the assigned account number and provide a copy of the exchange provider's exchange wagering procedures, terms, and conditions, as well as any information that pertains to the operation of the account.

(i) Each exchange provider shall, at all times, comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from exchange wagers by account holders and shall, following the credit to an account for a winning exchange wager, send to any account holder who is subject to IRS reporting or withholding a Form W2-G summarizing the information for tax purposes. Upon written request by an account holder, the exchange provider shall provide the account holder with summarized tax information on exchange wagering activities.

(j) All wagering conversations, transactions or other wagering communications through the exchange wagering system, verbal or electronic, shall be recorded by means of electronic media, and the tapes or other records of such communications shall be kept by the entity for at least 180 days. The Board may direct the entity to retain such records for an additional period of one year past the 180 days for purposes including but not limited to conducting an investigation, an audit or an ongoing wagering inquiry. These tapes and other records shall be made available to the Board upon request or order by the Executive Director.

(k) Upon request of the account holder the exchange provider shall provide a statement detailing account activity for the immediate 30 days prior to the request. Unless the exchange provider receives written notice disputing the statement within 14 calendar days of the date a statement is forwarded, it shall be deemed to be correct.

(l) No employee or agent of the exchange provider shall divulge any confidential information related to the placing of any exchange wager or any confidential information related to the operation of the exchange wagering system without the consent of the account holder, except to the account holder as required by this article, the Board, and as otherwise required by state or federal law.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2089.6. Deposits to an Exchange Wagering Account.

Deposits to an exchange wagering account shall be made, in person, by mail, by telephone, or by other electronic media, as follows:

(a) The account holder's deposits to the account shall be submitted by the account holder to the exchange provider and shall be in the form of any of the following as may be accepted by the exchange provider:

(1) cash given to the exchange provider;

(2) check, money order, negotiable order of withdrawal, or wire or electronic transfer, payable and remitted to the exchange provider; or

(3) charges made to an account holder's debit or credit card upon the account holder's direct and personal instruction, which instruction may be given by telephone communication or other

electronic media to the exchange provider or its agent by the account holder if the use of the card has been approved by the exchange provider.

(4) the name and billing address for any credit card, debit card, bank account, or other method of payment through which an account holder funds or transfers from an account shall be the same as the account holder's registered name and address.

(b) Funds in an account shall bear no interest to the account holder.

(c) The account holder may be liable for any charges imposed by the transmitting or receiving entity involved in a wire or electronic transfer, and such charges may be deducted from the account holder's account.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

History:
1. New rule filed 8-6-13; effective 8-6-13

2090. Posting Credits for Winnings from Exchange Wagers.

(a) Credit for winnings from matched wagers placed with funds in an account shall be posted to the account by the exchange provider after the race is declared official.

(b) Credit for any wagers on a scratched entry shall be posted to the account by the exchange provider immediately after the scratch.

(c) Notwithstanding Rule 1955 of this division, where the outcome of a matched antepost wager can be determined with certainty by the exchange provider prior to the time that the race is declared official, the exchange provider may settle such matched antepost wager as soon as that outcome is determined with certainty.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2090.5. Debits to an Exchange Wagering Account.

Debits to an exchange wagering account shall be made as follows:

(a) Upon receipt by the exchange provider of an exchange wager properly placed, the provider shall determine whether there are sufficient funds in the account holder's wagering account to cover the maximum amount the account holder could be liable for based on the wager. If so, the wager shall be accepted. The exchange provider will debit the account holder's account the total maximum amount which the account holder could be liable for based on all exchange wagers placed by the account holder on races which have not yet been declared official.

(b) Wagers shall be accepted only during days and times designated as operating by the exchange provider.

(c) The exchange provider may at any time declare the system closed for receiving any wagers on any race or closed for all exchange wagering.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2090.6. Withdrawals by Account Holder.

(a) Withdrawals shall be completed within five business days after the exchange provider receives a request from an account holder by mail, by telephone, or other electronic media, accompanied by the valid account number and a means of personal identification or, if by mail, a signed completed withdrawal form. In the case of any withdrawal requested by mail, by telephone, or by other electronic media:

(1) If sufficient funds are available in the account, the exchange provider shall send a check payable to the account holder in the amount of the requested withdrawal to the address of record.

(2) If sufficient funds are not available in the account, the exchange provider shall, within five business days of receipt, provide notification to the account holder of insufficient funds and send a check payable to the account holder in the amount of the funds available to the address of record.

(3) A wire or electronic funds transfer, including but not limited through the automated clearing house system, may be used in lieu of a check, at the discretion of the account holder and the exchange provider, to deliver funds withdrawn from an exchange wagering account to a monetary account controlled by the account holder. The account holder may be liable for any charges imposed by the transmitting or receiving entity involved in a wire or electronic transfer, and such charges may be deducted from the account holder's account.

(b) Exchange wagering account holders may make withdrawals in person with such identification as required by the exchange provider, the valid account number, and a means of personal identification.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2091. Closing an Inactive Exchange Wagering Account.

The exchange provider may close any exchange wagering account that has remained inactive for six months or longer. When an account is closed the exchange provider shall return any funds remaining in the account to the account holder at the address of record within five business days of closing the account.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2091.5. Suspending an Exchange Wagering Account.

(a) An exchange provider may suspend any exchange wagering account if the provider has reason to believe that the account holder may have committed acts of fraud in connection with exchange wagering or any other action or inaction which threatens the integrity or fairness of any exchange wagering, or is otherwise ineligible to hold the account.

(b) The exchange provider shall immediately notify the Board by electronic mail if it suspends an account due to fraud in connection with exchange wagering or any other action or inaction which threatens the integrity or fairness of any exchange wagering. The provider shall also submit to the Board a written account of the suspension that at minimum states:

(1) The name of the natural person whose account was suspended;

(2) The date and time of the suspension;

(3) The reason for suspending the account;

(4) The results of any investigation associated with the suspension of the account.

(c) Funds in a suspended account shall be maintained by the exchange provider until such time as any investigation associated with the suspension is complete and/or the account is no longer suspended.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2091.6. Powers of the Board to Review and Audit Records.

The Board shall have access for review and audit, to all records and financial information of an exchange provider. The information shall be made available upon notice from the Board, at all reasonable times to the extent such disclosure is not prohibited by law. Board access to and use of information concerning exchange wagering transactions and account holders shall be considered proprietary to the exchange provider and shall not be disclosed publicly except as may be required by law.

NOTE: Authority cited: Sections 19420, 19433, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(4), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2092. Exchange Wagers Placed After the Start of a Race.

(a) As reflected in the exchange provider’s operating plan, authorized by the racing association and horsemen’s organization, and as approved by the Board, an exchange provider may accept wagers placed on a market after the start of a live race but before the results of that race have been declared official.

(b) No exchange wagers shall be placed on a market after the conclusion of a live race.

(c) Exchange wagering on previously run races is prohibited.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(k), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2092.5. Prohibitions on Wagers to Lay a Horse to Lose.

(a) No exchange wager that lays a horse to lose may be made by a natural person who owns such horse in whole or in part, nor shall an exchange wager to lay the horse to lose be made by:

(1) The trainer, assistant trainer or substitute trainer who trains the horse;

(2) The authorized agent who represents the owner of the horse;

(3) The jockey or driver who rides or drives the horse;

(4) The jockey agent who represents the jockey who rides the horse;

(5) The valet who attends the jockey;

(6) Any stable employee of the trainer who trains the horse;

(7) The veterinarian or any assistant to the veterinarian providing services to the trainer who trains the horse.
(b) Nor shall any of the natural persons named in subsection (a) through (a)(7) of this regulation instruct another natural person to lay a horse to lose on their behalf, or receive the whole or any part of any proceeds of such a lay.
(c) No exchange wagering account shall be used to lay a horse to lose, except by the account holder. All wagers that lay a horse to lose will be presumed to be effected by, and for the benefit of, the account holder.
(d) Nothing herein is intended to otherwise alter the applicability or application of Rule 1970.
(e) Individuals prohibited from wagering under Rule 1969 shall be prohibited from placing an exchange wager while on duty at a race meeting or off-track wagering facility, including an out-of-state-Hub.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(3)(A), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2092.6. Suspension of Occupational License.

(a) The Board of Stewards may suspend the occupational license of any natural person if, after a preliminary hearing, it determines there is probable cause to believe that such natural person has committed acts of fraud in connection with exchange wagering or any other action or inaction which threatens the integrity or fairness of any exchange wagering.

(b) Such suspension of license shall be for a period of time designated by the Board of Stewards, unless otherwise determined by the Board, provided that any such suspension

under this section shall be limited to ten days and, if probable cause that a violation has occurred has been found, a hearing under Business and Professions Code section 19461 to determine whether a licensee has committed a violation of the rules must be held before any further discipline may be imposed.

(c) The licensee may make an appeal to the Board by complying with the provisions of Rule 1761 of this division.

NOTE: Authority cited: Sections 19420, 19440, 19460, 19461, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19461, 19593 and 19604.5, Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

2093. Certain Practices Related to Exchange Wagering.

(a) The exchange provider shall provide an account holder with information on the race, including the track where the race will take place and the names of the participating horses before the account holder may place an exchange wager.

(b) The exchange provider shall require the account holder making the exchange wager to select the specific race and horse for the wager. The exchange provider may not offer automatic, quick-pick, or similar features to aid in the placing of an exchange wager.

(c) The exchange provider shall not display the results of an exchange wager through the use of video or mechanical reels or other slot machine or casino game themes, including, but not limited to, dice games, wheel games, card games, and lotto.

NOTE: Authority cited: Sections 19420, 19440, 19590 and 19604.5, Business and Professions Code. Reference: Sections 19593 and 19604.5(e)(3), Business and Professions Code.

HISTORY:
1. New rule filed 8-6-13; effective 8-6-13.

Article 28. Backstretch Worker Housing

2100. General Provisions.

Backstretch worker housing that is provided by an association shall be maintained in accordance with this article and shall be kept free from debris, garbage, vermin and other matter that may be hazardous to the health and safety of backstretch workers.

NOTE: Authority cited: Sections 19440 and 19481.5(b), Business and Professions Code. Reference: Section 19481.5, Business and Professions Code, and Section 17920.3, Health and Safety Code.

HISTORY:
1. New rule filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.

2101. Definitions.

As used in this article:

(a) “Backstretch worker” means a person required to be licensed under Rule 1481(c) of this division.

(b) “Backstretch worker housing”, “habitable room” means any structure or portion of a structure whose primary purpose is for sleeping or living and is located within the restricted area of the inclosure as defined in Rule 1420(v) of this division.

(c) “Damaged” means property in a condition in which its worth or usefulness is impaired. Damage includes, but is not limited to backstretch worker housing whose components are split, buckled, sagging, rotting, broken or defective.

(d) “Substandard housing” means backstretch worker housing or a habitable room, or any portion thereof, which through lack of maintenance or repair there exists any of the following conditions to an extent that endangers the health, safety or welfare of the occupants.

(1) Lack of toilet or privy structure, bathtub or shower, or hot and cold running water.
(2) Plumbing fixtures and piping that have become unsanitary or damaged.
(3) Lack of exterior wall or roof covering adequate to protect the occupants from the elements.
(4) Damaged exterior wall or roof coverings.
(5) Damaged windows, exterior window coverings, or doors.
(6) Lack of natural light and ventilation.
(7) Damaged interior walls, ceilings or floors.
(8) Lack of interior flooring adequate to protect occupants from the elements.
(9) Dampness of habitable rooms.
(10) Lack of garbage and rubbish removal as required under Rule 2105 of this article.
(11) Infestation of insects, rodents or other vermin.
(12) Lack of smoke detector in working order, or other fire alarm system as required under Rule 1927 of this division.
(13) Lack of emergency evacuation plan as required under Rule 1928 of this division.

NOTE: Authority cited: Sections 19440 and 19481.5(b), Business and Professions Code. Reference: Section 19481.5, Business and Professions Code, and Section 17920.3, Health and Safety Code.

HISTORY:
1. New rule filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.
3. Amendment filed 10-14-04; effective 11-13-04.

2102. Backstretch Worker Housing Inspection Required.

(a) Associations and racing fairs that provide backstretch worker housing shall, at least annually, submit to an inspection of such housing. The inspection shall be conducted by a designated representative of the Board with assistance from the California Department of Housing and Community Development or a local housing authority for the jurisdiction in which the track is located.

(b) Racing Fairs with race meetings of 19 days or less shall comply with this section contingent upon the provisions of Business and Professions Code Section 19481.5(b)(3).

(c) No license to conduct a horse racing meeting shall be issued unless the applicant association’s backstretch worker housing is found to be in compliance with the standards established in this article.

(d) The Board shall be reimbursed by the association or racing fair for the costs incurred to conduct the backstretch worker housing inspection.

NOTE: Authority cited: Sections 19440 and 19481.5(b), Business and Professions Code. Reference: Section 19481.5, Business and Professions Code.

HISTORY:
1. New rule filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.
3. Amendment filed 10-14-04; effective 11-13-04.

2103. Habitable Rooms.

(a) Habitable rooms used for sleeping shall have natural light by means of at least one exterior window that, if it can be opened, has screening with a tight fitting frame. Natural ventilation shall be provided by exterior openings that can be opened, or in lieu of exterior openings a mechanical ventilating system.

(b) Habitable room exterior doors shall be tight fitting and outfitted with door sweeps.

(c) Interior walls, ceilings and floors of habitable rooms may not be damaged or cause exposure to outside elements or exposed earth.

(d) Habitable rooms shall be provided with electrical switches, outlets and at least one electric light. Electric components in a habitable room shall be installed to state or local building codes and maintained in a manner that does not endanger the health or safety of the occupants.

(e) Habitable rooms used for sleeping shall be provided with battery operated smoke detectors that shall be maintained in working order, or any other approved fire alarm system as provided under Rule 1927 of this division. Fire regulations and an emergency evacuation plan shall be posted in backstretch worker housing areas as provided under Rule 1928 of this division.

(f) The dimensions of a habitable room shall not be less than seven feet in any direction and shall provide not less than 50 square feet of space per person.

NOTE: Authority cited: Sections 19440 and 19481.5(b), Business and Professions Code. Reference: Section 19485.1, Business and Professions Code.

HISTORY:
1. New rule filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.
3. Amendment filed 10-14-04; effective 11-13-04.

2104. Sanitation Facilities.

Toilet rooms and bath and shower rooms shall be provided separately for each sex, shall be lighted, ventilated to the outside atmosphere, and shall have hot and cold running water under pressure. All such rooms, and the fixtures, equipment, and plumbing therein, shall be maintained in a state of working order and free from dirt, filth and corrosion.

NOTE: Authority cited: Sections 19440 and 19481.5(b), Business and Professions Code. Reference: Section 19481.5, Business and Professions Code.

HISTORY:
1. New rule filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.

2105. Pest Control.

(a) The association shall conduct a program of abatement to control the presence of rodents, flies, cockroaches, mosquitoes, and other vermin in and around backstretch worker housing. The methods of control shall include, but not be limited to:

(1) The daily removal of all materials that contribute to the breeding and harboring of vermin, such as horse excrement, garbage, refuse, or any other putrid or offensive animal or vegetable matter.

(2) A program of spraying or baiting for insects or rodents.

NOTE: Authority cited: Sections 19440 and 19481.5(b), Business and Professions Code. Reference: Section 19481.5, Business and Professions Code.

HISTORY:
1. New rule filed 5-7-02, as an emergency; effective through 11-8-03.
2. Amendment filed 9-23-03; effective 10-23-03.

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