

**NOTE: Government Code section 11340.85 requires the Board to post all notices, initial statement of reasons and texts of rules noticed to the public until 15 days after the proposed regulations are filed with the Secretary of State by the Office of Administrative Law.**

CALIFORNIA HORSE RACING BOARD  
TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND  
RULE 1699, RIDING RULES

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1699, Riding Rules, to more specifically define the term “interference,” and to also limit the stewards’ ability to disqualify a horse to only those situations where the horse interfered with lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat. Additionally, the amendments require stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 25, 2016**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, Baldwin Terrace Room, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on February 1, 2015**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Philip Laird, Staff Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6025  
Fax: (916) 263-6022  
E-Mail: [pjlaird@chrb.ca.gov](mailto:pjlaird@chrb.ca.gov)

## AUTHORITY AND REFERENCE

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

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19461 states that every license granted under this chapter is subject to suspension or revocation by the Board if the Board has reason to believe that any condition has not been complied with, or if any law, rule, or regulation of the Board has been broken or violated.

The proposed amendment to Rule 1699 will better define “interference,” and also limit the stewards’ ability to disqualify a horse to only those situations where the horse interfered with lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat. Additionally, the proposed amendment will require stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey.

Specifically, the proposed amendment will remove current subsection (a) and replace it with an enhanced version of current subsection (b), which defines “interference” as “bumping, impeding, forcing or floating in or out or otherwise causing any other horse to lose stride, ground, momentum or position.” This is necessary because the text does not presently define “interfere,” which has caused much of the discrepancy in disqualifications between the various Boards of Stewards. The proposed amendment also re-labels current subsection (c) as subsection (b), and changes the language to allow the stewards to disqualify a horse only if, in their opinion, “the horse interfered with was not at fault and due to the interference lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat.” This is necessary because it clarifies the specific circumstances in which a horse may be disqualified. Furthermore, it limits such disqualifications to instances where the horse interfered with would have placed for better purse distribution or in a better position during a trial heat than it did. This is necessary because otherwise stewards would be allowed to disqualify an interfering horse when the horse interfered with would have still finished in a position not earning purse money or not in a better position during a trial heat than it did. In such instances, the interference causes the innocent horse little harm in the sense that it does not lose any purse money, nor does it lose an opportunity to qualify for a race in a trial heat. The proposed amendment also re-labels current subsections (d) through (f) as new subsections (c) through (e), and removes the term “willfully” from current subsection (e). This is necessary because it removes the intent element, which is nearly impossible to prove without admission by the jockey. By removing the term “willfully,” jockeys are held to a higher standard that requires they do not strike to impede, interfere with, intimidate, or injure under any circumstances, which will ultimately improve the welfare and safety of the horses and riders. Finally, the proposed amendment adds new subsection (f), which requires stewards to issue enhanced penalties against jockeys who commit

multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey. This is necessary because it gives jockeys additional incentive to ride as safely as possible knowing that they will otherwise receive greater penalties for redundant or egregious violations of this rule.

## POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1699 promotes the safety and welfare of horse and rider, provides clarity and direction for the stewards evaluating the performance of horse and rider, and improves public understanding of what specific actions will cause a horse to be disqualified from a race.

The proposed amendment to Rule 1699 will benefit the welfare of jockeys and horses by incentivizing safer riding on the track. By defining “interference” as “bumping, impeding, forcing or floating in or out or otherwise causing any other horse to lose stride, ground, momentum or position,” jockeys will be on notice of what specific actions can cause their horse to be disqualified in a race. Because a horse’s disqualification can cause that horse to lose its place—which directly affects the amount of purse money that the jockey earns for the race—jockeys will be incentivized to make every effort to prevent their horse from causing such interference. Furthermore, by requiring the stewards to increase penalties against jockeys for multiple or reckless infractions of Rule 1699, jockeys are given additional incentive to ride as safely as possible. Consequently, these measures will reduce the risk of injury to both horse and jockey.

The proposed amendment will also benefit the stewards by better defining what specific actions qualify as “interference.” With the definition described above, the stewards will have increased guidance in how they decide disqualifications, which will cause greater consistency between the various Boards of Stewards by reducing the potential for varied interpretations.

Finally, the proposed amendment will benefit the public by clarifying which actions can cause disqualification and by reducing discrepancies in the stewards’ interpretations of the rule. When a horse is disqualified for interference, every person who wagers on that horse is affected. By identifying exactly which actions qualify as “interference,” stewards will interpret and apply the rule more consistently. In turn, the public will better understand the cause of each disqualification, and be in a position to better evaluate which horses they are willing to wager on with this enhanced understanding of the riding rules that horses and jockeys are subject to.

## CONSISTENCY EVALUATION

During the process of developing these regulation amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

## DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1699 will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

## RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1699 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1699 is a benefit to the health and welfare of California residents because it incentivizes safer riding by jockeys and enhances public understanding of the riding rules that competitors are subject to in a horse race. By explicitly stating which acts may cause a horse to be disqualified and mandating increased penalties against jockeys for multiple or reckless infractions of Rule 1699, the proposed amendment incentivizes jockeys to ride more safely, which protects horse, rider, and the wagering public. Furthermore, by defining which specific acts qualify as "interference," the proposed amendment will also cause stewards to disqualify horses in California more uniformly. This will enhance the public's understanding of the rule and grow public confidence in wagering on California races, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposal to amend Rule 1699 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird, Staff Counsel  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6025  
E-mail: [pjlaird@chr.ca.gov](mailto:pjlaird@chr.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager  
Policy and Regulations  
Telephone: (916) 263-6033

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number or e-mail address listed above.

## AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Philip Laird at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

## AVAILABILITY OF STATEMENT OF REASONS:

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Philip Laird at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## INITIAL STATEMENT OF REASONS

### RULE 1699. RIDING RULES.

#### SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to Rule 1699, Riding Rules, will better define “interference,” and also limit the stewards’ ability to disqualify a horse to only those situations where the horse interfered with lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat. Additionally, the amendments require stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey.

#### PROBLEM

Rule 1699 establishes the riding rules during a horse race, and specifically explains when a horse should be disqualified, and also what actions are prohibited for jockeys. Although the rule clearly defines certain elements required for a disqualification, the rule is vague in its use of the term “interference.” This has resulted in wide discrepancies in how the rule is interpreted and implemented by the various Boards of Stewards, which can directly affect the official order of finish in races as well as the distribution of purse money to owners, trainers, and jockeys. Such inconsistency also reduces the public’s confidence in wagering on California horse races and does little to encourage safe riding by competing jockeys.

#### NECESSITY

The proposed amendment to Rule 1699 will better define “interference,” and also limit the stewards’ ability to disqualify a horse in only those situations where the horse interfered with lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat. Additionally, the proposed amendment will require stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey.

Specifically, the proposed amendment will remove current subsection (a) and replace it with an enhanced version of current subsection (b), which defines “interference” as “bumping, impeding, forcing or floating in or out or otherwise causing any other horse to lose stride, ground, momentum or position.” This is necessary because the text does not presently define “interfere,” which has caused much of the discrepancy in disqualifications between the various Boards of Stewards. The proposed amendment also re-labels current subsection (c) as subsection (b), and changes the language to allow the stewards to disqualify a horse only if, in their opinion, “the horse interfered with was not at fault and due to the interference lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat.” This is necessary because it clarifies the specific circumstances in which a horse a may be disqualified. Furthermore, it limits such disqualifications to instances where the horse interfered with would have placed for better purse distribution or in a better position during a trial heat than it did. This is necessary because otherwise stewards would be allowed to disqualify an interfering horse

when the horse interfered with would have still finished in a position not earning purse money or not in a better position during a trial heat than it did. In such instances, the interference causes the innocent horse little harm in the sense that it does not lose any purse money, nor does it lose an opportunity to qualify for a race in a trial heat. The proposed amendment also re-labels current subsections (d) through (f) as new subsections (c) through (e), and removes the term “willfully” from current subsection (e). This is necessary because it removes the intent element, which is nearly impossible to prove without admission by the jockey. By removing the term “willfully,” jockeys are held to a higher standard that requires they do not strike to impede, interfere with, intimidate, or injure under any circumstances, which will ultimately improve the welfare and safety of the horses and riders. Finally, the proposed amendment adds new subsection (f), which requires stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey. This is necessary because it gives jockeys additional incentive to ride as safely as possible knowing that they will otherwise receive greater penalties for redundant or egregious violations of this rule.

#### BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendment to Rule 1699 will benefit the welfare of jockeys and horses by incentivizing safer riding on the track. By defining “interference” as “bumping, impeding, forcing or floating in or out or otherwise causing any other horse to lose stride, ground, momentum or position,” jockeys will be on notice of what specific actions can cause their horse to be disqualified in a race. Because a horse’s disqualification can cause that horse to lose its place—which directly affects the amount of purse money that the jockey earns for the race—jockeys will be incentivized to make every effort to prevent their horse from causing such interference. Furthermore, by requiring the stewards to increase penalties against jockeys for multiple or reckless infractions of Rule 1699, jockeys are given additional incentive to ride as safely as possible. Consequently, these measures will reduce the risk of injury to both horse and jockey.

The proposed amendment will also benefit the stewards by better defining what specific actions qualify as “interference.” With the definition described above, the stewards will have increased guidance in how they decide disqualifications, which will cause greater consistency between the various Boards of Stewards by reducing the potential for varied interpretations.

Finally, the proposed amendment will benefit the public by clarifying which actions can cause disqualification and by reducing discrepancies in the stewards’ interpretations of the rule. When a horse is disqualified for interference, every person who wagers on that horse is affected. By identifying exactly which actions qualify as “interference,” stewards will interpret and apply the rule more consistently. In turn, the public will better understand the cause of each disqualification, and be in a position to better evaluate which horses they are willing to wager on with this enhanced understanding of the riding rules that horses and jockeys are subject to.

## TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

The Board did not rely on any technical, theoretical, and/or empirical study, reports or documents in proposing the amendment of the regulation.

## ECONOMIC IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code Section 11346.3(b) are as follows:

- The proposed regulation will not impact the creation or elimination of jobs within the State of California.
- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.
- The proposed regulation will not have an impact on the expansion of existing businesses in the State of California.
- The proposed regulation will benefit California by promoting the safety and welfare of horse and rider and will not benefit the State's environment.

The Board has made the initial determination that the proposed amendment to Rule 1699 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The amendment to Rule 1699 will merely clarify the riding rules, limit the stewards' ability to disqualify a horse to specific situations where the horse interfered with lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat, and require stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey. This will not impact businesses in any way, and only serves to clarify and enhance the riding rules applicable to competing jockeys and horses during a race.

### Purpose:

The proposed amendment to Rule 1699, Riding Rules, will better define "interference," and also limit the stewards' ability to disqualify a horse to only those situations where the horse interfered with lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat. Additionally, the proposed amendment will require stewards to issue enhanced penalties against jockeys who commit multiple infractions within a 90-day period or who jeopardize the safety of another horse or jockey.

### The Creation or Elimination of Jobs Within the State of California

The proposed amendment to Rule 1699 will clarify the riding rules, limit the stewards' ability to disqualify horses, and enhance penalties against jockeys for particularly egregious behavior. This regulation will only directly affect jockeys and as such only has an effect on horseracing and not any other type of California business. Therefore, CHRB has determined that this regulatory

proposal will not have a significant impact on the creation or elimination of jobs in the State of California.

#### The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The proposed amendment to Rule 1699 will clarify the riding rules, limit the stewards' ability to disqualify horses, and enhance penalties against jockeys for particularly egregious behavior. This regulation will only affect directly affect jockeys and as such only has an effect on horseracing and not any other type of California business. Therefore, CHRB has determined this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.

#### The Expansion of Businesses Currently Doing Business Within the State of California

The proposed amendment to Rule 1699 will clarify the riding rules, limit the stewards' ability to disqualify horses, and enhance penalties against jockeys for particularly egregious behavior. This regulation will only directly affect jockeys, and as such only has an effect on horseracing and not any other type of California business. Therefore, CHRB has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business in the State of California.

#### Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed amendment to Rule 1699 is a benefit to the health and welfare of California residents because it incentivizes safer riding by jockeys by defining which actions will cause a horse to be disqualified and by requiring enhanced penalties. Additionally, the proposed amendment improves the rule's clarity so that the wagering public can enjoy greater consistency in how the rule is applied by the various Boards of Stewards by reducing the potential for varied interpretations. These regulations do not benefit the state's environment.

#### **ALTERNATIVE TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES**

The Board has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION**

The proposed amendment to Rule 1699 was discussed at the July, 17, 2015 Regular Board Meeting. No alternatives to the recommendation were proposed by the Board or by any other individual or entity at the meeting. No subsequent alternative recommendations were made prior

to the notice. The Board invites any interested party to submit comments which offer any alternative proposal.

California Horse Racing Board  
December 18, 2015

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT OF  
RULE 1699. RIDING RULES.

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) A horse shall not interfere with or cause any other horse. Interference is defined as bumping, impeding, forcing or floating in or out or otherwise causing any other horse to lose stride, ground, momentum 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)~~(b) A horse which interferes with another as defined in subsection (a) 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 if, in the opinion of the Stewards, the horse interfered with was not at fault and due to the interference lost the opportunity for a better placing according to the distribution of the purse or the order of finish in a trial heat.

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

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

~~(f)~~(e) 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.

(f) When penalizing a jockey for riding contrary to this rule, the Stewards shall issue a greater penalty for (1) more than one infraction of this rule by the jockey within any contiguous 90 day calendar period or (2) any infraction which, in the opinion of the stewards, jeopardized the safety of another horse or jockey.

Authority: Section 19562,  
Business and Professions Code.

Reference: Sections 19461 and 19562,  
Business and Professions Code.